

Week ending 04/22/18 - PA-08 MoCTrack Report

Tracking Congress in the Age of Trump

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

Senator Bob 30.4% (-0.5% from last report)

Representative Brian Fitzpatrick — 84.5% (no change from last report)

Senator Pat Toomey — 90.9% (+0.1% from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index. One Senate vote on changing Consumer Financial Protection Bureau rules on discriminatory auto lending was scored for the Index.

Words From Our Founders

"I think a General Government necessary for us, and there is no Form of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other." - [Benjamin Franklin](#)'s final speech to the Constitutional Convention, taken from the notes of James Madison

Votes of Interest

On the Nomination PN1359: James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration

<https://www.govtrack.us/congress/votes/115-2018/s80>

NASA has been without an Administrator since the day of Trump's inauguration, when former Administrator Charles Bolden resigned. President Trump waited more than half a year before nominating Representative James Bridenstine (R-Okla.) to the position. The confirmation process was deeply contentious. Mr. Bridenstine's [employment history](#) includes time as executive director of the Tulsa Air and Space Museum and Planetarium, and since he does not have a science background, that museum job is the most applicable experience he has that can be applied to his new post. [PBS Newshour](#) outlines the concerns that Senators expressed during his confirmation process, citing, "criticism in part for lacking a formal scientific background, but mainly for his political history, including his views on the LGBTQ community...[and] previous comments by Bridenstine downplaying anthropogenic climate change, including one in 2013 where he told Congress that global warming had 'stopped rising 10 years ago.' (That's not true, according to data collected by NASA and NOAA.)" This outspoken dismissal of climate change science is of particular concern, as NASA is an integral player in climate change research. The website for Space Magazine cited a quote from former astronaut and current Senator Bill Nelson (D-Fla.) that expresses his objections to Mr. Bridenstine. He observed, "The NASA administrator should be a consummate space professional. That's what this senator wants — a space professional, not a politician, as the head of NASA." Despite these well-founded objections, the Senate voted on party lines on 04/19/18 and confirmed James Bridenstine as the Administrator of the National Aeronautics and Space Administration, 50-49. **Casey voted NO and Toomey voted YES.**

S.J.Res. 57: A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act"

<https://www.govtrack.us/congress/votes/115-2018/s76>

This is a somewhat complicated path for legislation, and warrants a bit of procedural background. In 2013 the Consumer Financial Protection Bureau (CFPB) introduced a rule that limited discriminatory auto-lending practices. Then, in late 2017 the Government Accountability Office ruled that though this rule had been in effect for four years, it was permissible for the Congress to exert oversight of this rule,

via the Congressional Review Act. That's the tool they have used in the past to get rid of Obama era laws related to [gun control](#) and [wildlife protection](#). The Congress used that same rule late last year to stop the CFPB from putting into place a rule that would have stopped the use of [forced arbitration agreements](#). Senator Toomey was active in supporting the current effort to keep the CFPB from continuing to implement this anti-discriminatory rule. In the statements on his [website](#), Toomey refers to the CFPB's action regarding auto-lending as "overreaching" and "overstepping." The Senate voted on 04/18/18 to quash this CFPB regulation in a 51-47 vote. Sen. Joe Manchin (D-W.V.) joined with the Republicans on this vote. **Casey voted NO and Toomey voted YES.**

MoC Twitter Action

Senator Bob Casey hot topics: The senator has returned to his prolific tweeting habits. He shared a number of tweets about the Protecting Moms and Infants Act that he introduced this week. He congratulated Senator Duckworth and celebrated the rule change that permits her newborn daughter to be brought onto the Senate floor. He shared several items on the opioid epidemic and the steps he wants to see taken to address the issue. A number of other people tweeted about his involvement in the Disability Employment Summit and Senate Aging Committee hearings, and the senator retweeted some of them. And the Senator shared a thoughtful statement addressing implicit bias and racism in relation to the Starbucks situation in Philadelphia from last week.

Casey tweets of the week, 04/20/18: "On the same day Wells Fargo is ordered to pay \$1Billion in fines for mortgage and auto lending abuses, the @AP reports that the top six banks were rewarded with \$3.6 billion in tax savings last quarter from the GOP Tax Scam. I offered an amendment that would have ensured these companies increase worker wages at the same rate they increase payouts to their executives and stockholders. Not one Republican supported it." (shared with an article from the [Associated Press](#) titled "Big banks saved \$3.6B in taxes last quarter under new law")

Representative Fitzpatrick hot topics: The representative shared only five tweets this week. Three were images of local promotional stops he made this week, one was to honor the passing of former first lady Barbara Bush, and the last item was support for the GOP tax plan on tax day.

Fitzpatrick tweet of the week, 04/17/18: "It's time to say goodbye to our old, 70,000-pg. tax code.

Thanks to the #TaxCutsJobsAct, next year, you'll be able to...

- ✓ File taxes simply
- ✓ Take advantage of the DOUBLED Child Tax Credit
- ✓ Save more with the DOUBLED Standard Deduction

Learn more: <http://bit.ly/2pqgBQd>

Senator Pat Toomey hot topics: The Senator divided most of his tweets between promoting his efforts to block the Consumer Financial Protection Bureau from enacting anti-discriminatory auto-lending regulations and he also continued cheerleading for the GOP Tax plan, in honor of tax day. He also shared some images from meetings he took this week with the American Sikh Congressional Caucus and Dickinson College students.

Toomey tweet of the week, 04/17/18: "Thank you to the @USChamber for inviting me to speak this morning about how #TaxReform is benefiting U.S. workers and businesses. Today marks the final #TaxDay when Americans will file under our old, overly-complex tax code. Due to #TaxReform, that changes next year."

Honorable mention, lawmaker

From @SenDuckworth, Senator Tammy Duckworth (D-Ill.) on 04/19/18: "I may have to vote today, so

Maile's outfit is prepped. I made sure she has a jacket so she doesn't violate the Senate floor dress code (which requires blazers). I'm not sure what the policy is on duckling onesies, but I think we're ready." (shared with an adorable picture of hr newborn's clothing)

Honorable mention, media

From @JHWeissmann, Jordan Weissman of Slate, on 04/20/18: "This is the most deft explanation I've read of why Republicans thought it was a good idea to release the Comey memos. Short version: They made the mistake of believing some Fox News reporting." (shared with a [Slate](#) article titled "Why Were Republicans so Desperate to Release the Embarrassing Comey Memos? Here's One Explanation")

Honorable mention, constituent feedback

From @para_ketersssss, on 04/17/18, in response to Representative Fitzpatrick's tweet of the week celebrating tax day, "You do realize the ppl paying for your billboards and your road signs aren't the people who be voting right?" (shared with a [USA TODAY](#) opinion piece titled "That \$4,000 raise Donald Trump and Paul Ryan promised you was a trickle-down lie")

Our Senators and the judicial approval process

The following [editorial](#) from Kadida Kenner, the Manager of [Why Courts Matter PA](#), appeared in the *Pittsburgh Post-Gazette*. It outlines how the judicial approval process works, and how the professional standards of collegial behavior are not being practiced by both of our Senators.

"In an April 13 editorial "Set the Standard: Pa.'s Senators Should Cooperate on Judgeships," the Post-Gazette editorial board suggested that, on federal judicial nominees, Pennsylvania Sens. Bob Casey and Pat Toomey should work together to nominate and confirm qualified judges.

We could not agree more, and that's exactly why a potential hearing for Pittsburgh attorney David J. Porter to join the 3rd U.S. Circuit Court of Appeals should never happen.

In the past, both senators have worked in a bipartisan manner on district and circuit court nominees, recommending mainstream qualified candidates. Some of these nominees do not have judicial philosophies that one or the other senator would agree with completely, but both senators respect the process and the tradition nonetheless. This has always been true for district court nominees, but it has also been true for circuit court nominees.

For example, in 2017, the Trump administration nominated Stephanos Bibas to the Third Circuit. Sen. Casey returned a blue slip, granting Mr. Bibas a Judiciary Committee hearing, despite having concerns about his judicial philosophy. Sen. Casey ultimately decided to vote against the confirmation.

A vote against Mr. Bibas in the full Senate is Sen. Casey's prerogative, but he did not hold up that nomination by withholding a blue slip; his concerns did not warrant derailing the process. (Judge Bibas was approved by the Senate, 53-43, in November.)

Conversely, in 2016, President Barack Obama nominated Rebecca Ross Haywood to the Third Circuit. Ms. Haywood would have been the first African-American woman to sit on the court. Although Sen. Casey strongly supported her nomination, he respected Sen. Toomey's right to object and believes it was appropriate for the Judiciary Committee not to move forward on the nomination without both blue slips.

Sen. Casey has voiced his concerns over the Porter nomination. In fact, Sen. Casey has cited more evidence that deeply concerns him about Mr. Porter than Sen. Toomey ever cited about Ms. Haywood.

If Sen. Toomey appreciates his functioning working relationship with Sen. Casey as much as he touts, he will advocate for Sen. Casey's ability to provide advice and consent for judges from Pennsylvania. In this case, that means no Judiciary Committee hearing for Mr. Porter. That's the kind of working relationship Pennsylvanians want from their home-state senators."

Casey in the News

“There was a period of time where there was more bipartisanship. People weren’t exactly locking arms with each other every day then, but it rarely reached the point where we are now, when partisanship and ideology kind of grind everything to a halt. We need to look in the mirror.” - taken from a [Gloucester Times](#) editorial titled “the US Senate is becoming the great dilatory body”

“The Administration should seek an authorization for the use of military force (AUMF) by Congress if it wants to continue to military actions against Syrian forces – the same way President Obama sought authorization in 2013 in a similar circumstance involving Syria.” - taken from a [CBS](#) article titled “Dem lawmakers renew calls for congressional authorization of Syria strikes”

“We don't even have basic data on guardianship itself. We don't know how many people are subject to guardianship, who their guardians are, if a guardian has been thoroughly vetted and how many people are possibly being abused or neglected by their guardians. We should be able to agree that finding answers to these questions is the least we can do to protect our loved ones.” - excerpted from a [McKnight's Senior Living](#) article titled “Assisted living connections highlighted in Senate hearing on guardians” covering hearings in the Senate Aging Committee, where Casey is the ranking member

Fitzpatrick in the News

(courtesy of contributor Gail Friedman)

The Mueller Investigation

Rep. Fitzpatrick has become a co-sponsor of a bipartisan House bill intended to prevent President Trump from firing Robert Mueller, the special counsel who is leading the investigation into Russian interference in the 2016 election. “I called for the appointment of a special counsel, and I have fully supported the decision to appoint former FBI Director Mueller,” Fitzpatrick said in a statement, as reported in the [Bucks County Courier Times](#) on April 17. “The special counsel must see his investigation through to the end.”

Animal Rights Activism

The [Bucks County Courier Times](#) reported on April 20 that Rep. Fitzpatrick received the Legislative Leader award from the Humane Society of the United States for his support of legislation known as the “Puppy Protection Act,” aimed at improving breeding conditions in puppy mills. “It’s crucial we stand up for animals — both as individuals and as a society,” Fitzpatrick said in a media release. “As a member of the Congressional Animal Protection Caucus, I’m committed to ensuring our government is doing its part to promote animal welfare.”

Medicaid

“Just because the president is proposing Medicaid cuts doesn’t mean it will happen, a spokesman for Bucks County Congressman Brian Fitzpatrick said a day after the forum. ‘Each year, the administration proposes a budget for the federal government, however Congress ultimately sets appropriations,’ Aaron Clark, a spokesman for the Republican congressman. He added that Fitzpatrick is a staunch supporter of Medicaid, Medicare and Social Security and ‘would not support’ a budget that cuts the programs.” This was reported in a [Bucks County Courier Times](#) article titled “Bucks County residents called on to help save Medicaid”

Toomey in the News

“The CFPB, under Richard Cordray, frequently overstepped its authority while snubbing Congress and the public in the process. This auto lending guidance is an example. I appreciate the GAO’s decision in this matter and encourage my colleagues to support this CRA resolution.” - the senator explains his reasons for pursuing a bill that strips anti-discriminatory oversight of auto lending from the Consumer

Financial Protection Bureau, in an article from [Bloomberg](#) titled "Senate Votes to Scrap CFPB Directive Targeting Auto-Lending Bias"

"Sen. Patrick J. Toomey (R-Pa.) said senators are discussing potential moves to pressure the White House, such as blocking key nominees or using the upcoming renewal of trade promotion authority, which gives Trump "fast-track" powers on finalizing trade deals. But he added that how willing Republicans would be to deploy those tactics will 'depend on what the administration is doing.'" - an excerpt from a [Washington Post](#) article titled "Farm-state Republicans chafe at Trump's trade policies but are reluctant to confront him"

Learning about Legislation - Discharge petition

The rules of the House of Representatives give the majority party almost complete control over what bills can be brought to the floor for debate, amendment and a final vote. The Speaker of the House sets the legislative agenda for the House, and decides on the calendar for what bills are to be considered. One way to get around this near-complete control is the [discharge petition](#).

Technically, the discharge petition is a way to release a bill that has been languishing in committee without being considered. For it to be 'discharged' from the stalling committee, a majority of House members - 218 Congresspeople - must sign the petition. This allows the bill to be moved out of committee without passing through the "ordered reported" stage. If a discharge petition is successfully filed, then the bill must be brought to the floor for 20 minutes of debate and a final vote.

Between [1967 and 2002](#) only 12 bills received the required signatures to be brought to the floor via the discharge petition process. Of those, six did not achieve enough votes to pass the House (as they were constitutional amendments that required a $\frac{2}{3}$ supermajority). Only four of the remainder made it through the House and the Senate to become law. Since 2002, there was one more use, the revive the [Export-Import Bank](#) in 2015.

The discharge petition process is being discussed in Congress to move ahead several pieces of legislation. Since Republican Speakers of the House have abided by the so-called "[Hastert Rule](#)," the concept that the only kind of bill that will be brought to the floor is one where the majority of the majority party will vote for it, discharge petitions may be the only hope for progressive policy reforms under a GOP-controlled House. An attempt was made earlier this week to force a bill, [H.R. 305: Presidential Tax Transparency Act](#), to the floor without having the full 218 signatures on the discharge petition. Thus far, [193 representatives](#) have signed on to the discharge petition effort to get President Trump to release his taxes. The premature attempt to bring this bill to the floor this week failed, by a vote of [226-189](#) in favor of blocking it. That means that 4 representatives who have signed on to the discharge petition itself were not in favor of bringing it to the floor without having achieved the full 218 signatures needed.

Legislation of Interest

H.R. 5505: Special Counsel Independence and Integrity Act

<https://www.govtrack.us/congress/bills/115/hr5505/text>

This bill was introduced by retiring Rep. Charlie Dent (R-Penn.) on 04/13/18. It is pending in the House Judiciary Committee. It has 8 co-sponsors (4D, 4R) including our own Rep. Brian Fitzpatrick and two retiring Republicans, Rep. Ryan Costello (Penn.) and Rep. Ileana Ros-Lehtinen (Fla). This is the House companion piece to the Senate's bipartisan effort to protect Special Counsel Mueller and the Russian collusion/election meddling investigation. If passed, it would create strict provisions for the grounds for dismissal of a special counsel (basically malpractice of some sort) and a process for judicial review and reinstatement of a fired special counsel. Representative Fitzpatrick was one of the first co-sponsors of this legislation, and you may want to consider calling and thanking him for taking this action.

H.R. 5533: Special Counsel Transparency Act of 2018

<https://www.govtrack.us/congress/bills/115/hr5533/text>

This bill was introduced by Rep. Lloyd Doggett (D-Texas) on 04/17/18. It is pending in the House Judiciary Committee and it has 10 co-sponsors (all D). This bill would ensure that even a fired Special Counsel is required to produce a report, so that the firing of said counsel could not completely silence an inquiry. It states, "If a person serving as a Special Counsel...is removed from such office, that person shall, not later than 2 weeks after the date of such removal, submit a report detailing the status, as of the date of dismissal, of the investigation that the person was appointed to undertake." If you support the aims of this bill, you may want to consider asking Representative Fitzpatrick if he will join on this as a co-sponsor, since he has already co-sponsored the related H.R. 5505.

H.R. 5551: Abuse of the Pardon Prevention Act

<https://www.govtrack.us/congress/bills/115/hr5551>

This bill was introduced by Rep. Adam Schiff (D-Calif.), ranking member of the House Intelligence Committee, on 04/18/18. It is pending in the House Judiciary Committee, and it does not yet have any co-sponsors. When this bill was introduced, [Rep. Schiff](#) stated, "President Trump already has signaled that he is willing to use his constitutional powers in order to protect those who remain loyal to him, even if they are convicted of obstruction or perjury. By pardoning Scooter Libby last week, Trump has sent a clear and unmistakable message to potential witnesses against him or members of his family that: 'if you have my back, I'll have yours.'" The critical [text](#) from the introduced legislation states that:

In the event that the President grants an individual a pardon for an offense against the United States that arises from an investigation in which the President, or a relative of the President, is a target, subject, or witness, not later than 30 days after the date of such pardon, the Attorney General shall submit to the chairmen and ranking members of the appropriate congressional committees all materials of an investigation that were obtained by a United States Attorney, another Federal prosecutor, or an investigative authority of the Federal Government, relating to the offense for which the individual is so pardoned.

This is one more piece of legislation that would protect the integrity of the Mueller investigation, by limiting the President's ability to obstruct justice by implying a quid pro quo arrangement (stay loyal and get a pardon) with people who may have aided him. If you support the integrity of the Mueller investigation, consider asking your representative to co-sponsor this legislation.

H.R. 5552: Climate Change is Real Act

<https://www.govtrack.us/congress/bills/115/hr5552/text>

This bill was introduced by Rep. Salud Carbajal (D-Calif.) on 04/18/18. It is pending in the House Energy and Commerce Committee, and it does not yet have any co-sponsors. The bill would require the Administrator of the Environmental Protection Agency to reinstate information about climate change that was removed from, or redacted on, the Agency's website. The reason that this is necessary is because under the current administration, as [WIRED](#) reports, if one tries to look for information on climate change on the EPA's website, one is directed to a page that read "This Page is Being Updated. We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt." (You can see that for yourself [here](#).) Representative Fitzpatrick bases his claims at being a moderate in part on his support for environmental issues. In light of this stance, it makes sense to press him to support this bill.

H.Res. 834/S.Res. 473: Expressing no confidence in the Administrator of the Environmental Protection Agency and calling for the immediate resignation of the Administrator

<https://www.govtrack.us/congress/bills/115/hres834/text>

<https://www.govtrack.us/congress/bills/115/sres473/text>

This is an identical resolution that is pending in both houses, introduced on 04/18/18. In the House it was introduced by Rep. Kathy Castor (D-Fla.) and it has 134 co-sponsors (all D). In the Senate it was introduced by Sen. Tom Udall (D-N.M.) and it has 38 co-sponsors (37D, 1I) including Sen. Casey. It is pending in multiple committees across both houses, but none of our MoCs are represented in any of the

committees. The resolution outlines many of Scott Pruitt's egregious misdeeds as Administrator of the EPA, including claims that he "...has misused taxpayer dollars by spending those taxpayer dollars on excessive personal conveniences and unnecessary office enhancements while dramatically cutting budgets and staff for critically important enforcement, research, and implementation activities." It continues on to Pruitt's failure to perform the most basic duties of his office, observing that "...by delaying the effective date of regulations, easing enforcement of existing regulations, and delaying implementation of new regulations, Administrator Pruitt is helping polluters at the expense of the health, safety, and livelihood of millions of people of the United States." The bill concludes by affirming that "Scott Pruitt should resign immediately from his post as Administrator of the Environmental Protection Agency." If the actions of Scott Pruitt concern you, please consider calling Senator Casey to thank him for co-sponsoring this resolution. You may also want to call your Representative to ask him to co-sponsor this effort in the House.

S.J.Res. 59: A joint resolution to authorize the use of military force against the Taliban, al Qaeda, the Islamic State in Iraq and Syria, and designated associated forces, and to provide an updated, transparent, and sustainable statutory basis for counterterrorism operations

<https://www.govtrack.us/congress/bills/115/sjres59/text>

This bill was introduced by Sen. Bob Corker (R-Tenn.) on 04/16/18. It is pending in the Senate Foreign Relations Committee, and it has 5 co-sponsors (3D, 2R0). The issue of War Powers and Authorizations for Use of Military Force (AUMF) is one that should be of concern to all Americans. If you would like to revisit a brief recap of the history of this issue and the Constitutional concerns involved, please see this [Learning about Legislation piece](#) on the topic from last October. The Congress last passed AUMFs in 2001 and 2002, in the aftermath of the September 11th attacks. Those authorizations, originally passed to permit hostilities in Iraq and Afghanistan, and now being used to justify military interventions around the world, in countries like the Philippines, Georgia, Yemen, Djibouti, Niger, Kenya, Ethiopia, Eritrea, and Somalia. It is long past time for Congress to reassert its authority in this realm. Please consider calling our senators to ask them to co-sponsor this effort. Sen. Casey has been vocal on Twitter in regards to passing a new AUMF, and it would be appropriate to ask if he plans on joining this bill.

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!