

Week ending 02/18/18 - 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 — **30.3%** (-1.0% from last report)

Representative Brian Fitzpatrick — **83.6%** (no change from last report)

Senator Pat Toomey — **90.6%** (+0.3% from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index. Two votes were scored this week:

- The White House immigration proposal
- The bipartisan Senate immigration proposal

Each of these votes is recapped under "Votes of Interest."

Words from our Founders

"I know no depository of the ultimate powers of the society, but the people themselves: and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is, not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power." - [Thomas Jefferson](#), 1820

Votes of Interest

Immigration votes in the Senate

As part of the agreement in the Senate that reopened the government, Senate Majority Leader Mitch McConnell said that he would bring an immigration bill to the floor of the Senate, and allow regular order to proceed. This means that each party was allowed to offer amendments in turn, and have open debate — the way the legislature is supposed to work, but hasn't for many months. The debate on immigration issues was necessitated by President Trump's September announcement that the Deferred Action for Childhood Arrival program (DACA) would end in six months. The program, started by President Obama, was put in place to protect the Dreamers, people brought to the country illegally as children, when Congress could not come up with a larger immigration bill under his administration. For the past five and a half months, most legislators have said that they support a solution for the Dreamers, but that March 5, 2018, deadline is looming. What follows are the four votes that the Senate took on Feb. 15, 2018.

H.R. 2579: Broader Options for Americans Act, S.Amdt. 1958 (Schumer)

<https://www.govtrack.us/congress/votes/115-2018/s35>

This version of an immigration solution was introduced by Minority Leader Chuck Schumer (D-NY). It was supported by a group of 25 senators. It would have created a path to citizenship for the Dreamers and granted \$25 billion for increased border security. It failed in a 54–45 vote. **Casey voted YES** and **Toomey voted NO**.

H.R. 2579: Broader Options for Americans Act, S.Amdt.1959 (Grassley)

<https://www.govtrack.us/congress/votes/115-2018/s36>

This was the plan outlined by President Trump in the State of the Union address, and it was introduced by Sen. Chuck Grassley (R-IA). It includes the "four pillars" that the President called for: a path to citizenship for the Dreamers, funding for the Wall, funding for border security, and massive changes to the existing legal immigration framework (including ending the family reunification rules, or so-called "chain migration." This failed in a 39–60 vote. **Casey voted NO** and **Toomey voted YES**.

H.R. 2579: Broader Options for Americans Act, S.Amdt.1948 (Toomey)

<https://www.govtrack.us/congress/votes/115-2018/s34>

Our own Senator Pat Toomey was in the thick of the action, submitting a version of a bill that would have outlawed so-called "sanctuary cities" — municipalities that do not allow their law enforcement officials to

be co-opted and used for immigration enforcement purposes. It failed in a 54–45 vote. **Casey voted YES** and **Toomey voted NO**.

H.R. 2579: Broader Options for Americans Act, S.Amdt. 1955 (McCain)

<https://www.govtrack.us/congress/votes/115-2018/s33>

While Sen. John McCain (R-AZ) was not present in the Senate this week because of his ongoing treatment for brain cancer, he did try to orchestrate a compromise bill from afar. He co-sponsored this option with Sen. Chris Coons (D-DE). This version would have created a path to citizenship for the Dreamers in exchange for stricter border security. The President spoke out to oppose this bill, because it did not include any wall funding. It failed in a 52–47 vote. **Casey voted YES** and **Toomey voted NO**.

So we ended the week pretty much where we started. The Senate is out a for a recess for the entire week of February 19th through February 23rd.. Majority Leader McConnell had indicated that he was only going to give over one week to immigration debate. The Dreamers do not have a legislative solution. Only six days remain in the legislative calendar before the President's deadline of March 5, when the DACA program officially ends, and deportations of Dreamers could conceivably begin.

H.R. 620: ADA Education and Reform Act of 2017

<https://www.govtrack.us/congress/votes/115-2018/h80>

This bill would gut several provisions of the Americans with Disabilities Act (ADA). To read the perspective of a disabled person on this bill, please see the MoC Twitter Action segment below. Honorable mention went to a series of tweets from Senator Tammy Duckworth, a double-amputee who explained how this bill would allow businesses to bypass rules about ramp inclines and stair heights, and how that would affect the quality of life for disabled people. This [article from Newsweek](#) also explains how this bill would make it easier for businesses to ignore provisions in the ADA. The GOP leadership presented this as a part of their efforts to reduce regulations that they believe stifle business. The bill came up for a House vote on Feb. 15, 2018 and passed 225–192. **Fitzpatrick voted NO**. This now moves on to the Senate. Senator Casey has already responded to the passage of this House bill with a [strong statement](#) against this bill and in support of disability rights. If this is an issue that motivates you, please contact Senator Toomey to let him know that taking away the rights of disabled people is unacceptable, and disability rights are civil rights.

MoC Twitter Action

Senator Bob Casey hot topics: The senator tackled a number of issues in depth this week. He discussed the topic of underpriced steel imports and how they hurt Pennsylvania manufacturing. He talked about the House passage of HR 620, a bill that dismantles some protections for people with disabilities. He discussed the immigration debate process in the Senate at length.

Casey tweet of the week, 02/14/18: “It is about time Congress listen to the nearly eighty-percent of Americans who want us to pass protections for Dreamers.” (Shared with a [link](#) to his Senate floor speech on the topic)

Representative Bryan Fitzpatrick hot topics: The representative had a typically light Twitter week. Other than public relations content, he reserved all of his policy output for commentary on the Mueller investigation's indictment of Russians allegedly involved with interference in the 2016 election.

Fitzpatrick tweet of the week, 02/14/18: “A #bipartisan valentine w/ @RepSinema - we've cosponsored 102 bills & resolutions together in the 115th Congress. Here's to many more! #CupidOnTheHill” (Shared with a picture of himself and Rep. Kyrsten Sinema)

Senator Pat Toomey hot topics: The Senator responded to the mass shooting in Florida with thoughts and prayers, and with positive feedback on the President's budget. The majority of his Twitter output this week, which was significantly higher than normal, was devoted to his Sanctuary Cities amendment in the Senate immigration debate.

Toomey tweet of the week, 02/13/18: “Philly's extreme + dangerous #SanctuaryCity law prohibited the police from even talking with federal immigration authorities. This wouldn't have happened if Philly wasn't a #SanctuaryCity”

Honorable mention (tweetstorm), lawmaker

From @SenDuckworth, Sen. Tammy Duckworth (D-IL), 02/15/18: “Ever since I lost my legs when an RPG tore thru the cockpit of my Blackhawk I was flying over Iraq, getting around has been difficult—even w/the #ADA, I can't always enter public spaces & have to spend a lot of time planning how to get frm 1 place to the next. **Supporters of #HR620 don't deny that they're violating the law—they just resent being sued for “minor” #ADA infractions.** But an incline that is “only” a few degrees too steep, or an entrance that is “only” a few inches high, can determine if I'm able to access an area w/out help. Being unable to independently enter a movie theater, store, hotel or restaurant is not only humiliating, it limits the freedom to pursue certain jobs, access necessary services & enjoy basic conveniences that most Americans don't think twice about. I understand that not everyone thinks about these things because for most of my adult life I didn't either. But the truth is that everyone is just one bad day away from needing accessible options the #ADA requires to help them get around. If you don't live with a disability, you might not think of #ADA violations as significant at 1st glance, but I assure you they're significant for those of us who do live with disabilities. That's why I STRONGLY urge all of my colleagues in the House to recognize that #DisabilityRightsAreCivilRights by voting NO on #HR620.”

Honorable mention, journalist

From @Eugene_Scott, Eugene Scott of the *Washington Post*, 02/12/18: “Rural Trump supporters believe he'll bring jobs back to their communities but #TrumpBudget proposes eliminating the Rural Business and Cooperative Service, which provides loans, grants and payments intended to increase opportunities in rural communities.” (Shared with [an article](#) from *The Hill* titled ***The 22 agencies and programs Trump's budget would eliminate***)

Honorable mention, PARODY account

From @RealDonaldTrFan, 02/12/18: “My Mar-a-Lago resort guests (who are VERY RICH, so they're smarter than other Americans), have NEVER asked me to do more for Medicare, Medicaid or SNAP (food stamps). THAT'S why I'm cutting these USELESS programs by BILLIONS of dollars in MY #TrumpBudget. #MAGA”

The mass murder at the Marjory Stoneman Douglas High School in Parkland, Florida — our MoCs respond

Senator Bob Casey, 02/14/18, via Twitter:

“I pray for the families whose lives have been shattered by yet another school shooting –18th of 2018. Congress must do its part to confront these senseless tragedies. Inaction is unacceptable. In the wake of yet another school shooting, the 18th of this year, we should pray for the victims and their families but those of us in public office are obligated to act to reduce gun violence. America is a great nation and I refuse to believe there's nothing we can do to reduce the likelihood of mass shootings. Congress should have votes on measures to reduce gun violence, including universal background checks, a ban on military-style weapons and a prohibition of those on the terror watchlist from purchasing firearms. These measures can reduce the likelihood of a mass shooting and the members of Congress who set the agenda on the floors of the House and Senate should act.”

Representative Brian Fitzpatrick, 02/15/18, via Twitter:

“We pray as a nation for all of the victims and families devastated by the Parkland school shooting. We must not allow yet another tragedy to go unanswered. It is incumbent upon all of us to identify the root causes of this senseless violence and move to address it immediately.”

Senator Pat Toomey, 02/14/18-02/15/18, via Twitter:

“My heart breaks for the students and loved ones of those affected by today's terrible school shooting in

Florida. Thank you to the first responders for their swift response. Join me in praying for the victims. #stonemanshooting” - 02/14/18

“I am committed to improving our federal background check system, which is why my staff and I will continue to reach out to senators on both sides of the aisle to see where progress can be made. I believe gun safety legislation should focus on keeping guns away from those who shouldn’t have them--criminals, the dangerously mentally ill, and terrorists.” - 02/15/18

The Mueller investigations indicts Russians for election interference — our MoCs respond

Senator Bob Casey, 02/16/18, via Facebook:

“These indictments make clear the serious nature of Russia’s attack on our nation during the 2016 election. Republicans in Congress and President Trump have spent months attacking our law enforcement officers and disparaging this investigation as a ‘witch hunt.’ President Trump and Congressional Republicans should stop these disgraceful attacks immediately and end their obstruction of Special Counsel Mueller’s investigation.

“In an overwhelming bipartisan vote, Congress passed legislation to hold Russia accountable for its attack on our nation. President Trump has refused to implement these sanctions. His policy of weakness towards Russia is making our nation less safe. It’s far past time for this Administration to protect our citizens from Russian aggression and implement tough sanctions against Russia. The Administration also needs to take steps to protect our democracy in future elections. Thus far, the Administration has done next to nothing to strengthen our defenses.”

Representative Brian Fitzpatrick, 02/16/18, via his website:

“I commend the investigative team for their commitment to bringing to justice those hostile actors who seek to undermine our institutions and our elections. With today’s indictments and yesterday’s announcement of the Kremlin’s direct role in the massive ‘NotPetya’ attack in Ukraine, it is clear that Russia continues to use cyber weapons to sow division and distrust both here and abroad. Our nation will not tolerate this conduct and must serve harsh justice to those who engage in such actions.”

Senator Pat Toomey has no comment on Twitter, Facebook, his website, or in the Pennsylvania newspapers.

The Senate fails to produce immigration legislation — our Senators respond

Senator Bob Casey, 02/15/18, via his website:

“Many Republicans in Congress and President Trump created the Dreamers crisis. Now, they have torpedoed every bipartisan proposal, even one that funds President Trump’s border wall, to solve the mess they created. It’s clear that Congressional Republicans and President Trump don’t care about the Dreamers or securing our border. They blow hot air about these young people but don’t act. Their only plan is to deport eleven million people, which is unworkable and unrealistic.

“In 2013, I voted for a bipartisan, comprehensive reform of our immigration system, which achieved 68 votes in the Senate that would have secured the border, addressed the problem of illegal immigration and provided a fair pathway to citizenship for law-abiding immigrants. That’s how we will fix our immigration system.

“Congressional Republicans and President Trump have, once again, betrayed the Dreamers, some of whom are serving in our military right now, and broken faith with the values of our nation, while failing to support effective border security.”

Senator Pat Toomey, 02/15/18, via his website:

"I am disappointed that the Senate was unable to reach an agreement today on immigration policy. I voted in favor of legislation to provide a pathway to citizenship for individuals who were brought to the United States illegally at a young age and address other critical challenges within our broken immigration system, including border security and enforcement."

"It was also deeply troubling that a minority of Senators blocked consideration of my common-sense bipartisan amendment designed to end dangerous sanctuary city policies."

Casey in the News

"This really is a national security issue."

—Senator Casey, referring to the possibility of imposing trade penalties and tariffs on steel and aluminum imports from China, in a [Fortune article](#) titled *Trump Wants a New Round of Tariffs, But Lawmakers From His Own Party Think It's a Bad Idea*. The article theorizes that Trump's upcoming visit to PA to stump for the Republican candidate in the special election for the Congressional seat in PA-18 (outside Pittsburgh, where the metalworking industry is heavily represented) is going to push him into a difficult decision on the issue.

"If we let them continue on the path they've been on, they will steal our future."

— Casey on the same topic of inferior Chinese metal imports, in a [Beaver Times article](#) titled *Casey hearing on steel imports gets administration response*.

"The decision gives Pennsylvania an opportunity to have fair congressional districts, instead of a rigged system."

— Casey's response to the recent round of court decisions requiring Pennsylvania to have a new voting district map drawn in time for the 2018 Congressional elections, from a [CBS article](#) titled *Washington reacts to PA congressional redistricting case*

"Unfortunately, my Republican colleagues and President Trump seem to think that the best way to deal with immigration is to just deport everyone. And, the administration, through its reckless actions, has endangered our government's promise to Dreamers."

— Casey's response to the then-floundering immigration negotiations in the Senate, in a [Pittsburgh City Paper article](#) titled *Pittsburgh Dreamers urge Sen. Bob Casey to fight for a clean Dream Act*

Fitzpatrick in the News

"Investing in our roads, bridges, energy grid and IT infrastructure is an investment in our nation, our economy and our families. I look forward to working with Democrats, Republicans and the White House to advance a plan that brings each phase of infrastructure into the 21st century."

—Fitzpatrick's comments on the President's infrastructure plan, from a [press release](#) on his website.

"Cybersecurity is a complex and serious national and economic security issue for any nation. For years, Ukraine has been under siege from nation-state cyberattacks that have sought to weaken its government and undermine hopes for an open and democratic society. The United States must play an important role in this fight. By not adequately responding and adapting to these cyberthreats in Eastern Europe, our nation is both letting down an ally as well as failing to take proactive steps to protect itself."

—Fitzpatrick's comments from the Feb. 16 [Ukrainian Weekly](#) regarding a Ukrainian cybersecurity bill co-sponsored by Fitzpatrick and Representative Brendan Boyle (D-PA 13). The bill aims to encourage cybersecurity collaboration between the United States and Ukraine, and requires State Department reporting to Congress on best practices to protect against future cyberattacks.

Toomey in the News

“Sanctuary cities such as Philadelphia and San Francisco endanger all of us by conferring a special protection to illegal immigrants even when federal immigration officials identify them as dangerous criminals.”

— Toomey’s comments in a [Philly Voice article](#) titled *Toomey targets Philadelphia and other sanctuary cities amid Senate immigration debate*

“Invoking national security when I think it’s really hard to make that case invites retaliation.”

— Toomey’s take on the issue of imposing tariffs on metals imported from China, in a [Bloomberg article](#) titled *Republicans Challenge Trump on Steel, Aluminum Tariffs*

“I am committed to improving our federal background check system, which is why my staff and I will continue to reach out to senators on both sides of the aisle to see where progress can be made. I believe gun safety legislation should focus on keeping guns away from those who shouldn’t have them--criminals, the dangerously mentally ill, and terrorists.”

— Toomey quoted in an [NPR article](#) titled *On Guns, Toomey Says He Continues To Support Expanded Background Checks*

Learning about Legislation: The Magic Minute

On Feb. 7, 2018, House Minority Leader Nancy Pelosi (D-CA) took the floor of the House for more than eight hours to give a speech about the plight of the Dreamers (you can read more about the contents of the speech in this [New York Times article](#)). The length of this speech broke a record from 1909. Pelosi’s speech also marked one of the first times in the modern era that a Minority Leader has invoked an obscure privilege sometimes referred to as “a magic minute.”

Many days of the week, the House schedule starts with a series of one-minute speeches. These are mostly coordinated by the parties, but any member can sign up to give a one-minute speech. Some representatives use these speeches as a centerpiece in their communications strategy, sharing the C-SPAN recordings of their presentations on social media. The “magic minute” is the ability of the Speaker of the House, the House Majority Leader and the House Minority Leader to be granted time in the one-minute speech portion of the morning, but then to go on, uninterrupted, for as much time as they wish.

Strangely, this ability to extend a minute indefinitely is governed not by rule, but by custom. A Congressional Research Service [white paper](#) titled *One-Minute Speeches: Current House Practices*, makes no mention of the “magic minute” or any granting of extraordinary time-related privileges to the ranking members of the House. However, a 1999 document in the House of Representatives archives titled *Floor Procedure In The U.S. House Of Representatives* notes, “Members designated by the leaders may speak...on any subject of their choice (except for the Majority and Minority leaders and Minority Whip who may speak for longer blocks of time).”

While taking an enormous amount of time on the floor of the House cannot obstruct legislative proceedings, as a filibuster can in the Senate, is still a useful if little-used tool for focusing the attention of the chamber on an issue of merit.

Legislation of Interest

S. 2401: Congressional Accountability Act of 1995 Reform Act

<https://www.govtrack.us/congress/bills/115/s2401/text>

This bill was introduced on Feb. 7, 2018, by Sen. Chuck Grassley (R-IA). It does not yet have any co-sponsors, and it is pending in the Senate Homeland Security and Governmental Affairs Committee. Neither Pennsylvania senator sits on that committee. This is yet another bill to address the concerns of the #MeToo movement, and change the procedures in the Congress for reporting and handling harassment claims. This effort is of particular note because it was introduced by a Republican, a man, and, as Sen. Grassley is one of the top ranking members of the Senate, it stands to receive more

attention than other efforts and has an increased probability of making it to the floor. While the bill itself is voluminous, one section jumps out as a major improvement over current procedures:

“Title II, Section 201 A (1) b - Semiannual reports on claims, awards, and settlements ...the Office shall submit to Congress and publish on the Office’s public website a report listing each award or settlement which was paid during the previous two 6-month periods...including the employing office involved, the amount of the award or settlement, and which was committed personally by a Member or former Member of Congress), whether the Member or former Member is in compliance with the requirement of section 415(d) to reimburse the account for the amount of the award or settlement.”

This change to existing regulation would not allow someone, like Rep. Meehan, to pay out a settlement from taxpayer funds without the general public being aware of it. The bill does provide for victim anonymity in such public reports. If the #MeToo movement is a motivating issue for you, please contact your senators and ask them to support this bill.

S.Res. 402: A resolution calling upon the President to exercise relevant mandatory sanctions authorities under the Countering America’s Adversaries Through Sanctions Act in response to the Government of the Russian Federation’s continued aggression in Ukraine and illegal occupation of Crimea and assault on democratic institutions around the world, including through cyber attacks

<https://www.govtrack.us/congress/bills/115/sres402/text>

This resolution was introduced on Feb. 12, 2018, by Sen. Benjamin Cardin (D-MD). It has four Democratic co-sponsors, and it is pending in the Senate Foreign Relations Committee. Neither Pennsylvania senator has a seat in that group.

In the summer of 2017 both legislative houses passed a collection of sanctions against several nations, but primarily targeting Russia ([H.R. 3364](#)). It passed nearly unanimously (only five of the 535 legislators voted against it) and was signed into law by President Trump in August 2017. The bill called for the Treasury Department to enact sanctions within 180 days after the passage of the bill. As reported in a previous MoCTrack (see page 4 of the [02/04/18 report](#)), not only were no sanctions imposed, but the Trump Administration merely published a list of 96 Russian oligarchs who they were considering sanctioning — a list that was later revealed to be simply cut and pasted from a *Forbes* article about the richest men in Russia.

This new resolution from Sen. Cardin details a variety of ways that Russia has meddled in not just our election, but other democratic processes around the world. It goes on to note that the bill passed last summer codifies “a range of mandatory sanctions against the Government of the Russian Federation for its malicious activities,” and observes that “no sanctions have been imposed pursuant to mandatory provisions.” The final section of the resolution calls on the President to “impose sanctions on relevant Russian individuals and entities found to have knowingly engaged in sanctionable conduct” and “to publicly acknowledge the ongoing threat posed by the Government of the Russian Federation to democratic values and processes in the United States, Europe, and elsewhere.”

At any other time in our nation’s history, a President willfully ignoring a law nearly unanimously passed by the legislative branch would create a constitutional crisis. This complicit GOP-led Congress is letting this behavior pass with little notice and no complaint. If this is of concern to you, please call your senators and ask them their position on this bill. Ask Sen. Casey to co-sponsor it. Ask Sen. Toomey why he is not concerned that the President is completely ignoring the law that he himself helped pass. Although this is a resolution in the Senate, contact Rep. Fitzpatrick can be contacted on this measure as well. He is a part of the House Ukraine Caucus, and just this Friday issued [a statement](#) about the Russian meddling in the 2016 election and the Mueller indictments on the same topic. Rep. Fitzpatrick should be asked why, if he feels so strongly about this issue, as a member of both the Ukraine Caucus and the House Foreign Affairs Committee, he hasn’t introduced and promoted a similar resolution in the House.

H.R. 5008: Presidential Inaugural Committee Oversight Act

<https://www.govtrack.us/congress/bills/115/hr5008/text>

This bill was introduced on Feb. 13, 2018, by Rep. Kurt Schrader (D-OR). It does not yet have any co-sponsors, and it is pending in the House Oversight and Government Reform Committee. Rep. Fitzpatrick is not a member of that group. This bill would provide much-needed oversight and ethical guidelines for inauguration committees. The need for this is best outlined by an excerpt from a September [Business Insider article](#) which observes,

“Donald Trump's inaugural committee raised an unprecedented \$107 million for a ceremony that officials promised would be ‘workmanlike,’ and the committee pledged to give leftover funds to charity. Nearly eight months later, the group has helped pay for redecorating at the White House and the vice president's residence in Washington. But nothing has yet gone to charity.”

Since that time the [New York Times](#) has reported that of the inauguration funds, \$5 million did eventually go to charity, but more than \$26 million went to an advisor of Melania Trump, who started a party planning firm just to handle the inauguration. Regulations currently mandate the reporting of funds raised for inaugurations to the Federal Election Commission. Despite this, there are no reporting rules for how those funds are spent. This new bill would “prohibit such Committees from disbursing funds for purposes unrelated to the inauguration of the President, [and] require such Committees to donate any Committee funds which remain available at the time the Committee terminates.”

If you are interested in following all of the voting action in Congress, a number of phone apps come in handy. One of the Lower Bucks Indivisible leaders 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- than 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 to track the action of any Member of Congress, committee, bill or vote. If not for [Govtrack](http://Govtrack.us), 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 or experience. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!