

Week ending 11/12/17 - PA-08 MoCTrack Report

Tracking Congress in the Age of Trump

The lower the number, the more the legislator is in opposition to the Trump agenda.

Senator Bob Casey - **28.8%** (no change from last week)

Representative Brian Fitzpatrick - **80.4%** (no change from last week)

Senator Pat Toomey - **90.2%** (no change from last week)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index assessment. No votes were scored this week.

Votes of Interest

H.R. 3922: CHAMPION Act (Continuing Community Health And Medical Professional Programs to Improve Our Nation)

<https://www.govtrack.us/congress/votes/115-2017/h606>

This bill was introduced by Rep. Greg Walden (R-OR). It reauthorizes a number of health programs, including CHIP, but it does so by taking money away from other health programs, like the Prevention and Public Health Fund. In their [description of this bill](#), Countable notes that "beginning in fiscal year 2022, state child-health plans would be allowed to adopt more restrictive eligibility standards for children in families whose income exceeds 300 percent of the poverty line." The Democrats in the Energy and Commerce Committee expressed their opposition to the bill in their committee report, observing "...while we support the reauthorization of the critical public health programs included in the CHAMPION Act, we cannot support doing so using the partisan offsets the Republicans have proposed in this bill. Rather than working together to identify offsets that we all could support, the Committee Republicans chose to continue their efforts to repeal and undermine the Affordable Care Act (ACA) through this legislation." This bill passed in a 242-174 vote, and **Fitzpatrick voted YES**. This bill now moves to the Senate.

H.R. 3441: Save Local Business Act

<https://www.govtrack.us/congress/votes/115-2017/h614>

This bill is a wonky bit of pro-corporate business designed to bypass a pair of legal decisions made in the past two years that benefitted employees. This is a bit of oversimplification, but it has to do with the concept of "[joint-employer](#)" - when you go to a McDonalds franchise, is the employee behind the cash register only an employee of the franchise-owner, or are they also a McDonalds employee, under joint-employment? This is an important issue, because it has major impacts on liability - if employees are being harassed, or if there are legal findings that they have been denied overtime pay, is it only the franchise that is legally responsible, or could McDonalds also be liable for damages? In recent years, the National Labor Relations Board changed its standard and determined that if "essential terms and conditions" were dictated by a corporation to a "supplier firm" then the pair could be considered joint-employers. A [similar case](#) made it to the 4th Circuit Court of Appeals under the Fair Labor Standards Act, and the findings of that case laid out a similarly employee-friendly interpretation of how to determine if two business entities are joint employers. Despite the name "Save Local Business Act," this bill truly protects large corporations that subcontract work out to local businesses. It amends both the National Labor Relations Board regulations and Fair Labor Standards Act wording to define "joint-employer" in a way that protects the corporations from claims of employees of subcontractors. So that McDonalds cashier would only be an employee of the franchise, and could make no claims of being employed by McDonalds. This vote passed 242-181, and **Fitzpatrick voted YES**. This bill now moves to the Senate.

On the Nomination PN58: Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General

<https://www.govtrack.us/congress/votes/115-2017/s264>

Steven Engel is a former George W. Bush Administration Department of Justice employee, having worked as a deputy assistant attorney general. His presence in that department during that era has

provoked controversy during the confirmation process, as it has been revealed that he provided legal counsel and review of the so-called “torture memos” that justified the use of “enhanced interrogation techniques.” Human Rights Watch sent [a letter to the Senate Judiciary Committee](#) to express their concern about Mr. Engel’s participation. The letter says, in part:

In response to questions from Senators during the confirmation process, Mr. Engel acknowledged having reviewed and provided comments on a 2007 memo which found that six of the CIA’s “enhanced interrogation techniques”—including sleep deprivation by means of shackling diapered detainees in a standing position for days at a time—complied with Common Article 3 of the Geneva Conventions. He declined to answer any substantive follow-up questions on the memo, on grounds that “my role...was not to agree or disagree with [the memo’s] conclusions, but to provide comment” and that Congress had recently passed further restrictions on coercive interrogations.

This evasion is not acceptable. Before voting on Mr. Engel’s nomination, the Judiciary Committee should request from the Department of Justice his comments and correspondence on the 2007 memo, as well as any other documents that he produced during his previous tenure at OLC relating to the CIA’s rendition, detention and interrogation program.

Despite this involvement with one of the more damning situations the Justice Department has found itself embroiled in, Mr. Engle’s nomination was confirmed in a 51-47 vote. This was not a straight party line vote. As might be expected for issues pertaining to torture, Sen. John McCain (R-AZ) voted against the nominee. Sen. Joe Manchin (D-WV) voted for him. **Senator Casey voted NO and Senator Toomey voted YES.**

On the Nomination PN994: William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency

<https://www.govtrack.us/congress/votes/115-2017/s268>

William Wehrum has been nominated to head up the EPA’s air program. This is his second attempt at a nomination for this same position. President George W. Bush put him up for this office in 2006, but then withdrew the nomination after it became clear he would not get the votes necessary to be confirmed. At the time, then-Senator Jim Jeffords (I-VT) observed “his disdain for the Clean Air Act is alarming.” The [National Resource Defense Council describes](#) Mr. Wehrum as “a corporate attorney who represents a wide variety of coal, oil, gas and chemical companies and trade associations that oppose EPA clean air rules. Wehrum served for six years in the Bush administration as the acting head of EPA’s air office for two years and chief counselor to Jeff Holmstead, the head of that office, for four years. In these EPA capacities, Wehrum was substantially involved in decisions that broke the law repeatedly and egregiously.” During his confirmation hearing, Sen. Jeff Merkley (D-OR) asked whether Mr. Wehrum believed that humans were the “main driver of climate change,” and the nominee responded “I believe that’s an open question.” Despite all this, Mr. Wehrum was confirmed in a 49-47 vote. Sen. Susan Collins (R-ME) was the only Republican to vote against Mr. Wehrum. **Senator Casey voted NO and Senator Toomey voted YES.**

MoC Twitter Action

Senator Bob Casey hot topics: The Senator shared a number of thoughts and images related to Veterans Day and ceremonies that he attended both locally (in Media, PA) and in DC (the WWII Memorial). He was deeply critical of the President’s statements in China. Mr. Casey continues to share articles and observations about the damage the GOP tax plan will have on the majority of Pennsylvanians, other than the very richest ones.

Casey tweet(s) of the week, 11/09/17: “The Administration can protect Pennsylvania workers today by taking action on China’s illegal subsidies and dumping of aluminum and steel.”

Representative Fitzpatrick hot topics: The Representative shared only a handful of tweets this week. He promoted a bill he recently sponsored, designed to crack down on people who stalk children via the internet. He also shared his Veterans’ Day thoughts.

Fitzpatrick tweet of the week, 11/10/17: “The allegations against Roy Moore are beyond disturbing. If there is an ounce of truth to this, he must end his candidacy immediately.”

Senator Pat Toomey hot topics: The Senator continues to put most of his efforts towards promoting the GOP tax plan. He had almost dozen tweets promoting his various appearances on television (Bloomberg, Fox News, Fox Business, Meet the Press and more) to discuss the bill. He also shared his thoughts on the importance of honor our veterans. Lastly, he shared a copy of a letter he and Senator Wyden (D-OR) sent to the State Department, calling upon them to investigate reports of Azerbaijani authorities detaining LGBTQ people.

Toomey tweet of the week, 11/09/17: “I’m very excited about the #TaxReform proposal we’ve just unveiled in the Senate, the Tax Cuts and Jobs Act. This #TaxReform package will be a pay raise for the overwhelming majority of Pennsylvanians.”

Casey in the News

Topic One: Gun Control

In the aftermath of last weekend’s church shooting in Texas, a number of media outlets covered lawmaker responses to the event. [The Hill](#) quoted Senator Casey, who said “I’m thinking of and praying for all those impacted by the shooting in Texas. In addition to offering my prayers and thoughts I also believe Congress must take action on gun violence.” Republicans criticized the Senator this week, because he signed on to a assault weapons ban. Bob Salera, a spokesman for the National Senatorial Republican Committee, was quoted in [Roll Call](#), noting “Bob Casey’s support for Senate liberals’ radical gun ban legislation is a slap in the face to the Pennsylvania voters he lied to about his views on the Second Amendment. It’s clear that Bob Casey’s allegiance is to Washington liberals and anti-gun lobbyists, not to Pennsylvanians.” The article goes on to explain that the Senator’s views on gun control ‘evolved’ after his wife and daughters challenged his position in the aftermath of the Sandy Hook school shooting in 2012. The Roll Call piece also quotes Max Steele, a spokesman for Casey’s campaign, who says “Senator Casey does not believe that Americans should accept that regular mass shootings are the new normal. He’s taking on the gun lobby because he, like the vast majority of citizens in Pennsylvania and across the country, believes we should do everything we can to prevent these tragedies from tearing families and communities apart.”

Topic Two: GOP Tax Reform Legislation

PoliticsPA covered Vice President Pence’s visit to PA to promote the GOP tax reform package. [That article](#) carried a quote from Senator Casey about the plan. He says, “Middle class families and small businesses in York and South Central Pennsylvania deserve a tax cut, but Vice President Pence is peddling a massive giveaway to the wealthiest Americans and biggest corporations. This scheme lavishes the super-rich with obscene tax giveaways while middle class families lose important tax deductions that help them make ends meet. Under the plan Vice President Pence is promoting, families in South Central Pennsylvania will no longer receive deductions for state and local income taxes, medical expenses and interest on student loans.” The Daily Local of West Chester carried [an 11/07/17 article](#) where Senator Casey was quoted, saying “Congressional Republicans should scrap this obscene plan and start over with a bipartisan process that raises incomes for the middle class and creates jobs.” In an [11/08/17 WeAreCentralPA piece](#), he focused on the way the GOP was going to fund the tax cuts, observing that they would be “...decimating Medicaid and cutting Medicare by a lot. So a trillion and a half dollars worth of cuts to Medicare and Medicaid to pay for this give-away. That hurts rural areas that depend on a rural hospital for both good healthcare and employment.” On 11/10/17 [the Delco Times](#) covered a Media, PA event where the Senator spoke. He was asked about what he would have wanted in a tax cut package, and he responded, “we should start with a great cut for the middle class. We can also help corporations but not a trillion-and-a-half dollars that’s permanent, that’s too high of a cost. We should give companies a break, but we should make sure we start with the middle class tax cut.”

Fitzpatrick in the News

Topic One: Cyber security

Continuing coverage on Rep. Fitzpatrick's bill to increase penalties on cyber-stalking, inspired by the story of a local teen stalked on social media by her friend's father (Intelligencer)

Topic Two: DACA

Rep. Fitzpatrick was one of 14 House Republicans who held a press conference November 9 to urge President Trump to grant amnesty for DACA recipients ("Dreamers"), with Ryan Costello the only other PA Republican to take part (Allentown Morning Call, Univision, Sacramento Bee, Washington News-Tribune, Numbers USA, specialty immigration news publication).

Topic Three: Opioid crisis

Coverage of the MONITOR Act bipartisan legislation introduced by Rep. Fitzpatrick. Designed to curb "doctor shopping" for opioid prescribers, the bill calls on states to use grant funding to prepare prescription drug monitoring plans that can be shared with each other. It is endorsed by the National Association of Chain Drug Stores (Modern Medicine, Pharmacy Today and other specialty news publications).

Topic Four: Veterans

Rep. Fitzpatrick introduced a resolution to recognize National Veterans' Small Business Week (The Hill blog).

Toomey in the News

Topic One: Roy Moore underaged sexual contact scandal

In [an 11/10/17 article from Bloomberg News](#), Senator Toomey was quoted discussing the veracity of the accuser, saying "If there were evidence that suggested that she was being untruthful then it would raise very serious questions about all the allegations, but in the absence it does sound credible. It's been consistent, it's been corroborated, so that's the way it looks at the moment." In an 11/12/17 piece on Axios the Senator is quoted, admitting "I have to say, I think the accusations have more credibility than the denial, I think it would be best if Roy would just step aside." Also on 11/12/17, Think Progress carried [an article](#) titled "Fourth Republican Senator withdraws support from Roy Moore" where they note that Senator Toomey has joined Senators Mike Lee (R-UT), Steve Daines (R-MT), and Bill Cassidy (R-LA) in backing away from the Alabama candidate. That ThinkProgress piece also carried a portion of Toomey's Meet the Press appearance where he says "I think a write-in [candidate] is something we should definitely explore."

Topic Two: North Korea

On 11/07/17 CNN carried an opinion piece co-authored by Senator Toomey and Senator Chris Van Hollen (D-MD), the cosponsors of the BRINK Act, which toughens sanctions on North Korea and on countries who are still doing business with that regime. In [that piece](#), the Senators note "the BRINK Act sends a clear and unequivocal message to these banks and firms: you can do business with North Korea or you can do business with the United States, but if you choose to support the North Korean regime or their business associates, you will be held to account." A [Bloomberg News article](#) from the same day reported that the Senate Banking Committee voted unanimously to move the BRINK Act out of committee and to the full Senate. Senator Toomey told that outlet that "the bill sends a clear message to the world that the entire U.S. government is committed to the strongest possible sanctions against North Korea."

Topic Three: GOP Tax Cuts

Dozens of news outlets, both national and local, carried comments from Senator Toomey on the tax plan. In an [11/06/17 Allentown Morning Call article](#), Toomey observed that "every single provision in the tax code is there because somebody wanted it, and someone still does. What we're trying to do is have a

code that is more fair and more simple.” An [11/07/17 West Chester Daily Local article](#) quoted the Senator, who said “we now have an amazing opportunity and responsibility to pass tax reform that will allow us to attain the growth we’ve been waiting so long to achieve. Pro-growth tax policies can make the United States a competitive place to do business and expand opportunity for all Americans.” After the Senate released their version of the plan which has some major changes from the House version, he told [the Morning Call on 11/09/17](#) “the mechanisms can be worked out. Both bills deliver tax relief for virtually all taxpayers. I believe we’ll be able to reconcile the differences.” On 11/10/17 [the Washington Times](#) carried Mr. Toomey’s observations about how his colleagues were assessing the bill. He said, “we’ve rolled it out among Republican senators. Our Democratic colleagues, some of them are just reflexively — they were opposing it before it was written — so that was predictable for some. But there’s others that have taken a hard look at it. I think we’re going to pass it.” And on 11/12/17, the Hill carried [an article](#) focused on Senator Toomey’s lack of support for the state and local tax deduction. Toomey said “there’s no good reason why federal taxpayers all across the country should have to subsidize, have to pay a higher federal tax rate, to subsidize those municipalities that choose to have high taxes.”

Learning about Legislation - the rights of Veterans

In honor of Veterans Day, I thought we could look at some of the [first legislation](#) in our country designed to create a separate authority to provide for the men who had fought in the War for Independence. This early piece of legislation highlighted today was composed by James Madison, and it passed the General Assembly of Virginia (for this was from before we had a Constitution, in the days of the Articles of Confederation) in 1784. Prior to this bill, individual veterans would have to come before the Assembly and petition for pensions - that is the process referenced in the first sentence of this bill, about another, earlier bill passed in 1782. This new legislation sought to solve that issue.

Bill Enabling the Executive to Pension Disabled Veterans, with Amendments

Whereas the act of Assembly passed in the year 1782 intitled “An Act Concerning Pensioners,” which has been continued by several subsequent acts will expire at the end of the present Session of Assembly, and it is expedient that the same should be further continued

Be it therefore enacted that the act intitled An Act “Concerning Pensioners” shall continue and be in force from and after the expiration thereof, so long as any of the persons who have, or hereafter shall receive annual allowances from this Commonwealth in Consideration of Wounds, shall continue to receive the same.

And be it further enacted that the Executive shall be and they are hereby authorized and empowered to put on the List of Pensioners with such allowances as to them shall seem just all Regular or Militia Officers and Soldiers who have been wounded or otherwise disabled in the Service of their Country upon application being made to them therefor. And whereas the said recited Act intitled An Act Concerning Pensioners directs the Courts of the several Counties within this Commonwealth to inquire into the bodily ability of all persons receiving annual Pensions from the Public and to certify to the General Assembly whether in their Opinion they ought to be continued on the Pension List

Be it further enacted that the said Returns shall be made to the Executive who are hereby authorized to continue or discontinue the said allowances as to them shall seem proper.

This piece of legislation is of particular interest because it shows us how the various branches of government can interact to solve problems. The Legislature could not handle the influx of business involved in dealing with veteran pension petitions one by one. So they created an office, answerable to the Executive - this is an early part of our bureaucracy - to handle the issue at hand. But they maintained separate oversight of the process by having “the courts of several counties” assess how the benefits were being provided. This is an early example of checks and balances in action, to serve the needs of wounded veterans who had found for the establishment of the rights we all now enjoy.

Virginia was not the only state to create such a system, and throughout our nation’s history many individual organizations were created to assist veterans after a each of our country’s wars. In 1921 all of those organizations were combined under one umbrella, the Department of Veterans’ Affairs.

Are there questions that you have about how Congress works, about elections, about voting... or anything to do with government processes? I am looking for topics for future "Learning about Legislation" topics, so please - email me your questions at KierstynPZ@gmail.com - I can't promise that I already know the answer, but I will research the issue and share my findings with our readers in a future segment.

Legislation of Interest -

UPDATE on H.R. 4043: Whistleblower Protection Extension Act of 2017

<https://www.govtrack.us/congress/bills/115/hr4043/text>

This bill was introduced in early October by Rep. Rod Blum (R-IA) and it is cosponsored by Rep. Elijah Cummings (D-MD). The bill is in the House Oversight and Government Reform Committee. It reauthorized whistleblower protections and sets up a group that will "develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws." This week the bill changed status to "ordered reported", which means it will leave committee and can be introduced to the House Floor, if the majority leader allows it. If this is a measure that you support, you may want to ask Rep. Fitzpatrick to tell the House Majority Leader McCarthy that his constituents hope that this bill move swiftly to the floor.

H.R. 4236: MONITOR Act of 2017 - To ensure that the prescription drug monitoring program of each State receiving funds through the Account for the State Response to the Opioid Abuse Crisis meets certain minimum requirements

<https://www.govtrack.us/congress/bills/115/hr4236/text>

This bill was introduced by our own Rep. Brian Fitzpatrick, and it has cosponsors (2D, 1R - all members of the Bipartisan Heroin Task Force who represent northeastern states). It is pending in the House Energy and Commerce Committee. It adjusts the requirements of drug monitoring databases in each state, and calls for "uniform electronic format for the reporting, sharing, and disclosure of information." The goal of the bill is to stop people from "drug shopping" - going across state lines to have multiple concurrent prescriptions filled.

H.R. 4271: To block the implementation of certain presidential actions that restrict individuals from certain countries from entering the United States

<https://www.govtrack.us/congress/bills/115/hr4271/text>

This bill was introduced by Rep. Judy Chu (D-CA) and it has 7 cosponsors, all Democrats. It is pending in several committees, including the House Foreign Affairs and Homeland Security Committees, where Rep. Fitzpatrick is a member. The bill is quite short - it says that the President's travel ban executive orders "violate the Immigration and Nationality Act" and "violate the Establishment Clause of the First Amendment" and because of that, if passed the Congress will not allow any department to put resources or funds toward the enforcement of the travel ban. This appears to be a back-up plan, in case the court system finds in favor of the Administration in the pending cases. If you are opposed to the travel ban, you may want to call Representative Fitzpatrick to let him know that you support this legislation.

UPDATE on S. 760/H.R. 1770: OPEN Government Data Act

<https://www.govtrack.us/congress/bills/115/hr1770/text>

The Open Government Data Act has been pending in both houses for a number of months. MoCTrack reported on it in the spring. It created a "presumption of openness" in relation to taxpayer funded research, and it would forbid the government from firewalling off such data from universities (as we feared the Trump Administration would do with climate data collected by the National Weather Service and the National Oceanographic and Atmospheric Administration). This bill had been stalled in committee in the House and had been Ordered Reported in the Senate.

This week Paul Ryan introduced H.R. 4174: Foundations for Evidence-Based Policymaking Act of 2017 (<https://www.govtrack.us/congress/bills/115/hr4174/text>). It has imported almost the entirety of the OPEN Government Data Act into his own bill, and bundled it up with other provisions related to “Federal Evidence-Building Activities” and “Increasing access to data for evidence.” The new bill is voluminous, and I have been unable to determine if there is some poison pill tucked away in there. I have a call into the office of original sponsor of the OPEN legislation, to find out if they are encouraged their text has been picked up by the Speaker into his bill, or if this is a problem. I will keep you updated!

S. 2106: A bill to require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections

<https://www.govtrack.us/congress/bills/115/s2106>

This bill was introduced by Sen. Amy Klobuchar, and it has 4 cosponsors, all Democrats. It is pending in the Senate Rules and Administration Committee, but neither of our PA Senators have a seat in that group. Making voter registration less onerous is one of the easiest ways to get more people to vote, and having states automatically register eligible voters would be the best possible way to expand the franchise. If you support this goal, please call Senators Casey and Toomey to let them know.

S. 1828: Weekend Voting Act

<https://www.govtrack.us/congress/bills/115/s1828/text>

This bill was introduced by Sen. Jack Reed (D-RI) and it has 7 cosponsors, (6D, 1I). It is pending in the Senate Rules and Administration Committee, but neither of our PA Senators have a seat in that group. Another way to get more people to vote would be to make our elections fall on weekends, and not on a work day for most people. In this bill, it proposes that elections run for two whole days, in the first full weekend of November. In Govtrack’s [summary](#) they observe that Election Day is currently timed as it is because of “an 1845 law, designed so that farmers could have a whole day to travel into town if necessary, yet still make it back for “market day” on Wednesdays. The “after the first Monday” part was included so that Election Day would never occur on the Catholic holiday All Saints Day on November 1.” If you feel that this reasoning is out of date and in the current circumstance having a midweek election unfairly burdens lower income and hourly workers, you may want to let our Senators know you support this bill.

If you are interested in following all of the voting action in Congress there are a number of phone apps that come in handy. One of our fearless leaders, Connie Gruen, recommends the Countable app. It is available for both Apple and Android phones. You can sign up at Countable.us to get instant notification when our legislators vote, as well as details on each measure, pros and cons, status, and links to take action.

For those of you who are more computer- versus phone-oriented, I recommend Govtrack.us - the website enables you to add individual bills that interest you to a docket, so you can easily see the status of all your items in one place. They can also provide daily or weekly digest emails (your choice) to track the action of any legislator, committee, bill or vote. If not for Govtrack, I would not be able to compile this report.

This report brought to you by the PA-08 MoCTrack team...

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We are seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover - tasks big and small to fit any level of time commitment. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!