

## Week ending 04/29/18 - 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 Casey **30.0%** (-0.4% from last report)

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

Senator Pat Toomey — **91.0%** (+0.1% from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index. One Senate vote was scored for the Index, on the confirmation of the new Secretary of State, Mike Pompeo.

### Words From Our Founders

"The independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society. These sometimes extend no farther than to the injury of the private rights of particular classes of citizens, by unjust and partial laws. Here also the firmness of the judicial magistracy is of vast importance in mitigating the severity and confining the operation of such laws." - [Alexander Hamilton](#), in Federalist 78

### Votes of Interest

#### On the Nomination PN1761: Mike Pompeo, of Kansas, to be Secretary of State

<https://www.govtrack.us/congress/votes/115-2018/s84>

The saga of the confirmation of Mike Pompeo was covered extensively in the news, so I won't recap it in any great detail here. Suffice it to say that the drama was in the "will-they-or-won't-they" votes in the committee, with various Democratic senators and Republican Rand Paul changing their minds at different points in the process. The [New York Times](#) provides a good outline of the drama involved. Our own [Senator Bob Casey](#) succinctly expressed Democrat reservations regarding Mr. Pompeo, observing that "Director Pompeo supports policies that I believe will make our Nation less safe and his record on issues like torture and the Iran nuclear agreement, as well as his prior statements regarding American Muslims are troubling. We need a Secretary of State who will most effectively represent all Americans to the international community." The Senate confirmed Mr. Pompeo in a 57–42 vote on April 26, 2018. **Casey voted NO and Toomey voted YES.**

#### On the Nomination PN1410: Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit

<https://www.govtrack.us/congress/votes/115-2018/s82>

Another deeply flawed conservative judge has been confirmed into the circuit court system. Last November, [The Leadership Conference](#), a leading human rights organization, sent a letter to the Senate opposing this nominee, Stuart Kyle Duncan. That [letter](#) said, in part:

Mr. Duncan is a right-wing ideologue who has devoted his legal career to undermining civil and constitutional rights in America. He has aggressively advanced a radical personal agenda to set back LGBT rights, voting rights, immigrant rights, women's reproductive freedom, and criminal justice progress.

The letter cites dozen of examples where Mr. Duncan has argued for regressive or discriminatory practices. Despite these objections, he was confirmed in a 50–47 vote on April 24, 2018. Sen. Joe Manchin (D-W.Va.) joined the Republicans to get to that number. **Casey voted NO and Toomey voted YES.**

## **H.R. 3144: To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time**

<https://www.govtrack.us/congress/votes/115-2018/h153>

This is a bill that looks mundane, but actually has at its center the choice between protecting endangered animals or promoting hydro-power. On its face, the bill indicates that the power authority in the area must maintain some dam facilities in a manner consistent with a particular biological study. The [Capital Press](#), an agricultural website for the northwest, explains the issues at the heart of this bill:

...it forces use of a 2014 biological opinion that was found to be “flawed” by a federal judge. In May 2016, U.S. District Judge Michael Simon ruled that the biological opinion did not satisfy requirements of the Endangered Species Act and violated the National Environmental Policy Act. The court ordered the U.S. Army Corps of Engineers, Bureau of Reclamation and Bonneville Power Administration to conduct a review of the river system to develop a new opinion, slated to be in place September 2021.

This bill would provide inadequate protection for endangered animals in the area for three to four years. In a vote taken on April 25, 2018, this bill passed the House, 225–189. **Fitzpatrick voted NO.**

## **MoC Twitter Action**

**Senator Bob Casey hot topics:** The Senator shared an extended thread explaining why he could not support Secretary of State nominee (now confirmed) Mike Pompeo. He discussed his Opioid Crisis Response bill, which passed out of committee this week. He shared an article about his efforts, along with those of other Democratic senators, to get the Department of Justice to investigate fair housing violations. The senator closed out the week with a multi-tweet thread about a departing staff member, Liz Weintraub, who was at the end of her fellowship in his office. After praising her many accomplishments, he observed, “she has shown the Senate how important it is to have staff members who have developmental and intellectual disabilities. She’s helped reshape the culture of the Senate. I am proud to have had her on staff and look forward to more fellows like her.”

**Casey tweets of the week, 04/24/18:** “This is supposed to be a government by the people, for the people. Not a government of the thieves and the money changers. Mick Mulvaney is a disgrace.” (Shared with a [New York Times](#) tweet that reads @Mick Mulvaney: “If you’re a lobbyist who never gave us money, I didn’t talk to you. If you’re a lobbyist who gave us money, I might talk to you” and an article titled “Mulvaney, Watchdog Bureau’s Leader, Advises Bankers on Ways to Curtail Agency”)

**Representative Fitzpatrick hot topics:** The representative shared several pictures and retweets of his appearance at local events. He tweeted an article about the FAA Reauthorization bill that passed this week and included some text from a bill he had introduced last year. He also shared an article about the visit he and other representatives made to talk to the President about term limits. Most of his policy-related output revolved around the visit from French President Macron. He promoted working with our allies to maintain international peace.

**Fitzpatrick tweet of the week, 04/25/18:** “The U.S. must continue to work with France - & other int’l allies - to push back against violent extremism, rogue nations, & ruthless dictators. We are grateful for their leadership, who along with our British friends, took decisive action against the Assad regime.”

**Senator Pat Toomey hot topics:** The senator continues to make it a weekly ritual to share his thoughts on the benefits of the GOP Tax Bill. He enthusiastically supported the new Secretary of State, former CIA Director Mike Pompeo. The Senator also shared a letter he sent to Secretary of Commerce Wilbur Ross about tariffs and his hope that tariff exemptions will be processed swiftly.

**Toomey tweets of the week, 04/25/18:** “I went to the Senate floor earlier today to discuss the continued benefits of #TaxReform for workers and small businesses like @Cranston\_MHEC in Robinson Township. WATCH” (Shared with a [link](#) to his floor speech)

#### **Honorable mention, lawmaker**

From @SenMarkey, Ed Markey (D-Mass.) on 04/26/18: “Supporting #NetNeutrality:

82% of Republicans

90% of Democrats

85% of Independents

100% of @SenateDems

1 (ONE) Senate Republican

#OneMoreVote...

#### **Honorable mention, media**

From @TVietor08, Tommy Vietor, co-host of Pod Save America from Crooked Media, on 04/27/18:

“Trump's nominee to be CIA director had a major role in Bush-era torture programs. Should that disqualify her? Has the US come to terms with that awful legacy? I discuss with the ACLU's @fshakir” (Shared with a [link](#) to audio of the interview)

#### **Honorable mention, The Resistance**

From @SoSofieFatale on 04/26/18: “Can we Democrats please agree to be just as engaged as we are now when we regain power? I'm committed to doing this until I die.”

### **The confirmation of Mike Pompeo as Secretary of State, our Senators respond**

#### **Senator Bob Casey, 04/24/18, via his website:**

“After careful consideration, I have decided to vote against Director Pompeo for Secretary of State. Director Pompeo supports policies that I believe will make our Nation less safe and his record on issues like torture and the Iran nuclear agreement, as well as his prior statements regarding American Muslims are troubling. We need a Secretary of State who will most effectively represent all Americans to the international community.

Director Pompeo has refused to rule out torture as an intelligence gathering mechanism, saying that he would consider whether extreme practices outside the Army Field Manual need to be revisited. Most military and intelligence experts agree that torture is ineffective and makes us less safe.

While I appreciate Director Pompeo's willingness to serve and plan to work with him to protect U.S. interests if he is confirmed, I simply believe that the threats facing our Nation today need a Secretary of State with greater diplomatic experience, not someone with a record of divisiveness and a tendency to support policies that make us less safe. For those reasons I will oppose his nomination.”

#### **Senator Pat Toomey, 04/25/18, via his website:**

"I thoroughly enjoyed my conversation with CIA Director Mike Pompeo and I am confident that he will do an outstanding job as our nation's next Secretary of State. His expertise, background, and demeanor make him extremely well-suited for this vitally important position. I enthusiastically support his confirmation and encourage my colleagues to do the same."

### **Casey in the News**

#### **Disability Empowerment**

"I have always believed that people with disabilities can contribute substantially to our quality of life and to the success of our nation. The ABLE Act recognizes that understanding and helps empower individuals with disabilities and their families to save meaningfully for the future."

— Senator Casey celebrating the anniversary of the passage of an act that changed the rules regarding savings accounts that disabled people may have and still qualify for federal disability benefits, as reported by the [Wilkes-Barre Times-Leader](#) in "Casey, Torsella celebrate one-year anniversary of PA ABLE Act"

### **Fair Housing**

"We are shocked by the revelations contained in the report. These findings must be completely and fully investigated and if the claims are found to have merit, the appropriate and necessary steps should be taken to ensure that these practices cease."

— From a letter sent by Senator Casey and Pennsylvania State Representative Vincent Hughes to the Justice Department, demanding an investigation into reports of continued discriminatory red-lining mortgage practices at the Department of Housing and Urban Development, as reported by a [Reveal News](#) article titled "Warren calls out 'disturbing pattern' of fair housing changes"

### **Opioid Crisis**

"Whether working to prevent illicit fentanyl trafficking, helping opioid-dependent mothers and infants or assisting in the implementation of plans of safe care, these bills will do a great deal to strengthen our defenses as we continue to fight the opioid epidemic. I look forward to working in a bipartisan way with my colleagues throughout Congress to ensure that the Opioid Crisis Response Act is passed and signed into law."

— The Senator's response to the inclusion of the contents of three bills he introduced into the larger Opioid Crisis Response Act, from a [MyChesCo.com](#) article titled "Casey Opioid Bills Clear Key Committee Vote"

## **Fitzpatrick in the News**

*(courtesy of contributor Gail Friedman)*

### **Airplane Safety**

An airplane safety mandate sponsored by Rep. Fitzpatrick has been included in the Federal Aviation Administration reauthorization recently approved by the House. The safety measure was inspired by Captain Victor Saracini of Lower Makefield, who lost his life on 9/11, when the jetliner he was piloting was hijacked by terrorists. The bill would require lightweight wire mesh cockpit barriers on all new passenger aircraft.

As reported in the April 27 [Burlington County Times](#), Fitzpatrick described the vote as a "key step" in terms of airplane safety. "Protecting the cockpits in our nation's airplanes is critical in preventing commercial airliners from being turned into weapons of war."

### **Term Limits**

Much of this week's Fitzpatrick news concerned term limits, as the representative was among a bipartisan group of freshmen House members who met with President Trump to solicit his support for term limit legislation, as reported in the April 25 [Bucks County Courier Times](#). Fitzpatrick, who regards the lack of term limits as a "root issue" in political corruption, said he told Trump, "We're not going to let the perfect be the enemy of the good."

## **Toomey in the News**

### **Elections**

"I'm supporting Lou [Barletta]."

— Senator Toomey’s response when reporters asked how he will handle his relationship with Senator Casey while Casey is on the campaign trail, from a [Politico](#) article titled “Senators hold their fire against vulnerable home-state colleagues”

## Taxes

“We built into the tax code an automatic 20% discount on the amount of their income that is taxed, so 20% of their income from this business is not taxed at all.”

— The Senator explains how the new GOP tax code benefits businesses, taken from a longer floor speech (quoted portion can be found at 2:26-2:40) linked to in the [MyChesCo.com](#) blog

## Learning about Legislation: Motion to Table

When an issue is under debate on the floor of the House or the Senate, a member may bring up a “motion to table.” That stops debate on the current issue (a bill or resolution) and forces everyone to vote on whether debate should continue or whether the issue should be dropped from consideration, or tabled. A more detailed description of this motion can be found on the Robert’s Rules of Order [online site](#).

This week, House Speaker Paul Ryan reportedly forced the resignation of the House Chaplain, a move that caused an uproar. Representative Joseph Crowley (D-N.Y.) introduced a [resolution](#) to create a Select Committee to “investigate the actions and motivations behind the resignation of the House Chaplain” made up of members of the Ethics Committee. While this resolution was under consideration, a member introduced a motion to table. The motion to table was passed 215–171, and so all discussion of this resolution ended. **Fitzpatrick voted YES**, to table the resolution.

## Legislation of Interest

Very few bills were introduced this week compared to most weeks that Congress is in session. Almost no bills were introduced in the Senate.

### UPDATE S. 2644: Special Counsel Independence and Integrity Act

<https://www.govtrack.us/congress/bills/115/s2644/text>

This bill was introduced on April 11, 2018, by Sen. Lindsey Graham (R-S.C.) and is cosponsored by Sen. Thom Tillis (R-N.C.), Sen. Cory Booker (D-N.J.) and Sen. Chris Coons (D-Del.); it was included in our 04/15/18 Report. Previously, each of these four senators, working in bipartisan pairs, had sponsored their own efforts to protect the Special Counsel via legislation that had matched measures in the House. Now the four have joined together and combined their bills into one broader piece of legislation. The new bill stipulates that a Special Counsel may only be removed “...by the Attorney General or the most senior Senate-confirmed DOJ official, in certain circumstances; may only be removed for misconduct, dereliction of duty, incapacity, conflict of interest, or other good cause; must be provided written notice that specifies the reason for removal; and may file an action to challenge the removal not later than 10 days after notice was provided.”

This week the bill was brought up for a vote in the Senate Judiciary Committee. Judiciary Chairman Chuck Grassley (R-Iowa) defied the clearly stated position of Senate Majority Leader Mitch McConnell (R-Ky.), who said that he would not bring this bill to the floor of the full Senate. Mr. Grassley’s response to Mr. McConnell’s objections was, as reported by [CNN](#), “Obviously the views of the majority leader are important to consider, but they do not govern what happens here in the Judiciary Committee. If consideration on the floor was the standard for approving a bill in committee or not, we wouldn’t probably be moving any bills out of this committee.” In a vote taken on April 26, 2018, the bill passed out of committee, 14–7. Four Republican Senators joined the 10 Democrats in voting for the bill. Those

Republican senators were the bill's two sponsors, along with Sen. Jeff Flake (R-Ariz.) and Chairman Grassley. For more details on the bill, please see this [Vox](#) article.

**H.R. 5657: To establish the registration of violent gun offenders, provide for sufficient notification of their whereabouts, to honor the memory of Gladys Ricart and other gun crime victims**

<https://www.govtrack.us/congress/bills/115/hr5657>

This bill was introduced by Rep. Adriano Espaillat (D-N.Y.) on April 27, 2018. It is pending in the House Judiciary Committee and it does not yet have any co-sponsors. This bill would create a registry, much like we have for sex offenders. In this case, the registry would include individuals found guilty of violent firearm offenses. Please consider calling Representative Fitzpatrick in support of this issue. He currently supports (per his recent distribution of emails to constituents) 10 bills that impact firearms and school safety, and perhaps he would consider another one.

**H.R. 5663: To cut federal funding of Sanctuary Cities and use those funds for building a wall on the border with Mexico**

<https://www.govtrack.us/congress/bills/115/hr5663>

This bill was introduced by Rep. Robert Pittenger (R-N.C.) on April 27, 2018. It is pending in the House Homeland Security Committee, where Rep. Fitzpatrick is a member. Several weeks ago the court system found that "Justice Department cannot require that local police departments help immigration agents in order to receive federal funding," as reported in the [New York Times](#). In light of that ruling, it is particularly egregious that the Congressman would introduce a bill that's very premise has been invalidated by the courts. This is purely an example of a public relations stunt in advance of the coming election season. We must stay on the lookout for such behavior from our own Members of Congress.

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](mailto:KierstynPZ@gmail.com) and put "MoCTrack Help" in the subject. Thanks!