

Week ending 05/06/18 - 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%** (no change from last report)

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

Senator Pat Toomey — **91.0%** (no change from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. No votes were scored this week.

Words From Our Founders

"It appears to me, that little more than common sense and **common honesty**, in the transactions of the community at large, would be necessary to make us a great and a happy Nation."

— [George Washington](#), 1789 speech to the people of Baltimore

Votes of Interest - No votes were taken this week in either house of Congress.

MoC Twitter Action

Senator Bob Casey hot topics: The senator started the week by mourning the deaths of several journalists (among many others) in Kabul, noting that the massacre took place days before World Press Freedom Day. He shared an *Axios* article that quoted Marco Rubio's comments about the GOP tax plan not giving wealth back to American workers. He retweeted a pair of articles from *Forbes* magazine about an interview that he participated in on disability inclusion in the workforce. He ended the week with commentary on the crafting of the new Farm Bill and the importance of the Supplemental Nutritional Assistance Program (SNAP). At the top of his Twitter feed, he still has pinned a tweet from March. It reads "Mr. Mueller's lifetime of service reflects his commitment to serving the American people with honor, integrity and courage."

Casey tweets of the week, 05/01/18: "Tax reform could have transformed the lives of working families and children. Instead, the GOP tax law is allowing big corporations to funnel obscene amounts of money to wealthy shareholders."

— Shared with an article from [CNBC](#) titled "Companies to return a record \$1 trillion to investors this year in form of buybacks and dividends, estimates S&P"

Representative Brian Fitzpatrick hot topics: The representative shared one tweet about the Federal Aviation Administration Reauthorization Act that contained language on aircraft safety from a bill he authored, and another tweet about the opioid epidemic. The remainder of his twitter output centered on a meeting he and several other freshmen legislators had with President Trump about term limits. The President tweeted about the meeting, and that tweet was shared in Representative Fitzpatrick's feed three separate times this week (once via a Fitzpatrick response to the president, another time by his retweet of a C-SPAN producer who quoted Trump and a third time via a retweet of a fellow legislator who also quoted President Trump).

Fitzpatrick tweet of the week, 04/30/18: "Led this productive mtg. We must end the cycle of career politicians once & for all. We need to return to a citizen legislature & I will not stop fighting until term limits are achieved. The POTUS understands this important issue & agrees"

— Shared with a [tweet](#) from President Trump that reads “I recently had a terrific meeting with a bipartisan group of freshman lawmakers who feel very strongly in favor of Congressional term limits. I gave them my full support and endorsement for their efforts. #DrainTheSwamp”

Senator Pat Toomey hot topics: The senator only shared four tweets this week. Three of them were images from in-state visits he made to area businesses to promote the GOP tax plan, an opioid round table, and a memorial for fallen law enforcement officers. His only other tweet, regarding Mumia Abu-Jamal, is quoted below.

Toomey tweets of the week, 04/30/18: “Mumia Abu-Jamal is an unrepentant cop killer. He murdered Philadelphia Police Officer Danny Faulkner in cold blood. At a minimum, he should spend the rest of his life in prison.”

— Shared with an article from [Channel 6 ABC News](#) titled “Protesters seek Abu-Jamal's freedom, cop's widow says he'll remain jailed”

Honorable mention, lawmaker

From @SenWarren, Senator Elizabeth Warren (D-Mass.) on 05/02/18: “America is safer when our State Department is fully funded, well-staffed, and focused on diplomacy. Now that he's Secretary of State, I'll be watching @SecPompeo closely. He should listen to our military leaders and put diplomacy first – not his radical political agenda.”

— Shared with a [video clip](#) produced by her office titled “This is why our senior military leaders think diplomacy matters”

Honorable mention, media

From @JustinElliott, ProPublica reporter, 05/03/18: “New: *Even more* errors emerge on Jared Kushner's financial disclosure, which has already been updated 40 times. This time he misstated the financials on two loans in Brooklyn.”

— Shared with his own [ProPublica](#) article titled “Whoops! Jared Kushner Made Even More Mistakes in His Federal Filings”

Honorable mention, The Resistance

From @CommonCause on 05/02/18: “Make no mistake: firing Deputy Attorney General Rod Rosenstein, who oversees the Mueller investigation, would be directly interfering in the Russian investigation & likely obstructing justice. Get ready to hold Trump accountable: <http://commoncause.org/mueller> #TrumpIsNotAboveTheLaw”

Casey in the News

Most news about Senator Casey revolved around an expenditure for advertising placed by one of the GOP Senate primary candidates. The MoCTrack is not covering campaign news, so those pieces were not reviewed.

“The GOP tax bill was a partisan giveaway to the super wealthy and corporations, leaving the American worker behind. Although it is now signed into law, I will continue to fight to reform their scheme into something that is focused on working Americans. Reinstating the deductions for union dues and unreimbursed job expenses is just the start of what we need to do for the millions of Americans who were left out of the GOP tax bill.”

— From a [Forbes](#) piece on Casey's new bill, titled “Tax Bill Would Bring Back Deductions For Union Dues, Mileage & Other Job Expenses”

Fitzpatrick in the News

“When awarding federally-funded contracts, governments at every level have chosen to give special preference to businesses owned and controlled by men and women with certain designations. The Fairness to Veterans Act simply proposes that if any group receives a preference for federally-funded contracts, then veteran-owned small businesses must receive an equal preference.”

— From a [Bucks County Courier Times](#) Op-Ed authored by the congressman, titled “Fighting for those who fought for us”

“We have to get ahead of this. We want to save the next generation.”

— Fitzpatrick’s comments at a Pennsbury elementary school drug awareness and prevention event, from an [Intelligencer](#) article titled “Pennsbury holds drug awareness/prevention night at Walt Disney Elementary School”

“I made clear to the president that, as a former FBI special agent who oversaw the FBI’s Political Corruption Unit for the entire nation, I witnessed firsthand an undeniable correlation between the length of time in office and the instances of corruption. The lines that were very bright for elected officials on day one in office were not so bright in year seven or eight, and even less so in years 15 or 20.”

— From an article in the [Western Journal](#) about Fitzpatrick’s exchange with President Trump from an article titled “Bipartisan Group of Lawmakers Pushes for Term Limits”

Toomey in the News

Senator Toomey was not quoted directly in any news articles this week. However, two stories about him are of interest.

Ethics Complaint: A nonprofit watchdog group called the Campaign for Accountability filed a [complaint](#) and requested that the Senate Select Committee on Ethics and the Office of Congressional Ethics investigate Senator Toomey (and 13 other legislators) for whether they “violated congressional rules and criminal law by accepting campaign contributions from the payday lending industry shortly before or after taking official actions in support of the industry’s priorities.” The organization’s executive director said, “It’s no coincidence that members of Congress fought for the payday lending industry’s priorities while raising money from the industry at the same time. This appears to be a textbook example of pay-to-play behavior.”

Twitter’s least popular: The [Pittsburgh City Paper](#) reports that Senator Toomey is the “most hated” Senator on Twitter. The article explains that popularity can be assessed by comparing the number of likes a tweet gets versus the number of replies, with the resulting comparison being referred to as the ratio.

“New data from progressive analytics firm Data For Progress shows that the U.S. Senator with the worst ratio and highest percentage of ratioed tweets is none other than Pennsylvania Sen. Pat Toomey (R-Lehigh). Data for Progress calculated every U.S. senator’s Twitter ratio by dividing all senators’ tweets by the number of replies they received from Dec. 25, 2016 to April 18, 2018. Toomey’s Twitter account, @SenToomey, received in this time period about 118,000 replies to about 68,000 likes, a ratio of 173 percent. This means Toomey’s tweets see almost two replies for every like. Toomey’s most ratioed tweet came on June 22, 2017 when he tweeted a statement of his support for Senate Republicans’ failed effort to repeal Obamacare..... The tweet has 1,064 comments to 43 likes, a ratio of 2474 percent. And while some replies can be affirmative in nature, scrolling through Toomey’s feed shows scores of critical and angry replies.”

The article also notes that while GOP legislators are more likely to have negative ratios than Democrats, Senator Toomey’s number is far out of line even with some of his Republican colleagues. They note that the Senator has come under additional scrutiny after the Trump election, and with the advent of the Tuesdays with Toomey group.

Learning about Legislation: “Queen of the Hill” rule

Sometime within the coming weeks we may see the House return to consideration of the plight of the Dreamers and of immigration reform in general, after the last round of negotiations were torpedoed by President Trump’s [scatological interference](#). Instead of proceeding solely via closed-door negotiations, the House of Representatives apparently plans to use a process known as “Queen of the Hill” to determine which form of immigration reform, if any, will move on to the Senate. The simplest explanation for this process is that a number of competing amendments are brought to the floor and the one that receives in excess of 218 votes wins.

This Queen of the Hill rule is a descendent of a plan that had been called “King of the Hill” and was introduced in 1981. As described in a report from [Megan Suzanne Lynch](#), analyst on the Congress and Legislative Process in the Government and Finance Division of the Congressional Research Service, the King rule was:

“...a standard form for special rules that would provide a structure for the House to consider a series of alternative amendments to the same text. These rules were called king-of-the-hill rules because they provided that, if more than one alternative were adopted, the last one that secured a majority vote would be the one considered as finally adopted.”

The King of the Hill rule was used 88 times between 1981 and 1994.

The rule was changed slightly in 1995. Instead of having the last majority vote take effect, under the new Queen of the Hill rules, the amendment to go into effect is the one with the most votes. The [Congressional Research Service](#) reports that this has been used less frequently than the old rule, with the Queen of the Hill only coming into effect 7 times between 1995 and 2016. This reduction in the usage of this rule could be tied to the introduction of the “[Hastert Rule](#),” a provision named after former Speaker of the House and [convicted pedophile](#) Denny Hastert, which says that only bills that have the support of the majority of the majority party will be brought to the floor. The Queen of the Hill rule subverts that custom, as any number of amendments, some favored by and some opposed by the majority party would be given consideration.

According to [Vox](#), the Queen of the Hill will be invoked to bring up to four bills pertaining to the Dreamers to the floor for consideration:

1. A bill sponsored by Rep. Bob Goodlatre (R-Va.) that is Trump’s version of immigration reform, and deeply conservative
2. A clean Dream Act, with no tradeoffs for any other immigration concerns
3. A bipartisan compromise bill sponsored by Rep. Will Hurd (R-Texas) and Rep. Pete Aguilar (D-Calif.) that combines a solution for the Dreamers and, in some cases, their parents as well, with increased border security (but no Wall; Rep. Fitzpatrick is a co-sponsor of this bill).
4. A forthcoming bill from Speaker Paul Ryan, with no additional details available

There is still a chance that this Queen of the Hill gambit to debate DACA won’t come to pass. [The Hill](#) reports that Speaker Ryan has said, “I don’t think it makes any sense to bring a bill through or a process through that would produce a bill that will get a presidential veto. I just don’t think that that’s in anyone’s interest.” The same article notes, however, that about four dozen GOP representatives facing difficult re-election battles are pressing the Speaker to relent on this issue, since the plight of the Dreamers is one that has broad support.

EDITOR’S NOTE: By being unwilling to consider a bill based on an assumption of the President’s position, which is something that Majority Leader Mitch McConnell is also doing in the Senate over the Mueller investigation protection efforts, our Congress is abrogating its fundamental responsibilities in the worst way. It is their job to pass bills, and if the President wants to veto them, that is his prerogative. By not passing bills for fear of a presidential veto, the Congress is providing political cover for the executive branch in a manner that our nation’s founders did not anticipate. If the separation of powers and checks

and balances are an issue that is of concern to you, you may wish to write to the Speaker or the Majority Leader to let them know how you feel about their position on this issue.

Legislation of Interest: It was another slow week, with no new legislation in the Senate, and about a dozen bills introduced in the House. None were very interesting. The submission of bills apparently slows up in these final six months prior to the election, as the time it would take to get a bill through committee and then through both houses of Congress and onto the President's desk grows short. Expect this section to have less and less content as the election season heats up.

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!