

Week ending 06/03/18 - 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 **30.1%** (no change from last report)

Representative Brian Fitzpatrick — **84.4%** (no change from last report)

Senator Pat Toomey — **91.4%** (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. Both houses of Congress are on recess, so no votes were scored.

Words From Our Founders

"The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets."

— [James Madison](#) as "Publius" in Federalist 10, from 1787

MoC Twitter Action

Senator Bob Casey hot topics: The senator shared more than a dozen pictures from events he attended all over the state, from the Packer Marine Terminal in Philadelphia to the John P. Murtha Breakfast in Johnstown. He championed the deepening of the Delaware, observing that it was "one of the most substantial job creation opportunities that Southeastern Pennsylvania has had in decades." He decried three executive orders, signed by President Trump, that will weaken unions. He ended the week with a pair of tweets related to National Gun Violence Awareness Day and called on Senate Majority Leader Mitch McConnell to allow for open debate bills on "commonsense gun reforms."

Casey tweets of the week, 05/31/18: "These executive orders are just the latest in a series of efforts by the Trump Administration to undermine our nation's labor unions. Unions built the middle class in this country, and I will continue to fight for them."

— shared with a [Washington Examiner](#) article titled "Trump signs three executive orders taking aim at unions"

Representative Brian Fitzpatrick hot topics: The representative shared six tweets this week. Two of them celebrated the passage of the Right to Try bill that he championed. One expressed his joy at the good jobs numbers released this week. Two concerned foreign policy issues in Israel and Ukraine. The last tweet was a shared article from *State Impact Pennsylvania* about the representative's reaction to the decision by Scott Pruitt, head of the Environmental Protection Agency, to forbid the release of data on a water contamination study.

Fitzpatrick tweet of the week, 05/30/18: " Hamas' continued rocket fire at Israeli civilians – including hitting homes and kindergartens – is appalling. Hamas alone is responsible for these attacks and I continue to fully support Israel's right to defend itself."

— shared with a [New York Times](#) article titled "Gaza Militants Barrage Israel With Mortars and Rockets"

Senator Pat Toomey hot topics: The senator shared comments from and pictures of a meeting held early this week in Bensalem (with Rep. Fitzpatrick) on "opioid misuse in Medicare & Medicaid." He celebrated the passage of the Right to Try Act, a bill he co-sponsored. He shared an article that trumpeted the news of good economic indicators. After making a statement about National Gun Violence Awareness Day, he closed the week with a multi-tweet thread in opposition to President Trump's decision to introduce sanctions against our allies.

Toomey tweet of the week, 05/31/18: “Bad news that @POTUS has decided to impose taxes on American consumers buying steel and aluminum from our closest allies--Canada, the EU, and Mexico (with whom we run a trade surplus on steel). In addition to higher prices, these tariffs invite retaliation.”

Honorable mention, lawmaker

From @ RepJayapal, Pramila Jayapal (D-Wash.), on 06/01/18: “An F rating from the NRA is something to be proud of today, on National Gun Violence Awareness Day.”

— shared with a [picture](#) of her blazer, affixed with her Congressional pin and another pin bearing a big letter “F”

Honorable mention, media

From @ntnsndr, Nathan Schneider, professor at Colorado University, Boulder and regular contributor to *Vice News* and *The Nation*, on 05/31/18: “We are a president-obsessed nation, so much so that we undermine the very idea of our constitutional democracy,” writes @jdickerson. In calling for a reduced stature for the president at @americamag, I'm building on a conversation started in @TheAtlantic by @jdickerson”

— shared with links to both John Dickerson's [article](#) in *The Atlantic* titled “The Hardest Job in the World” and his own [article](#) in *America* titled “How to survive Trump: End the cult of the presidency”

Honorable mention, constituent response

From @desertjumpboots on 05/29/18: “Targeting medical providers without a specific reference to both pharma profits and over-prescription is just your attempt to push another attack on medical care, and that's sick and disgusting.”

— in response to Senator Toomey's [tweet](#) about the role of Medicare & Medicaid in opioid misuse

The Administration issues tariffs against allies, our MoCs respond (or not)

Sen. Bob Casey, 06/01/18, in an [interview](#) with Pittsburgh's NPR station:

"For too long, I don't think we've used these trade remedies to enforce trade laws and hold other countries accountable. And get at, frankly, the root of this problem, which for a long time in the context of steel, has been overcapacity of steel -- other countries flooding the market, putting our steelmakers at a disadvantage. We want to get to a point where our steel makers can compete on a level playing field and be able to retain the jobs that are in that industry and a lot of that's here in Pennsylvania."

Rep. Brian Fitzpatrick:

Rep. Fitzpatrick has three committee assignments: Foreign Affairs, Homeland Security and Small Business. The tariffs integrally impact each of those areas of responsibility. The representative's website and Twitter feed did not address the tariff issue. Requests to each of Fitzpatrick's offices asking for his position on the Trump Administration tariff decision were met with: “Representative Fitzpatrick has no stated position on this issue” and “no comment.”

Sen. Pat Toomey, 06/01/18, via Twitter:

"Claiming steel bought from our allies is a 'national security' threat weakens our credibility. These tariffs, i.e. taxes, hurt American workers, employers, and consumers. I'll be cosponsoring @SenMikeLee's bill, S.177, to rein in the executive branch's power to impose unilateral tax increases like these. Congress should assert its constitutional responsibility and lead on trade policy so Americans keep access to affordable goods and services, and the opportunity to sell our products abroad. If this devolves into a full-blown trade war, the resulting harm will undo all of the great economic progress we've made with deregulation and tax reform."

Casey in the News

"I felt at that moment and moments like that duty-bound to say something. I grew up in a household where parents had reverence for institutions, as we all should. It doesn't mean you don't question them. Just because you're part of the judiciary doesn't give you carte blanche. But this blanket smearing of an entire branch of government — they go through exhaustive confirmation, their lives are turned upside down, they must live up to a judicial code of ethics. This constant denigration of judges, for a ruling on what I would call a Muslim ban — to say that's beyond the pale doesn't even begin to describe the outrage. Therein lies deterioration of part of our government."

— the senator's recollection of how he felt at the start of the Trump presidency and his compulsion to speak out, from an [extensive profile in Philadelphia Magazine](#) titled "The Badass Days of Boring Bob Casey"

"If you are confirmed, you become the Secretary of Education, not the Secretary of Private Education."

— the senator's warning to Betsy DeVos, prior to her confirmation, from the [Philadelphia Magazine profile](#)

"Selectively choosing which students will be protected and which complaints will be investigated is a violation of the law and will result in serious civil rights violations going unchallenged."

— from a letter to Education Secretary Betsy DeVos, protesting her decision to change her department's policy on handling civil rights complaints; the [New York Times article](#) "Disability and Civil Rights Groups Sue DeVos Over Investigation Rollbacks" reports that Senator Casey organized the effort that produced the letter

"The bill gave away millions to multinational corporations and the super-rich, but it was a lost opportunity because (Trump) still could have given major corporations major tax cuts, but he could have limited the amount to help free up some revenue for infrastructure... If he would have stopped at 25 percent, it would still give (corporations) a hell of a tax break, but it would have freed up \$400 billion to \$500 billion as a down payment to do something major with infrastructure."

— from an [article in The Times of Beaver County](#), titled "Casey: Trump lacks urgency for infrastructure funding"

"Recent allegations of widespread abuse of migrant children by immigration officials is nothing short of horrifying. Anyone who inflicts harm against minors and children should be held accountable and punished. The abuse of children is an insult to the values on which this country was founded. Human beings, no matter their ethnicity, religious background, sexuality or age, deserve to be treated with decency and respect."

— from a [Philadelphia Tribune report](#) titled "Sen. Casey vocal on reports of abuse of migrant children"

Fitzpatrick in the News

"For those patients caught between the traditional drug approval delays, a clinical trial process for which they do not qualify, and limited time, the Right to Try gives patients, like (Bucks residents) Matt Bellina and Frank Mongiello, a new pathway to potentially lifesaving treatments."

— from a [Doylestown Intelligencer article](#) titled "'Right to try' bill heading to president, following House vote." If you would like to read about why hundreds of medical ethicists, physicians' associations, and patient advocacy groups dispute Rep. Fitzpatrick's claims, MoCTrack covered this bill in [last week's report](#).

"My constituents have a right to clean, safe drinking water and they deserve to know if exposure to PFOS and PFOA has compromised their long-term health. The EPA must provide my constituents with answers to these reports immediately."

— from a [Ripon Advance blog post](#) about Rep. Fitzpatrick's response to the EPA Director Scott Pruitt's decision to withhold the results of a water quality study

"I've seen firsthand the threats our nation faces from a fragmented and broken immigration system and a porous border. I'm signing this discharge petition with my colleagues in the Problem Solvers Caucus to debate and vote on legislative solutions to secure our borders, respect the rule of law, and protect our DACA kids. We cannot and must not allow partisanship to prevent sensible fixes from being implemented. Our nation's security and our nation's children depend on us."

— from an [article](#) in a local New Jersey publication, *The Sparta Independent*, titled "Problem solvers work against DACA gridlock"

Toomey in the News

"Bad news."

— Senator Toomey's response to the Trump Administration's decision to impose tariffs on the nation's allies, as reported in the [Politico article](#) "Republicans gobsmacked by Trump's tariffs"

"I'm still thinking through this, because I generally don't like to tell businesses how to conduct their business. But it is certainly problematic if it were to be the case that the major banks that provide the infrastructure for so much of our financial services decided that they were going to practically shut down a perfectly legal industry."

— Senator Toomey voices his concerns about banks ceasing to provide services to gun manufacturers, from the *New York Times* [article](#) titled "Banks Tried to Curb Gun Sales. Now Republicans Are Trying to Stop Them."

"There are still many, many people getting very large quantities of prescription opioids through federal government programs, and their consumption of these opioids is not being properly monitored."

— from a [WHYY article](#) titled "Toomey calls for Medicare, Medicaid to expand monitoring of opioid prescriptions"

"American companies must be allowed to adequately and fairly source materials, especially when those items are not produced domestically. The newspaper and publishing industries are facing unprecedented challenges and the tax on [uncoated groundwood] paper could spell the end of numerous publishers across Pennsylvania. As the Commerce Department and ITC [U.S. International Trade Commission] continue their investigation, we want to ensure that this tax is actually warranted and necessary before imposing such a detrimental financial burden on downstream industries."

— from an [article](#) in the Susquehanna Valley local paper *The Daily Item*, titled "Senator sponsors bill to suspend tariffs on paper for newspapers, books," detailing the Senator's reason for introducing the PRINT (Protecting Rational Incentives in Newsprint Trade) Act of 2018

NEW SECTION! Press release spotlight

Each MoC's media staffers issue press releases almost every day. Some tout legislative triumphs; many contain reactions to issues in the news. All of them present the face that the MoC wants to show to the public. Often press outlets use these releases to get quotes for their own articles about newsworthy topics. It is instructive, though, to review the MoC press releases that do **not** get picked up and a major story in the media. Overlooked releases provide a glimpse at what the MoC is thinking about and the goals he wants to promote on issues — insights that are not making it to most constituents in this news-dense environment.

Bob Casey's featured [press release](#):

Casey Statement on Administration's Latest Move to Weaken Labor Unions, from 06/01/18

As President Trump recently signed three executive orders aimed at weakening protections for federal workers' unions, U.S. Senator Bob Casey (D-PA) released the following statement: "These executive orders are just the latest in a series of efforts by the Trump Administration to undermine our nation's labor unions. The over 30,000 federal workers in Pennsylvania keep our state and our country running. Unions have long built the middle class in this country and I will continue to fight for them. I urge the Administration to rethink this deeply flawed action."

WHY THIS RELEASE IS SIGNIFICANT: Sen. Casey has long been a supporter of union rights. This issue will be in the news in the coming weeks, as the Supreme Court is soon to release a decision on a [case](#) that may drastically affect the viability of unions. This [action](#) from the President, and the [lawsuit](#) it has since provoked, provide an excellent opportunity for Casey to underline his record of supporting labor issues.

Brian Fitzpatrick's featured [press release](#):

Ukrainian Caucus Co-Chairs Call for Oleg Sentsov's Release, from 05/31/18

Today, Congressional Ukrainian Caucus Co-Chairs Representative Sandy Levin (D-MI), Brian Fitzpatrick (R-PA), Marcy Kaptur (D-OH), and Andy Harris, M.D. (R-MD) called on the Russian government to release Ukrainian filmmaker Oleg Sentsov.

"As this injustice by the Russian government continues, it is more important than ever that we stand up for the principles of free speech and press that protect those speaking out against tyranny. We remain deeply concerned about the Ukrainian filmmaker Oleg Sentsov, and call on Russian authorities to abide by the rule of law and release him immediately," said the Co-Chairs.

Oleg Sentsov, a Ukrainian citizen and resident of Crimea, protested Russia's occupation and annexation of Crimea. He was arrested in Crimea in May 2014, transported to Russia, and sentenced by a Russian military court to 20 years in prison on terrorism charges in August 2015. At the time of the sentencing, the U.S. State Department called his case a clear miscarriage of justice.

Last week, Oleg Sentsov began a hunger strike to protest his continued imprisonment as well as that of other Ukrainian political prisoners.

The U.S. Congressional Commission on Security and Cooperation in Europe hosted a briefing in August 2017 scrutinizing Oleg Sentsov's detention, calling it an injustice, and highlighting Russia's human rights violations against other Ukrainian citizens.

WHY THIS RELEASE IS SIGNIFICANT: Rep. Fitzpatrick routinely issues press releases on topics that feature his involvement in the House Foreign Affairs Committee. This is an [issue](#) that is uncontroversial and under the radar, and thus is unlikely to offend any constituents. It has the added bonus of featuring a bipartisan statement and so supports the image Fitzpatrick is committed to promoting.

Pat Toomey's featured [press release](#):

Senators Introduce White House Rescission Bill, from 05/2518

Senator Pat Toomey (R-PA) along with Sens. Mike Lee (R-UT), Ron Johnson (R-WI), Joni Ernst (R-IA), David Perdue (R-GA), John Kennedy (R-LA), Rand Paul (R-KY), Jeff Flake (R-AZ), and Ben Sasse (R-NE) introduced the Spending Cuts to Expired and Unnecessary Programs Act Thursday, a bill that would formally rescind the \$15 billion in unneeded spending identified by the White House on May 8, 2018.

"This proposal will help end the deception where Congress over funds popular programs like CHIP only to shift the excess money to unrelated programs when the American people aren't looking," Sen. Toomey said. "It is a modest but important step in the direction of honest budgeting and protecting taxpayers."

"Yes, a \$15 billion spending reduction is a drop in the bucket compared to a \$15 trillion debt," Sen. Lee said. "But we have to start cutting spending somewhere. Because if we don't, if we continue to allow federal government spending to grow faster than the economy as a whole, at some point economic reality will force us to do so in a much more painful manner later."

The Congressional Budget and Impoundment Control Act of 1974 empowers the president to send a rescission message to Congress specifying the accounts, programs, and amounts to be rescinded. The funds are then locked down for 45 days allowing Congress to either approve, modify, or ignore the president's rescission request.

According to Senate rules, all rescission legislation must go to committee where the committee then has 25 days to act before the legislation can be discharged to the floor. By introducing this legislation today, that 25-day window for discharge will run out before the 45-day window for congressional action.

For more information, [watch Sen. Toomey's floor speech](#) on the administration's proposed rescissions.

WHY THIS RELEASE IS SIGNIFICANT: Sen. Toomey has been alienating some of his Trump adherent base with his opposition to a number of Trump's economic policies. Promotion of this bill is an effort to reassert his fiscal conservative bonafides. He is attempting to reinforce his position as a deficit hawk and proactively defending against accusations that he supports cutting a popular initiative like the Children's Health Insurance Program (CHIP) by claiming that it is overfunded.

Legislation of Interest:

Congress introduced very few bills this week, and none of particular interest relative to thwarting the Trump agenda. We do however, have updates on two bills that are likely to impact discourse on two very separate hot topics in the coming weeks.

S. 2937/H.R. 5950: A bill to protect children affected by immigration enforcement actions

<https://www.govtrack.us/congress/bills/115/s2937/text>

Last week's report on the introduction of this bill was based primarily on the statements of the House sponsor, Rep. Lucille Roybal-Allard (D-Calif.). Now we have the actual text of the bill to consider. The short name for the bill that you may see in media reports is "HELP Separated Children Act." HELP stands for "Humane Enforcement and Legal Protections." The bill outlines enforcement actions that are mandated and behaviors that are prohibited when a minor is involved in Immigration and Customs Enforcement (ICE) activity.

If the bill is passed, the following procedures would be mandatory:

- Within two hours of apprehension, law enforcement officers (LEOs) would have to ask any person involved if they have minor children (or are the primary caretaker of any child), and give them a minimum of two calls to arrange for child care.

- The LEO will give the apprehended person contact information for child welfare agencies and “legal service providers capable of providing free legal advice or representation regarding child welfare, child custody determinations, and immigration matters.”
- Law enforcement will have to take over making arrangements for the child’s care if the apprehended person is unable to do so.
- The parent or caretaker must be given the opportunity “to communicate with their child, including through physical contact,” if the child is present at the enforcement action.
- If the parent is detained, it must be near where the child resides; if the child is also to be detained, the facilities must be nearby.
- Law enforcement must ensure the parent “receives due consideration of the best interests of such child in any decision or action relating to his or her detention, release, or transfer between detention facilities.”
- Parents must be ensured regular visits with the child, the opportunity to participate in any court proceedings related to the child, “free and confidential telephone calls to relevant child welfare agencies and family courts as often as is necessary to ensure that the best interest of their children.”
- All of these rights would need to be posted in every detention facility.
- All people involved in enforcement and detention must receive training on these new procedures.

Additionally, under this bill, ICE and other law enforcement would be prohibited from interviewing people in the immediate presence of children during enforcement actions. They would also be forbidden from compelling or asking children to “interpret or translate for interviews of their parents or of other individuals who are encountered as part of an immigration enforcement action.”

Ultimately, this bill doesn’t stop the inhumane practice of separating children and parents during immigration enforcement actions. Nor does it address the issue of people who are coming to the United States, asking for asylum in procedures outlined by international law and being treated as if they were criminals. But it **would** put a stop to many of the worst abuses that are happening right now, every day.

S. 177: Global Trade Accountability Act of 2017

<https://www.govtrack.us/congress/bills/115/s177/text>

This bill was introduced by Sen. Mike Lee (R-Utah) on Jan. 20, 2017. It is pending in the Senate Finance Committee, where Sen. Toomey is the Subcommittee chairperson for Health Care. The bill has recently started to get more attention, with the news of a potential [trade war](#) in the offing, and the bill’s acquisition of some new co-sponsors, including our own Sen. Toomey.

This bill would mandate congressional review of unilateral trade actions authored by the President. The bill would drastically affect the President’s ability to end trade pacts, impose tariffs or otherwise plunge the nation into a trade war, like the one brewing. It does make an exception for national security issues: The President would be allowed to impose a tariff unilaterally for one 90-day period, but Congress would have a say in the tariff’s renewal after that period.

Expect this bill to pick up steam in the coming weeks, especially if our allies actually impose retaliatory tariffs against our nation. If you want to read more about tariffs, and why it may already be unconstitutional for the president to impose them without Congressional approval, please see this archived [Learning About Legislation brief](#) from earlier this year.

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!