

Week ending 05/20/18 - 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 **29.2%** (-0.8% from last report)

Representative Brian Fitzpatrick — **84.0%** (-0.7% from last report)

Senator Pat Toomey — **91.3%** (+0.3% 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 legislator's vote to that opinion. Five votes were scored this week. Three House bills addressed 1) making targeted attacks on law enforcement officers a federal crime, 2) expanding private care options for veterans and 3) farming. The two Senate votes scored addressed the confirmation of the new CIA director and reinstating net neutrality.

Words From Our Founders

"In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations: But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good; that they may now and then recur **to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism**; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated."

— [George Washington](#), from his farewell address of September 19, 1796

Votes of Interest -

H.R. 2: Agriculture and Nutrition Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h205>

This is the "Farm Bill," a massive piece of legislation that gets worked on every five years or so. It sets subsidy levels for agricultural products, addresses crop insurance and covers the Supplemental Nutrition Assistance Program (SNAP), more commonly known as food stamps. This iteration of the farm bill was a giant departure from farm bills past. Usually working on the bill is a long-negotiated process with a bipartisan result. This time, the GOP dropped a fully formed bill on the House Agriculture Committee — one that included work requirements for SNAP. The [Washington Post](#) reports that, in response to that provision, House Minority Leader Nancy Pelosi said, "Republicans are taking food out of the mouths of families struggling to make ends meet." The run-up to the House vote on the bill turned into a scrap over immigration and Deferred Action for Childhood Arrivals (DACA). The GOP's so-called "freedom caucus" demanded that a deeply conservative immigration bill be brought to the floor for debate as the price for their support for the farm bill. The same [Washington Post](#) article notes that, "The House leadership put the bill on the floor gambling it would pass despite unanimous Democratic opposition. They negotiated with members of the conservative House Freedom Caucus up to the last minutes. But their gamble failed." The vote was taken on May 18, 2018, with a final result of 198–213. **Fitzpatrick voted NO.**

EDITOR'S NOTE: A number of area resistance groups, including Fridays with(out) Fitzpatrick, Buxmont Inclusive and Progressive, and the Philadelphia Unemployment Project (which works on various social safety net issues in addition to unemployment) participated in lively contact campaigns to Fitzpatrick in the weeks leading up to the bill's vote. Fitzpatrick's office never committed to his position prior to the vote, so this result was quite the surprise. We can't know just how important our voices were in his decision-making process, but considering that this bill is considered "pro-corporate," and Fitzpatrick tends

to vote for big business whenever he gets the chance, one has to imagine that the pressure played some role. KEEP UP THOSE CALLS, PEOPLE!! And Congratulations!!

H.R. 5698: Protect and Serve Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h188>

This law makes it a federal crime to target law enforcement officers. It puts police officers into a protected class. Targeting them would be like targeting someone for race or religion. The American Civil Liberties Union (ACLU) and a coalition of 45 other civil rights organizations — including Lambda Legal, the National Association for the Advancement of Colored People (NAACP), Southern Poverty Law Center (SPLC), the Anti-Defamation League and National Organization for Women (NOW) — sent a [letter](#) to Congress opposing this bill. It states, in part:

Extending hate crimes protections to law enforcement officers is a profoundly inappropriate and misguided proposal for several reasons. First, police already have substantial protections under federal and state law, rendering this bill superfluous. Second, hate crimes laws are intended to extend protection to historically persecuted groups that have experienced a history of systemic discrimination based on a personal characteristic, such as race, religion, sexual orientation, gender, gender identity, and disability; law enforcement officers are not a historically persecuted group. Third, this bill signals that there is a “war on police,” which is not only untrue, but an unhelpful and dangerous narrative to uplift. Fourth, bills similar to Protect and Serve that have been introduced in states around the country—so called “Blue Lives Matter” bills—appear to be a political response to the growing national movement for police accountability in the face of continued killings and assaults of unarmed African Americans; therefore, this bill is divisive and will have a negative impact on the relationship between law enforcement and the communities they serve.

This bill came to the floor for a vote on May 6, 2018. It passed, 382–35. **Fitzpatrick voted YES.**

S. 2372: Veterans Cemetery Benefit Correction Act

<https://www.govtrack.us/congress/votes/115-2018/h189>

Despite its name, the bill actually addresses giving veterans access to covered medical care outside the Veterans’ Affairs (VA) system. The bill refers to a “Veterans Community Care Program,” which simply means that veterans could use hospitals, medical services and extended care services that are not part of the VA, but the VA would handle payment and “the establishment of a mechanism to receive medical records from non-Department providers.” President Trump is a vocal supporter of this change to the VA system. Earlier this month he [tweeted](#), “Choice is vital, but the program needs work & is running out of \$. Congress must fix Choice Program by Memorial Day so VETS can get the care they deserve. I will sign immediately!” A number of veterans groups support this initiative. Those who object to it seem to do so on the same grounds as objections to school vouchers/charter schools; they fear that a program like this will reduce the funding given to the struggling public system, which will cause more difficulty fixing the current problems. The bill, which already passed the Senate via unanimous consent in March, came to the floor for a vote on May 16, 2018. It passed, 347–70. **Fitzpatrick voted YES.**

S.J.Res. 52: A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to “Restoring Internet Freedom”

<https://www.govtrack.us/congress/votes/115-2018/s97>

This is the Senate’s Net Neutrality vote. Senate Democrats used the Congressional Review Act (which the GOP-led Congress has been using to overturn Obama-era regulations) to attempt to overturn the Federal Communications Commission’s 2017 rule allowing internet service providers to throttle service or take other actions that go against the principles of Net Neutrality.

The coalition of Senate Democrats and Independents, who make up 49 votes after the Alabama special election, have been seeking two more votes for some months in order to beat the tie-breaking vote that Vice President Mike Pence could bring into the Senate. In the end, they found three Republicans willing to break ranks. Susan Collins of Maine committed to the cause of Net Neutrality some months ago. Alaska’s Lisa Murkowski and Louisiana’s John Kennedy joined more recently. With Arizona’s John McCain absent and undergoing medical treatment, the final vote on May 16, 2018, was 52–47. **Casey voted YES** and

Toomey voted NO. This now moves to the House where there is little chance of the resolution making it onto the schedule and less chance of it passing.

On the Nomination PN1857: Gina Haspel, of Kentucky, to be Director of the Central Intelligence Agency

<https://www.govtrack.us/congress/votes/115-2018/s101>

With former CIA Director Mike Pompeo's promotion to Secretary of State, the Trump Administration nominated Gina Haspel to the vacated CIA position. There were few objections based on her perceived ability to handle the administrative aspects of the job. As reported in scores of sources, most concerns were related to her participation in the Bush-era torture program and her destruction of evidence of the same. The hearings were heated, with many Democratic senators questioning her character and her unwillingness to say, straight out, that torture is morally wrong. After the hearings, however, Ms. Haspel penned a letter to Senator Mark Warner (D-Va.) which included the statement, "With the benefit of hindsight and my experience as a senior agency leader, the enhanced interrogation program is not one the C.I.A. should have undertaken. The United States must be an example to the rest of the world, and I support that." That appeared to be enough for a number of Democrats, who according to the [New York Times](#), joined staffers at the CIA in viewing Ms. Haspel as "the best chance the agency had to avoid having a political partisan brought in as its director." Over the objections of Senator John McCain (R-Ariz.), a torture victim himself, Gina Haspel was confirmed as the first female director of the CIA on May 17, 2018, in a 54–45 vote. **Casey voted NO** and **Toomey voted YES.**

On the Nomination PN1397: Mitchell Zais, of South Carolina, to be Deputy Secretary of Education

<https://www.govtrack.us/congress/votes/115-2018/s98>

Each new week brings with it an new upsetting Trump Administration confirmation to the bureaucratic ranks. Mitchell "Mick" Zais is a former education superintendent from South Carolina. The [Miami Herald](#) reports that while he was in that position, he "elicited an outcry — and threats of a lawsuit — from the State Board of Education for refusing to apply for various federal public education grant programs." He rejected compliance with the Common Core curriculum, opted to not participate in the Obama Administration's "Race to the Top" initiative and turned down \$144 million from the federal government for a program to retain public school teachers. The same article quotes Sen. Tammy Baldwin (D-Wis.) as saying, "Wisconsin has a long tradition of supporting public education, including early childhood education, and I don't believe he will help advance that tradition." A [Washington Post](#) article focused on the mistakes Mr. Zais made during his confirmation hearings. He was "unaware" of extensive research showing that voucher programs in three states negatively affected student achievement, and "unclear as to exactly what the law is" regarding bathroom usage for transgender children. During the hearing Sen. Patty Murray (D-Wash.) observed:

General Zais, given Secretary DeVos's lack of experience and track record, it's clear she needs a deputy committed to students and public education, so it is very troubling that you share Secretary DeVos's views on privatization. And you have made a number of comments that make me question your ability to help set a course for this agency based on facts, science and evidence, including that 5-year-olds are too young to learn, and that abstinence-only sex education and creationism should be taught in schools. And your decision — as South Carolina's state superintendent — to reject federal funding that would benefit students, teachers and public schools makes me question whether you act based on political ideology — rather than what's best for students.

Despite these considerable objections, Mr. Zais was confirmed as Deputy Secretary of Education on May 16, 2018, in a 50–48 vote. **Casey voted NO** and **Toomey voted YES.**

MoC Twitter Action

Senator Bob Casey hot topics: The senator started off the week addressing issues related to police and first responders, in honor of National Police Week. He opined that the White House should cease blocking the release of a water safety study, and noted that "people in Bucks and Montgomery Counties, as well as areas across the country, deserve to know the health risks their families have been exposed to." The senator issued a series of tweets in support of the Net Neutrality vote in the Senate. He shared his

objections to the President working to save jobs in China by reversing a decision to penalize a Chinese telecommunications company. At the end of the week, he objected to the President's decision to cut funding to clinics that mention abortions.

Casey tweets of the week, 05/18/18: "These proposed regulations will make it harder for millions of women to receive basic health care which is why I strongly oppose them. Substantial cuts to funding for Planned Parenthood will limit access to contraception, HIV services, testing and other vital care. This Administration and Congressional Republicans have repeatedly worked to sabotage our health care system, which has resulted in higher premiums and less coverage for Pennsylvania families. Congress should examine legislative action to stop these proposed regulations."

— shared with a link to a [VOX](#) article titled "The new Trump plan to defund Planned Parenthood, explained"

Representative Brian Fitzpatrick hot topics: The representative shared only one tweet this week, in support of his Right to Try bill.

Fitzpatrick tweet of the week, 05/16/18: "Every day millions of Americans and their families face the devastating reality of a terminal diagnosis. I urge the House to immediately consider and vote on Senator Johnson's Right to Try Act. It's time to send this bill to the President's desk."

— shared with a link to a [press release](#) from his office

Senator Pat Toomey hot topics: The senator tweeted more than usual this week, focusing mostly on law enforcement. He commented on the sentencing of an ISIS-inspired shooter who tried to kill a Philadelphia police officer. He promoted a resolution designating May 13–19 "National Police Week" and he commented on the issues facing correctional officers being targeted when off duty. The senator also expressed his support for the new CIA director and continued to promote the GOP Tax Bill.

Toomey tweets of the week, 05/17/18: "Great news! The Pennsylvania Public Utility Commission @PA_PUC announced today that thanks to #TaxReform, many Pennsylvania residents will see lower utility rates. This was always our goal: more money in the pockets of the people we represent."

— shared with a link to a Public Utility Commission [press release](#) titled "PUC Orders 17 Utilities to Return \$320+ Million to Consumers Following Analysis of Federal Tax Reform; Other Tax Reform Impacts Considered as Part of Ongoing Utility Rate Cases"

Honorable mention, lawmaker

From @CoryBooker (Sen. D-N.J.) on 05/18/18: "That a young child thinks a school shooting is inevitable in America is utterly heartbreaking and unacceptable! This can't ever become our normal. #EnoughIsEnough!"

Honorable mention, media

From @BrianBeutler of Crooked Media on 05/18/18: "At some point it starts to look like a transnational consortium of authoritarians saw value in having one of their own in control of the U.S. government, and found Trump to be a willing conspirator."

— shared with a link to a [New York Times](#) article titled "Trump Jr. and Other Aides Met With Gulf Emissary Offering Help to Win Election"

Honorable mention, constituent response

From @Rickopotomos on 05/17/18: "If more money in citizens pockets was the goal why are the piddly middle class tax cuts only temporary? You do know that average folks don't own oil companies right?"

— in response to Senator Toomey's [tweet of the week](#), promoting the GOP Tax Bill

OUR SENATORS RESPOND:

Confirmation of Gina Haspel as director of the Central Intelligence Agency

Bob Casey, 05/17/18, via Twitter:

"Gina Haspel oversaw interrogation techniques that amount to torture and participated in the destruction of the evidence of these acts. After giving careful consideration to her record, her statements during the confirmation process and reviewing classified materials about her conduct at the CIA, I voted against her nomination to be the agency's next Director. While I commend her decades of service to our nation, I could not support her confirmation. National security experts have been clear that interrogation techniques that amount to torture are not legal, effective or consistent with the values of our Nation."

Pat Toomey, 05/17/18, via Twitter:

"Gina Haspel's work at the @CIA over last three decades has undoubtedly prepared her to serve as its next director. It was great to meet her today, ahead of the Senate's vote. I support her nomination and am glad she has the bipartisan backing of my colleagues."

"In the News"

The "In the News" section is taking a break this week. Most of the news this week relating to members of Congress was dominated first by the run-up to Tuesday's primary, then to the results and, finally, to projecting the upcoming general election.

This Tracking Report remains focused on the legislative actions of our existing MoCs, and will continue to avoid covering the horse-race aspects of the election season. Content related to electioneering will only make it into this report if one of the incumbent candidates makes a major statement or change of position related to policy or legislation.

Learning about Legislation: Senate Rule XIV

The Senate rules provide a means for placing an order directly onto the Senate calendar, bypassing committee review and reporting. This process is described in [Rule XIV, section 4](#):

Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

The Congressional Research Service further clarifies this process in a [white paper](#), explaining that "...Although placing a bill or joint resolution directly on the calendar does not guarantee that the full Senate will ever consider it, the measure is available for floor consideration."

Senator Kirsten Gillibrand (D-N.Y.) invoked Senate Rule XIV this week to get the Senate to consider a bill that would change the way the Congress handles sexual harassment complaints. That bill passed the House 100 days ago, but has yet to receive consideration at the Senate. Her full comments in relation to the invocation of Senate Rule XIV are included below. Please note that when Sen. Gillibrand "objects", she is objecting to the bill being sent to committee and is directing it, instead, to be placed on the calendar

of the main body of the Senate.

I now ask for a second reading and, in order to place the bill on the calendar under Rule XIV, I object.

<chair's response - Objection having been heard, the bill will be read for the second time on the next legislative day.>

Madam President, one hundred days ago, the House of Representatives voted unanimously to pass the Congressional Accountability Act of 1995 Reform Act. The current system is broken. It makes no sense that a staffer who is sexually harassed or discriminated against has to possibly wait months for mediation, for counseling, for cooling off, before she or he is able to even file a claim.

And this bill would make sure that when a Member of Congress sexually harasses or discriminates against someone on their staff, the taxpayers are not left holding the bag. That is what this bill does. There is no reasonable excuse to stand in its way.

Your constituents do not deserve to have their hard-earned tax dollars paying for these settlements.

What they deserve, is a vote on this reform now. But what have we seen since the House acted? Nothing but politics as usual, despite having bipartisan support on this issue.

And I want to thank my colleagues, the Minority Leader Chuck Schumer, Senator Klobuchar, and Senator Murray, for their leadership and their efforts to pass this bill here in the Senate. They have been great partners in trying to move this forward.

It's long past time for us to act! We need to pass this bill, and send it to the President's desk so he can sign it into law.

Because we've all seen very clearly over the last year that sexual harassment and discrimination in workplaces are far more pervasive than previously realized. We've all witnessed harassment and discrimination. We've all seen that it can happen across society – from factories and restaurants, to Hollywood and the halls of Congress, right here in this building.

But the difference is, while practically every other industry in the country seems to be taking this problem more seriously now, and at least making an effort to change their workplace policies, Congress is dragging its feet. Once again, a problem is staring us in the face, and we are looking the other way.

Enough is enough. We have to do better. We have waited 100 days, and we are not waiting any longer. So I urge my colleagues to do the right thing, right now, and support this bill to finally fix the broken system in Congress that is failing on sexual harassment.

This one is as easy as it gets. So let's have a vote and pass it.

I yield the floor.

If you would like to watch Sen. Gillibrand invoke Senate Rule XIV, it is available on [YouTube](#).

Legislation of Interest

H.Res. 901: Calling on and encouraging the White House to issue a public apology

<https://www.govtrack.us/congress/bills/115/hres901/text>

Introduced by Rep. Walter Jones, Jr. (R-N.C.) on May 17, 2018, this resolution is pending in the House Committee on Oversight and Government Reform. It has one Democratic co-sponsor. The resolution was introduced in response to a leak, first reported in [The Hill](#), that a White House staffer discussing Senator John McCain's (R-Ariz.) objections to the CIA director nominee, said, "It doesn't matter, he's dying

anyway.” The resolution lays out McCain’s distinguished career of service to the country and cites the staffer’s comments. It closes with, “Whereas while this apology should have already taken place, it is never too late to apologize: Now, therefore, be it that the House of Representatives calls upon the White House to issue a public apology to Senator John McCain and his family for insensitive comments made by a staffer during this difficult time for the McCain family.”

H.R. 5796: To require the Secretary of Health and Human Services to provide grants for eligible entities to provide technical assistance to outlier prescribers of opioids

<https://www.govtrack.us/congress/bills/115/hr5796>

This bill was introduced by our own Rep. Brian Fitzpatrick on May 17, 2018. It has bipartisan co-sponsors (2R, 1D) and it moved to the “ordered reported” status the day it was introduced. The full text of the submitted bill is not yet available via government outlets; however a [discussion draft](#) is available online. It does not name an author. If the final version follows the earlier draft, this bill would identify doctors and facilities that prescribe opioids at higher-than-average rates and provide them with access to education and training about non-opioid pain solutions.

On that same day that Rep. Fitzpatrick’s bill was ordered reported, the House moved more than three dozen opioid-related out of committee. Some highlights:

- [H.R. 5806](#) issues guidance regarding expedited approval of new non-opioid pain treatments
- [H.R. 5812](#) directs the Centers for Disease Control to carry out new programs to prevent overdoses
- [H.R. 5477](#) provides “an enhanced federal matching rate” for state Medicaid expenses related to substance-use treatment and recovery services
- [H.R. 5580](#) provides grant money to develop standards for effectively handling and testing fentanyl, its analogues and other synthetic opioids
- [H.R. 5329](#) expands the Poison Center Network

In addition, several bills are designed to modify aspects of the Social Security Act so that both Medicaid and Medicare can expand programs related to opioid treatment, recovery and training.

H.R. 5873: To disclose the use of Federal funds with any privately held company owned by the President

<https://www.govtrack.us/congress/bills/115/hr5873>

This bill was introduced by Rep. Adam Schiff (D-Calif.) on May 17, 2018. It is pending in the House Committee on Oversight and Government Reform and it has 10 Democratic co-sponsors. In an article titled, “Trump businesses made millions off Republican groups and federal agencies, report says,” [McClatchy](#) reports on the various federal departments forced to pay taxpayer money to Trump properties to house staff when the President visits them:

Since his inauguration, Trump has visited one of his properties, usually in Florida, New Jersey and Virginia on 138 days, according to a compilation of information released by the White House.

Those visits have led to government spending. Federal agencies that spent money include the National Security Council, Secret Service, Defense Department, General Services Administration and U.S. embassies.

This bill is a response to the growing profit that the President is making every time he travels to his own properties. Upon introducing the bill, Rep. Schiff stated, “The immense honor and responsibility of serving as President of the United States should never be exploited for profit, and this President, like no president before him, has made an art of making money off the federal government....This spending must be made completely transparent so that the public can see how their tax dollars are being used to enrich the nation’s chief executive and his family.” If this is an issue that is of concern to you, please consider letting Rep. Fitzpatrick know that you wish him to co-sponsor this legislation.

EDITOR’S NOTE: President Trump is also making millions of dollars in profits off of Republican Party groups and PACs staying at his properties. Open Secrets is doing an admirable job of tracking those expenditures by culling information out of mandatory quarterly campaign reporting. To read more about

who is currying favor with the President by choosing his properties for events, see the [special page](#) Open Secrets has devoted to this topic.

S. 2691: Opioid Crisis Accountability Act of 2018

H.R. 5782: Opioid Crisis Accountability Act of 2018

<https://www.govtrack.us/congress/bills/115/s2691/text>

<https://www.govtrack.us/congress/bills/115/hr5782>

Sen. Bernie Sanders (I-Vt.) introduced the Senate version of this bill on April 17, 2018. It has three Democratic co-sponsors and is pending in the Senate Finance Committee, where Sen. Pat Toomey is a sub-chairperson. Rep. Tulsi Gabbard (D-Hawaii) introduced the House version on May 11, 2018. It has two Democratic co-sponsors. It is pending in four different House committees, but Rep. Fitzpatrick is not a member of any of them.

In the past several years more than 60 municipalities have introduced lawsuits against pharmaceutical companies, according to the [Guardian](#). In that article, New York Mayor Bill de Blasio explains, “Big Pharma helped to fuel this epidemic by deceptively peddling these dangerous drugs and hooking millions.” When Rep. Gabbard introduced the bill last week, she registered similar concerns as the New York City mayor, adding, “Senator Bernie Sanders and I are introducing the Opioid Crisis Accountability Act to prohibit and penalize drug companies for false marketing and distribution of opioids, and create criminal liability for top company executives. It’s time for those responsible to pay the price for their actions.” You can read her full statement or watch her floor speech [here](#). If you feel that the drug companies should bear some of the financial burden of helping address the opioid crisis, you may wish to contact Sen. Toomey and/or Rep. Fitzpatrick in support of this bill.

S. 2872: Congressional Accountability and Harassment Reform Act

<https://www.govtrack.us/congress/bills/115/s2872>

This is the bill referenced above, in the Learning about Legislation section. It was introduced by Sen. Kirsten Gillibrand (D-N.Y.) on May 17, 2018. It has seven co-sponsors (including one Republican). Since Sen. Gillibrand invoked Senate Rule XIV, the bill should bypass the committee process. The Library of Congress has compiled a useful [summary of the bill](#), explaining that the bill will “revise administrative and judicial dispute resolution procedures for initiating, investigating, and resolving claims by employees alleging that employing offices have violated their CAA rights and protections, including protections against sexual harassment.” Changes include ending the requirement for mediation, forcing Members of Congress to reimburse the Treasury Department if a settlement is made on their behalf, and extending protections to uncompensated staff, such as interns. Please consider contacting both of our senators to express your support for this bill and request that they co-sponsor this effort. If Ted Cruz (R-Tex.) can support this bill, so can they!

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

Gary Garb

Kierstyn Piotrowski Zolfo

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!