

## Week ending 06/17/18 - 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 — **83.8%** (+**0.5%** 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 reviewing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. The two votes scored this week were House efforts to address the opioid epidemic.

### Words From Our Founders

"Wise and good men are, in my opinion, the strength of a state: much more so than riches or arms, which, under the management of Ignorance and Wickedness, often draw on destruction, instead of providing for the safety of a people."

— [Benjamin Franklin](#), from a 1750 letter to Samuel Johnson

### Votes of Interest -

#### House Efforts to address the Opioid epidemic

This week's efforts in the House were all directed towards a slate of bills that addressed the opioid epidemic.

- **H.R. 2851** <https://www.govtrack.us/congress/votes/115-2018/h268> — This bill creates a new process for faster classification and scheduling of synthetic drugs, so that law enforcement doesn't have to wait months or years for new drugs, like fentanyl, to fall under their purview. The bill passed, 239–142, on June 15, 2018. **Fitzpatrick voted YES.**
- **H.R. 5041** <https://www.govtrack.us/congress/votes/115-2018/h259> — This bill gives hospices and caregivers the right to destroy unused pain medications after a hospice patient passes away, helping to keep those drugs from being diverted into the community. The bill passed, 398–0, on June 12, 2018. **Fitzpatrick voted YES.**
- **H.R. 5327** <https://www.govtrack.us/congress/votes/115-2018/h258> — This bill directs the Department of Health and Human Services to award grants to at least 10 model opioid treatment centers, which will use Food and Drug Administration-approved medications and evidence-based treatments and generate data to create additional comprehensive plans for model opioid recovery plans. The bill passed, 383–13, on June 12, 2018. **Fitzpatrick voted YES.**
- **H.R. 5735** <https://www.govtrack.us/congress/votes/115-2018/h266> — This bill sets up a program to set aside public housing vouchers for the use of supportive and transitional housing for individuals recovering from substance use disorders. The bill passed, 230–173, on June 14, 2018. **Fitzpatrick voted YES.**
- **H.R. 5788** <https://www.govtrack.us/congress/votes/115-2018/h265> — This bill sets new standards for reviewing all incoming international mail for the presence of drugs by requiring the U.S. Postal Service (USPS) to transmit advance electronic data (AED) to Customs and Border Protection (CBP) on all international packages by 2020. It also creates a new \$1 fee to be added to all inbound shipments to the United States. The bill passed, 352–52, on June 14, 2018. **Fitzpatrick voted YES.**
- **H.R. 5891** <https://www.govtrack.us/congress/votes/115-2018/h264> — This bill sets up an interagency task force to develop a strategy for supporting families and children impacted by the opioid crisis. The task force will include representatives of the departments of Health and Human Services (HHS); Education; Agriculture; and Labor. It will solicit input from people impacted by the crisis and local groups dealing with it first hand. The bill passed, 409–8 on June 13, 2018. **Fitzpatrick voted YES.**

In the Senate all voting pertained to H.R. 5515, a Defense Authorization bill for 2019. The senators voted overwhelmingly for cloture and spent the majority of the week debating amendments. The final vote on the bill has yet to be taken.

## **Special topic: the family separation crisis, immigration legislation and our MoCs' responses**

A *Washington Post* [article](#) reports that almost 2,000 children have been separated from their families at our borders and ports of entry as a result of the Trump Administration's policy of treating all non-citizens (including asylum applicants) at the border as criminals. This has sparked outrage and [protests](#) around the country.

In recent weeks, House Speaker Paul Ryan committed to bringing two immigration-related bills to the floor, to bypass having 218 signees to a [discharge petition](#) that would force a "[Queen of the Hill](#)" procedure, a development that would be humiliating for the departing Speaker Ryan. (Follow the links to Learning about Legislation explanations of these legislative maneuvers).

The two bills that would be considered are the [Goodlatte bill](#), which clings to the most conservative, Trumpian view of immigration, and a [compromise bill](#) composed with input from both moderate and conservative Republicans (but no Democrats). Some Republicans reported that this compromise bill would include provisions to both end family separations at the border and protect DACA recipients. However, full review of the current [300+ page draft](#) compromise bill shows that this is not the case. The following in an excerpt from an *NBC News* article titled "[Despite claims, GOP immigration bill would not end family separation, experts say](#):"

Immigration lawyers, policy analysts and activists say that there's no language in the bill that overrules the Trump administration's decision to criminally prosecute parents, which places them in federal custody away from their children and is the direct cause of the current wave of family separation — nearly 2,000 kids have been taken from their parents in recent months, according to the Department of Homeland Security.

"This bill would not end family separation," said David Bier an immigration policy analyst at the Cato Institute's Center for Global Liberty and Prosperity, which broadly supports immigration. "As long as that administration policy continues, there will continue to be family separation at the border."

The experts reviewed the nearly 300-page draft of the legislation which was made public on Thursday.

A House Republican source involved in the drafting of the bill acknowledged the lack of such a provision to *NBC News*, but said backers were working on new language that would address family separation issues while parents undergo criminal proceedings.

As a reminder, two important pieces of current legislation would address both the family separation crisis and the plight of children caught up in future border enforcement actions. In the House, [H.R. 5950](#) would establish new standards for the humane handling of children involved in immigration enforcement. An identical version of that bill is pending in the Senate as [S. 2937](#). And a Senate-only initiative to drastically limit family separation is pending as [S. 3036](#). Senator Casey and dozens of other legislators have co-sponsored both pieces of Senate legislation, but not a single Republican has signed on to any of these efforts. Please consider calling your Republican MoCs and imploring them to consider these bills.

It is important to note that Senator Casey is the only one of our members of Congress to even acknowledge the existence of this crisis. Neither Senator Toomey nor Representative Fitzpatrick have shared any public comments on this cruel Trump Administration practice on their websites, Twitter feed, or in the mass media. If one relied on their public information feeds, one could get the impression that this

human rights travesty doesn't even exist! In addition to his voluminous tweets, Senator Casey issued the following statement on June 7, 2018:

U.S. Senator Bob Casey (D-PA) is releasing a letter today signed by him and 39 of his Democratic Senate colleagues demanding the Trump administration stop further traumatizing children and end Trump's inhumane policy of separating innocent children from their parents who cross the Southwest border seeking asylum in the United States.

Citing the American Academy of Pediatrics, Casey and the senators stressed the short- and long-term damage to these children from being unnecessarily separated from their families. Since Attorney General Jeff Sessions announced Trump's so-called "zero-tolerance" policy, hundreds of children have been separated from their parents and are being held in detention centers and other institutional facilities. The Senate letter echoes the message of more than 540 state and national child development, child welfare and juvenile justice groups from all 50 states that sent a similar letter to Department of Homeland Security Secretary Kirstjen M. Nielsen today.

"We are writing to ask that you reverse course on your inhumane decision to separate children from their parents at the border," the senators said in today's letter to Trump. "This policy has traumatized children who are fleeing extreme violence. Our government has a humanitarian duty to the children and families seeking asylum in the United States to end this policy immediately."

Casey and the senators underscored that the administration's cruel and unnecessary separations run counter to widely accepted standards of care that prioritize keeping children and families together whenever possible.

"Best practices in child welfare promote keeping children and their parents together unless removal is in the child's best interest," the senators wrote. "Unnecessarily separating more children from their parents will further exacerbate the lack of home-based foster care placements available and increase the use of large-capacity institutional settings, such as abandoned military bases, to house these children."

Joining Sens. Bob Casey, Ron Wyden, D-Ore. and Patty Murray D-Wash. on the letter were Sens. Dianne Feinstein, D-Calif., Chris Van Hollen, D-Md., Tom Udall, D-N.M., Ed Markey, D-Mass., Jack Reed, D-R.I., Richard Blumenthal, D-Conn., Tom Carper, D-Del., Tim Kaine, D-Va., Tina Smith, D-Minn., Bernard Sanders, I-Vt., Chris Coons, D-Del., Kirsten Gillibrand, D-N.Y., Angus King, I-Maine, Chris Murphy, D-Conn., Amy Klobuchar, D-Minn., Kamala Harris, D-Calif., Maggie Hassan, D-N.H., Maria Cantwell, D-Wash., Tammy Baldwin, D-Wis., Michael Bennet, D-Colo., Mazie Hirono, D-Hawaii, Jeff Merkley, D-Ore., Cory Booker, D-N.J., Sheldon Whitehouse, D-R.I., Catherine Cortez Masto, D-Nev., Bill Nelson, D-Fla., Richard J. Durbin, D-Ill., Patrick Leahy, D-Vt., Chuck Schumer, D-N.Y., Tammy Duckworth, D-Ill., Sherrod Brown, D-Ohio, Elizabeth Warren, D-Mass., Martin Heinrich, D-N.M., Mark Warner, D-Va., Ben Cardin, D-Md., Jeanne Shaheen, D-N.H., and Brian Schatz, D-Hawaii.

Read the full text of the letter [here](#).

**Please consider calling Senator Casey to thank him at being on the forefront of the opposition to this terrible and harmful policy.**

## **MoC Twitter Action**

**Senator Bob Casey hot topics:** The senator was typically prolific this week on Twitter, with most of his content relating to children. He shared a number of tweets from Sandy Hook Promise, the group that formed after the school shooting in 2012 and promotes common sense gun safety. He shared a thread on the costs involved in providing summer care for children. He discussed pregnancy discrimination and its economic impact. He celebrated the House passage of the Supporting Grandparents Raising Children Act with Sen. Susan Collins (R-Maine, the chair of the Aging Committee, where Casey is the ranking member). But the topic on which he shared the most heartfelt content was the Trump Administration's cruel and inhumane policy of family separation at our nation's borders and ports of entry. Unrelated to children, the senator closed the week with several tweets in defense of the Mueller investigation.

**Casey tweet of the week, 06/15/18:** “This inhumanity is a deliberate policy choice by the Administration. They could stop it today, or @SenateMajLdr McConnell and @SpeakerRyan could bring to the floor legislation I’ve cosponsored to end it. No excuses.”

— shared with a link to a [Los Angeles Times](#) article titled “[‘Prison-like’ migrant youth shelter is understaffed, unequipped for Trump’s ‘zero tolerance’ policy, insider says](#)”

**Representative Brian Fitzpatrick hot topics:** The representative tweeted four times this week. Two tweets were images of local events that he attended (a charity walk and a baseball game). One tweet was a link to a press release he dropped about school safety grants to address violence in schools; the release did not address firearms or gun safety at any point. His final tweet was about working with the Food and Drug Administration (FDA) to implement his deregulatory effort cloaked in the mantle of compassionate conservatism, the Right to Try Act.

**Fitzpatrick tweet of the week, 06/13/18:** “Productive meeting this morning with @ScottGottliebMD, Commissioner of the @US\_FDA about timely implementation of our Right to Try law. #RightToTry created a new pathway for terminally ill patients to access potentially lifesaving treatments.”

— shared with an [image](#) of the Congressman and the FDA Commissioner

**Senator Pat Toomey hot topics:** More than three-quarters of the senator’s tweets this week were related to holidays, celebrations or well wishes. The only two policy-related tweets were about his proposed amendment to the defense authorization bill and his opposition to the President’s tariffs.

**Toomey tweets of the week, 06/15/18:** “ICYMI: I joined @TeamCavuto to discuss why I believe using national security as a rationale to impose tariffs on our allies is a bad idea. Watch”

— shared with a link to a [Fox News segment](#) where the senator appeared to discuss tariff policy

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

From @SenFeinstein, Senator Dianne Feinstein (D-Calif) on 06/15/18: “President Trump has the power to stop the separation of families, but if he won’t take action then Congress must. S. 3036 deserves a vote before the whole Senate. #FamiliesBelongTogether Kids are not pawns to be used as an immigration deterrent. Families belong together, it’s that simple. This is not about politics, it’s about who we are as a country. We must speak out when we see injustice. #FamiliesBelongTogether News reports indicate that nearly 2,000 children have been taken from their parents in six weeks—about 50 per day. This is an immoral, horrific policy. President Trump could stop this on his own. If he won’t, Congress MUST pass our bill to #KeepFamiliesTogether. UPDATE: 43 senators now support our bill to bar children from being taken from their parents at the border. We still need a Republican senator to join. If you’re represented by a Republican senator, please ask them to cosponsor S.3036. #FamiliesBelongTogether

— this multi-tweet thread was posted on 06/15/18 as the [Washington Post](#) reported that [1,995 children were separated from their parents in the past six weeks](#)

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

From @BenjySarlin, NBC News reporter, on 06/16/18: “This is a lie: The change is caused exclusively by the White House. As of yesterday, the House GOP response did not fix it (they’re working on it) but included WH-demanded measures to detain children longer and deport them with fewer safeguards.

— shared with a [tweet](#) from @realDonaldTrump that accuses Democrats as being the cause of the family separation crisis as well as a link to an [article](#) that Mr. Sarlin wrote on the topic, debunking the president

### **Honorable mention, constituent response**

From @BearmanShannon on 06/15/18: "Thank you for continuing to speak out against this barbaric situation of babies, children, and families seeking asylum. As long as you continue to work hard at this and other anti administration issues, I will work hard to make sure ur re-elected

— a reply to Senator Casey's [tweet](#) of the week about the Trump Administration's family separation policy

### **Casey in the News**

"This suit is an outrageous assault by the administration and congressional Republicans on older Americans, people with disabilities and the 52 million adults with pre-existing conditions. It is now abundantly clear that in passing a massive tax giveaway to the wealthy, Republicans also believe they signed into law permission for insurance companies to once again come after basic protections for the middle class... [They want] to use the courts to enact the rest of their health care scheme — starting by allowing people to be denied coverage due to a pre-existing conditions and charging older Americans more for their health care. What's next? Destroying Medicaid? Forcing women to pay more for coverage than men?"

— from a *Sunbury Daily Item* article titled "[U.S. Justice's ACA decision is latest of many shifts](#)"

"North Korea's nuclear weapons program represents a grave threat to our national security and that of our allies. I remain optimistic that (Tuesday's) summit in Singapore may be a first step toward achieving a robust and verifiable nuclear agreement. However, I am concerned by the President's statement that he would end joint military exercises with South Korea. It would be a mistake to turn our backs on our regional allies. The Kim regime is a serial abuser of human rights. I urge President Trump and Secretary Pompeo to keep these concerns in mind and to implement a robust diplomatic strategy that keeps America safe."

— from a *Wilkes-Barre Times Leader* article titled "[Local members of Congress comment on Singapore summit](#)"

"Termination of Altoona's participation in the [Essential Air Service] program would have a truly devastating impact on the local economy. At a time when jobs are already so hard to come by in our rural communities, it makes no sense to take actions that will only make the problem worse."

— from an *Altoona Mirror* article titled "[Casey joins local airport fight](#)"

"Local newspapers and a free press are a bedrock of our democracy and they must have the resources available to faithfully report and transmit the news."

— from an *Indiana Gazette* article titled "[Casey urges rollback of newsprint tariffs](#)"

"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."

— from a *Burlington County Times* article titled "[U.S. Sen. Bob Casey joins letter calling for PFAS study release](#)"

### **Fitzpatrick in the News**

“These grant opportunities are one way to make schools safer. By delivering much-needed federal support, students, teachers, and law enforcement officers will have the resources to recognize and respond quickly to warning signs.”

— from a *Ripon Advance* blog post titled [“School safety grants available as part of Fitzpatrick-backed legislation,”](#) about grants made as a part of Congress’s recently passed Student, Teachers, and Officers Preventing (STOP) School Violence Act of 2018, the school safety bill that fails to even mention guns

“I’m tired. We don’t see our colleagues in this kind of context very often.”

— on his role as a pinch runner in his first congressional baseball game, from a *Roll Call* article titled [“Cedric Richmond Isn’t Sure How Much Is Left in the Tank”](#) (NOTE: the Democrats won, 21-5)

## Toomey in the News

“I think we’re heading down a bad path. And, well, you can ask them, but I have not yet discovered a Republican colleague in the Senate that thinks it’s a good idea to be imposing these tariffs all over the place. I do think that we should distinguish between the challenges, the unique challenges the China poses and the sort of ordinary commerce that occurs between the U.S. and Canada, Mexico and the E.U., for instance. But the Section 232 tariffs, I think, are a very bad idea, bad for our economy, and could lead to a really problematic cycle. And now the nature of how we’re pursuing this with China is worrisome to me as well.”

— from a transcript of a *Fox News* interview by Neil Cavuto, titled [“Sen. Toomey: US headed down a bad path with tariffs”](#)

“The president and I are on the same page on many things. ”

— from the same Neil Cavuto *Fox News* [interview](#)

“The decisions that [the Committee on Foreign Investment in the United States] will make as it implements and develops these rules that we’re going to empower them to develop, that’s really going to decide which kinds of transactions will be permitted to go forward, and which ones will not...What we want is the right balance. Since we can’t know in advance whether this rulemaking will be done in the appropriate fashion, why wouldn’t we insist on the responsibility of overseeing this and in fact having final say?”

— from a *Weekly Standard* article titled [“Senate to Vote on Measure Giving Congress a Say in Foreign Investment Review Process”](#)

“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.”

— from an *Indiana Gazette* article titled [“Casey urges rollback of newsprint tariffs”](#)

## Learning about Legislation: Franking Privileges

This week a [news report](#) from *City & State Pennsylvania* showed that Rep. Brian Fitzpatrick has spent over \$290,000 of taxpayer funds in sending mailers to constituents. Unlike many legislator communications, which are sent in standard letter format, these were styled like the glossy campaign mailers that many of us are inundated with in the weeks prior to an election. The article notes that Mr. Fitzpatrick ranked #8 of the 435 Members of Congress in his expenditures, but that this was a legal expense of taxpayer funds, as Congresspeople are granted “franking privileges.” Let’s explore what that

term means:

According to [US Legal](#) (a website with useful legal definitions), franking privileges are the right of “sending mail without payment of postage. This privilege is exercised in pursuance of personal or official designations. The members of Congress have the right to send mail to their constituents at the government’s expense. ‘Cover letters from a U.S. Congressman in mailings about official business are a permissible use of the franking privilege’. [Van Hecke v. Reuss, 350 F. Supp. 21, 24 (D. Wis. 1972)].”

In 2015 the Congressional Research Service issued a [white paper](#) on franking privileges. They tracked how those rights have changed over the years in response to abuse of the system. In the summary of the report, they observe:

In attempting to balance a democratic need for the franking privilege against charges of abuse, Congress has routinely amended the franking statutes. In general, the franking privileges granted to Members at any given point in time can be defined by five dimensions: *who* is entitled to frank mail, *what* is entitled to be franked, *how much* material can be sent, *where* franked material can be sent, and *when* franked material be sent. Historically, changes to the franking privilege typically have not altered all of these dimensions at once, resulting in a wide variety of legislative arrangements of the franking privilege. Similarly, proposed options for future legislative changes may involve altering some, but not all, of these dimensions.

The franking privilege dates back to 1775, when the First Continental Congress allowed members mailing privileges. For our nation’s first century, Congress members were allowed to send and receive mail for free, but only while Congress was in session, and for a short period of time before and after. For a 22-year period in the 19th century, all franking privileges were rescinded due to abuse of the system, but in 1895 those rights were restored, including the right to send unsolicited mail to constituents. The last 50 years have seen changes to franking policy to address new abuses. In 1973 rules were put in place to prohibit franked mass mailings from members of Congress within 28 days before primary or general elections. That was extended to 90 days in 1996. In 2008 a new regulation required members disclose the volume and cost of mass communications each quarter.

The white paper also includes criticisms of the franking privilege. In a section titled “Incumbency Advantage,” the report says:

Although contemporary franking critics continue to voice concerns about the costs and abuses of the franking privilege, the most common contemporary criticism of franking regards its use in congressional elections, and the perceived advantage it gives incumbent Members running for reelection. Critics argue that the vast majority of franked mail is unsolicited and, in effect, publicly funded campaign literature. Critics also argue that incumbent House Members may spend as much on franked mail in a year as a challenger spends on his or her entire campaign. Critics also point out that franked mail costs are higher in election years than non-election years, indicating that Members may be using the frank in attempts to influence an election.

It will be interesting to see whether a future reform-minded Congress that supports cleaner government behavior decides to outlaw franking privileges for correspondence that copies the format of standard campaign literature or perhaps outlaws this expenditure completely.

## Legislation of Interest:

**H.R. 6122: To amend the National Voter Registration Act of 1993 to clarify that a State may not use an individual’s failure to vote as the basis for initiating the procedures provided under such Act for the removal of the individual from the official list of registered voters in the State on the grounds that the individual has changed residence**

<https://www.govtrack.us/congress/bills/115/hr6122>

This bill was introduced by Rep. Robert Brady (D-Penn.) on June 15, 2018. It is pending in the House Administration Committee and has two co-sponsors, both Democrats. This bill was introduced in reaction

to a Supreme Court decision from earlier this week. In the case of [Husted v. A. Philip Randolph Institute](#), the Supreme Court found that a state may purge voters from its rolls with a procedure initiated by a voter's decision not to vote in one federal election cycle. The *New York Times* provided expert analysis of the decision in its article titled "[Supreme Court Upholds Ohio's Purge of Voting Rolls](#)." The court's majority decision was based on analysis of key wording in the 2002 Help America Vote Act, which says that states can remove voters "who have not responded to a notice and who have not voted in 2 consecutive" elections, but it adds that "no registrant may be removed solely by reason of a failure to vote." The Court found that Ohio's system to remove voters may have been prompted by a registered voter's failure to vote, but that the voter's decision not to return an inquiry card from the state is what actually causes their removal from the voter rolls. The new bill would address that technicality and would ensure that a failure to vote cannot prompt or initiate removal processes.

**H.R. 6103/S. 3076: A bill to establish a national commission on the Federal response to the 2017 natural disasters in Puerto Rico**

<https://www.govtrack.us/congress/bills/115/hr6103>

<https://www.govtrack.us/congress/bills/115/s3076>

The House version of this bill was introduced by Rep. Nydia Velázquez (D-N.Y.) on June 14, 2018. It is pending in the House Transportation and Infrastructure Committee and it already has 15 co-sponsors, all Democrats. The Senate version of this bill was introduced by Sen. Kirsten Gillibrand (D-N.Y.) on June 14, 2018. That bill is pending in the Senate Homeland Security and Governmental Affairs Committee and it has six co-sponsors, all Democrats.

The United States government's official record of deaths due to Hurricane Maria is fewer than 100. Academic [studies](#) show that the number should be in excess of 4,500. People are still using blue tarps for roofing, and the power grid restoration is still unfinished in some areas and unreliable across most of the island. Members of the House and Senate want a 9/11-style commission to investigate how the Trump Administration handled the recovery efforts. Please consider calling Senator Casey to ask him to join this effort as a co-sponsor.

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

Gary Garb

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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!