

Week ending 07/15/18 - 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 **29.3%** (-0.4% from last report)

Representative Brian Fitzpatrick — **83.5%** (no change from last report)

Senator Pat Toomey — **90.3%** (-1.2% 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. Only one vote was scored this week, a Senate motion related to congressional approval of tariffs.

Words From Our Founders

"I hope we shall take warning from the example and crush in its birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength, and to bid defiance to the laws of their country."

— [Thomas Jefferson](#), November 12, 1816

Votes of Interest -

H.R. 50: Unfunded Mandates Information and Transparency Act of 2017

<https://www.govtrack.us/congress/votes/115-2018/h328>

This bill marks a milestone in a debate about the role of government that has been occurring sporadically for the last four decades. It is a deeply complex issue of government philosophy. The Congressional Research Service issue a [white paper](#) on unfunded mandate reform three months ago. It states:

Advocates argue that these reforms will improve the quality of congressional deliberations and... enhance the ability of Congress, federal agencies, and the public to identify federal mandates that may impose undue harm on state, local, and tribal governments and the private sector. Opponents argue that these reforms are an assault on the nation's health, safety, and environmental protections, would erect new barriers to unnecessarily slow down the regulatory process, and would give regulated industries an unfair advantage to water down consumer protections.

Underlying disagreements over UMRA's future are fundamentally different values concerning American federalism. One view emphasizes the importance of freeing state and local government officials from the constraints brought about by the directives and costs associated with federal mandates so they can experiment with innovative ways to achieve results with greater efficiency and cost effectiveness. This view focuses on the positive effect active state and local governments can have in promoting a sense of state and community responsibility and self-reliance, encouraging participation and civic responsibility by allowing more people to become involved in public questions, adapting public programs to state and local needs and conditions, and reducing the political turmoil that sometimes results from single policies that govern the entire nation.

Another view emphasizes the federal government's responsibility to ensure that all citizens are afforded minimum levels of essential government services. This view focuses on the propensity of states to restrict governmental services because they compete with one another for businesses and taxpaying residents; the variation in state fiscal capacities that makes it difficult for some states to provide certain governmental services even though they might have the political will to do so; and the propensity of states to have different views concerning what services are essential and what constitutes a sufficient level of essential government services.

In a vote on July 13, 2018, this bill passed 230–168. All of the Republicans present voted for the measure, along with 10 Democrats. **Fitzpatrick voted YES.**

H.R. 3281: Reclamation Title Transfer and Non-Federal Infrastructure Incentivization Act

<https://www.govtrack.us/congress/votes/115-2018/h325>

This is a technical bill that will change the process governing transfers of federal water facilities to local management. Currently, it requires an Act of Congress for local water managers to take ownership of a federally owned water project. This bill streamlines the administrative process to enact such changes. The bill's author, Rep. Doug Lamborn (R-Colo.) [explains](#), "Over the years, populations in the west have continued to grow while the infrastructure aged. Many facilities are in disrepair and require new investment. Uncertain federal funding and burdensome regulation cripple development of critical water resources. This Act maintains congressional oversight while granting local water districts the flexibility to fulfill the needs of their communities." Critics of the bill are concerned that the proposed changes to the administrative process could bypass congressional oversight of federally mandated steps such as environmental impact studies and adherence to the Endangered Species Act. This bill passed, 233–184 on July 12, 2018. **Fitzpatrick voted NO.**

H.R. 200: Strengthening Fishing Communities, Increasing Flexibility in Fisheries Management Act

<https://www.govtrack.us/congress/votes/115-2018/h321>

This was an under-the-radar vote for a bill that increases the risk of overfishing by weakening science-based annual catch limits and accountability measures and undermines rebuilding requirements. If you'd like to know more about this pro-business, anti-environment bill, please read the [linked letter](#) from the Marine Fish Conservation Network, which vigorously opposed this bill. They said:

This legislation is a product of a flawed process that does not honor the long legacy of bipartisanship established by the sponsors of the original act in 1976, the same legacy honored in each of the law's subsequent reauthorizations. Instead, this bill is a partisan attempt to undermine the conservation gains that have been made in rebuilding this nation's fish stocks and would undermine American small businesses and communities that are key to our strong coastal economies.

As one might expect from this Congress, the vote went against environmental interests and in favor of big business and deregulation. It passed, 222–193 on July 11, 2018. **Fitzpatrick voted NO.**

On the Motion (Corker Motion to Instruct Conferees Re: H.R. 5895)

<https://www.govtrack.us/congress/votes/115-2018/s151>

This is the Senate vote that was scored in this week's 538 tracking numbers. Nominally, this vote was guidance for the senators who are going to conference with House members to iron out the details of a military appropriations bill. In actuality, this was a test vote for the content of a trade-and-tariff initiative that Senators Bob Corker (R-Tenn.) and Pat Toomey (R-Pa.) have advocated for recently. They argue that the Constitution grants all power of the purse, including taxation and tariffs, to the Congress. Therefore, by unilaterally implementing damaging tariffs under the excuse that they are related to national security, the president is abusing his authority. This vote was a non-binding resolution to reassert Congressional control over even national security-related tariff implementation.

In the run-up to this vote, R Street, a free-market Republican lobbying group, issued the following [directive](#):

Section 232 allows the president to impose tariffs or other restrictions if the import of certain covered products threatens to impair U.S. national security. As R Street has highlighted repeatedly, there is no national security or economic rationale to impose costly tariffs on steel and aluminum products. The president recently directed the U.S. Department of Commerce to begin a Section 232 investigation into whether imports of automobiles and automotive parts threaten national security. Obviously, they do not. Though R Street strongly encourages Congress to do more to restrict President Trump's

unilateral trade authority, the nonbinding Corker-Toomey-Flake Motion is a good first step to rein in executive branch abuse of Section 232. Accordingly, R Street urges all senators to vote “Yes” on the Corker-Toomey-Flake Motion to Instruct.

In a vote on July 11, 2018, the motion passed, 88–11. All 11 votes against this motion were cast by Republicans. **Casey voted YES** and **Toomey voted YES**.

On the Nomination PN1402: Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General

<https://www.govtrack.us/congress/votes/115-2018/s152>

It feels redundant to repeat this every week, but the Trump Administration has selected another catastrophically unqualified nominee. They tapped Brian A. Benczkowski to lead the Justice Department’s Criminal Division and oversee the government’s career prosecutors. Mr. Benczkowski has never tried a case in court. This nomination also raises a number of ethical concerns, because the nominee would oversee prosecutors who will be investigating President Trump. The *New York Times* [explains](#):

Mr. Benczkowski, 48, has worked since 2010 as a lawyer focused on white-collar criminal defense cases at the firm Kirkland & Ellis. In that job, he helped Russia’s Alfa Bank investigate whether its computer servers had contacted the Trump Organization, a question that touched directly on suspicions about the bank that emerged in the early months of the Trump-Russia affair... But Democratic senators said Mr. Benczkowski’s decision to take on the Alfa Bank work last year amid heightened scrutiny over relations between Trump associates and Russia showed a lack of good judgment. Alfa Bank’s owners have ties to President Vladimir V. Putin of Russia, and Mr. Benczkowski worked closely with the Trump transition team and was once a Senate Judiciary Committee staff member when Mr. Sessions was on the committee.

Adding to the sense of entanglements and ethical concerns is Mr. Benczkowski’s refusal to commit to recusal regarding the Mueller investigation. He could interfere in its ongoing work. Despite these considerable issues, Mr. Benczkowski was confirmed in a 51–48 vote on July 11, 2018. Sen. Joe Manchin (D-W.V.) joined all of the Republicans to vote for Mr. Benczkowski. **Casey voted NO** and **Toomey voted YES**.

MoC Twitter Action

Senator Bob Casey hot topics: The senator devoted most of his attention this week to the nomination of Brett Kavanaugh, President Trump’s pick for the Supreme Court. The senator focused his opposition on the role of the Heritage Foundation, which the president has relied on exclusively to vet and choose potential judicial picks. Other topics that the senator chose to highlight this week included the Trump Administration’s peculiar decision to object to breastfeeding on behalf of formula manufacturers, the horrors faced by pregnant women in immigration detention and the important role of grandparents raising the children of addicted parents in the opioid epidemic. At the end of the week the senator shared the comments of some of his colleagues, including Sen. John McCain’s (R-Ariz.) criticisms of the president’s behavior at the NATO Summit and Sen. Joe Donnelly’s (D-Ind.) letter to the Government Accountability Office about labor force participation rates and substance use.

Casey tweets of the week, 07/11/18: “The Trump Administration continues to sabotage our health care system.”

— shared with a link to a [New York Times](#) article titled “[Trump Officials Slash Grants That Help Consumers Get Obamacare](#)”

Representative Brian Fitzpatrick hot topics: The representative tweeted five times this week. First, he promoted how much money the National Institute of Health provided to fund research in our district. He retweeted an image that a constituent had shared showing the representative speaking at a PlayIn4Climate event. Rep. Fitzpatrick shared his feeling about the national Day of Civility across two tweets and closed the week by sharing a clip of his floor speech about a local sailor who died in a training accident.

Fitzpatrick tweet of the week, 07/12/18: “On this #NationalDayofCivility, we are reminded that as Americans there is more that unites us than divides us. Maintaining a spirit of mutual understanding and cooperation will make government work more effectively, help build consensus, restore the public trust, and ultimately strengthen our democracy. As neighbors, we must trust in each other. Restoring a sense of civility and respect for each other will make our communities stronger.”

Senator Pat Toomey hot topics: Most of Senator Toomey’s content this week revolved around his efforts to curtail President Trump’s tariff powers. He retweeted content from his partner in this effort, Sen. Bob Corker (R-Tenn.) and shared a video of himself explaining his position on the role of Congress in trade. He also promoted an appearance on CNBC’s Squawk Box to discuss the same topic. He closed out the week by sharing his press release recapping the vote on the tariff issue, which received support of 88 senators. Other topics that received glancing attention from the Senator this week were Brett Kavanaugh’s nomination to the Supreme Court, and a thank-you to FCC Chairman Ajit Pai for addressing the issue of people filing public comments related to the net neutrality debate under fake names on the FCC website.

Toomey tweets of the week, 07/12/18: “Yesterday’s vote for my proposal w/@SenBobCorker shows the broad bipartisan support for reasserting Congress’ constitutional responsibility on trade. Falsely claiming ‘national security’ to levy tariffs, i.e. taxes, just hurts American consumers/workers”

— shared with a link to his press release titled [“Senate Overwhelmingly Expresses Support for Efforts to Ensure Congress Plays Appropriate Role in Implementation of National Security-Designated Tariffs - Toomey, Corker, Flake Say They Will Continue to Push for a Binding Vote”](#)

Honorable mention, lawmaker

From @SenWhitehouse, Sen. Sheldon Whitehouse (D-R.I.), on 07/13/18: “Even after all @realDonaldTrump’s nasty invective, most Americans still want #Mueller to take his time and do the investigation right. But that’s not why Mueller will take his time and do the investigation right; he’ll do that because of who he is. #Mueller has something @realDonaldTrump will never understand: honor.”

— shared with an article from *The Hill* titled [“Poll: Majority want Mueller to take his time on probe, do it right”](#)

Honorable mention, media

From @AlecMacGillis, ProPublica, on 07/13/18: “Reminder: when the CIA told Obama just how extreme the Russian intervention was, two months before the election, it was Mitch McConnell who threatened to decry the sharing of that information with the public as a divisive partisan act.”

— shared with a link to the *New York Times* opinion piece he wrote, titled [“This Is the World Mitch McConnell Gave Us”](#)

Honorable mention, constituent response

From @DvMxMhn on 07/12/18: “The net neutrality debate was just another example of discussion you did not have with your constituents. Let’s have some town halls where you engage in some real live give and take with the public. We are due that, Senator. #TimidPatToomey”

— in response to Senator Toomey’s [tweet of thanks to FCC Commissioner Ajit Pai](#)

President Trump’s SCOTUS nomination, our Senators respond:

Bob Casey, 07/09/18, via his [website](#):

“In a nation with over 700 sitting federal judges, many of whom were appointed by Republican presidents, it is outrageous that President Trump will nominate from a list of just 25 dictated to him by the Heritage Foundation. This list is the bidding of corporate special interests hell-bent on handing health care over to

insurance companies, crushing unions that represent working men and women, and promoting policies that will leave the middle-class further behind. Any judge on this list is fruit of a corrupt process straight from the D.C. swamp.

“Heritage, which is an extreme Right organization, just released a new proposal to end protections for people with pre-existing conditions and gut Medicaid for seniors, people with disabilities, and children. They recently hosted a press conference for Republican attorneys general who are trying to eliminate those protections through the courts. In Pennsylvania, there are more than 5.3 million people (including 643,000 children) who have pre-existing conditions.

“Heritage has also called labor unions – who helped build the middle class – ‘cartels.’ From the formation of the first permanent Pennsylvanian local labor union in Philadelphia in 1792, through the Lattimer massacre in Northeastern Pennsylvania, to the Homestead Strike in Western Pennsylvania to today’s struggle to protect the right to organize, Pennsylvania workers have led the way to ensure that working people have basic rights, good wages, and benefits, like health care. The last thing working men and women in Pennsylvania need is another corporate justice on an increasingly corporate court.

“I was elected to represent all Pennsylvanians. I was not elected to genuflect to the hard Right, who are funded by corporate America.

“President Lincoln called on our nation to work to ensure ‘... that government of the people, by the people, for the people, shall not perish from the earth.’ Instead, Congressional Republicans in Washington and the Administration are determined to pack the Supreme Court with a government of, by, and for extreme Right corporate interests.

“I will oppose the nomination the President will make tonight because it represents a corrupt bargain with the far Right, big corporations, and Washington special interests.”

Pat Toomey, 07/10/18, from [website](#):

"I was pleased to see President Trump nominate Judge Brett Kavanaugh to a seat on the Supreme Court of the United States. Based on his reputation and resume, Judge Kavanaugh appears to have the intellect and experience necessary to serve on our nation's highest court.

“Judicial nominees, including those for the Supreme Court, should understand that the proper role of a judge is to apply the law, including the U.S. Constitution, as written. I plan to apply this standard while reviewing Judge Kavanaugh's record and I hope my colleagues will do the same so that Republicans and Democrats can work together to confirm highly qualified jurists. Considering a Supreme Court nominee is one of the greatest responsibilities a Senator has and I look forward to following the Senate Judiciary Committee's confirmation hearing and meeting Judge Kavanaugh in person soon."

Casey in the News

“Knowing that thousands of children have been separated from their parents by the Administration in just the last few months, we would like to ensure that any unaccompanied minor residing in Pennsylvania is receiving the care required under state law.”

— from a letter sent jointly from Senator Casey and Governor Wolf to the Department of Health and Human Services, as reported in a [USA Herald article titled “Gov. Wolf, Sen. Casey Demand Info. about Migrant Children Transferred to Pennsylvania”](#)

“I think it’s clear to most people that the description of pro-life Democrat is accurate. I’ve been very consistent. What it means is I try to support policies that help women and children both before and after birth. Part of that is making sure you are honest about differences but also at the same time trying to

focus on ways to reduce both the number of abortions and the number of unwanted pregnancies, and I think my record reflects that.”

— from a [POLITICO](#) article titled ["The truth behind Bob Casey's 'pro-life' stand"](#)

“The Senate passage of the 2018 Farm Bill is a win for Pennsylvania farmers, families and rural communities. I'm pleased that the Senate Farm Bill includes measures I have pioneered that work to improve our conservation efforts and also to make sure our Seniors are taken care of. This is a strong bipartisan start and I look forward to passage in the House of Representatives and ultimately reauthorization.”

— from the [Sunbury Daily Item](#) article titled ["Food stamps at center of Farm Bill debate"](#)

“Majority Leader (Mitch) McConnell once said that ‘the American people should have a voice in the selection of their next Supreme Court Justice,’ so he should ensure that’s the case and follow his own rule. The Senate should only consider this nomination when a new Senate is seated in January.”

— from a [Meadville Tribune](#) article titled ["Should a new Supreme Court justice be picked before midterms?"](#)

“All of the costs in their lives seemed to have gone up, but the wages have all been but flat. If it weren't for the men and women of organized labor, those wages over the past 30 years or so would be a lot worse.... We are going to come back to the interests and needs of working people once again. Remember the times when our parties drifted away and focused on some other priorities? I think we are getting back to the basics.”

— from the senator's remarks to the Lawrence County Democratic Committee in New Castle, from a [New Castle News](#) article titled ["Senator Casey talks Medicare, jobs"](#)

“I think that process was corrupt from the beginning because it's a process that only yields someone who is hard right.”

— the Senator explains one of his issues with the Supreme Court nomination process, from [Youngstown's WKBN](#) article titled ["Pennsylvania Sen. Bob Casey says he doesn't support Supreme Court pick;"](#) full video of the senator available at the link

“This is the kind of public health crisis that you may not see in a 100 years, so there's an urgency about this issue. All across the state, we're having families devastated for the horrors of this kind of addiction.”

— from a [WTF](#) article titled ["Casey measure aims to help grandparents stepping in to take care of kids"](#)

Fitzpatrick in the News

“Our Second Amendment rights are not limited to our homes, and are not limited to our home states. It is a national constitutional right that must apply across the nation. Law-abiding citizens who have fulfilled the necessary requirements in their home state to carry a firearm for self-protection should not have their Second Amendment rights infringed by redundant regulations and bureaucracies in other states. In an increasingly polarized environment where law-abiding gun owners unfairly find themselves demonized by partisan politicians and the media, advancing reciprocity is a critical step in protecting Second Amendment rights from the whims of partisan legislators and activist judges.”

— an excerpt from a letter Fitzpatrick planned on sending to constituents, as reported an [Mother Jones](#) article titled ["A Top Gun Control Group Just Endorsed a Republican Gun Rights Defender"](#)

“We must respond to the senseless violence occurring in our children's schools. We must address this problem from all pressure points, to include the legislative component, the mental health component and the school safety component. I am working with our local law enforcement to ensure that federal law does

not impede their efforts to gather more information about students who potentially pose a threat to school safety.”

— the Congressman’s explanation as to why he is working with Bensalem public safety director Fred Harran on potential legislative changes to the Family Educational Rights and Privacy Act to allow for school districts to share student records to law enforcement without prior consent, as reported in a *Doylestown Intelligencer* article titled [“Bensalem public safety director seeks access to student records”](#)

“Any federal government official found to be making illegal taxpayer-funded purchases should be held fully accountable. By making these federal officials personally reimburse the taxpayer, the Cut the Perks Act would begin restoring the essential trust between the American people and their government.”

— from the *Ripon Advance* [blog post](#) titled [“Fitzpatrick seeks recourse when government officials illegally spend taxpayer dollars”](#)

Toomey in the News

“I think that’s a ridiculous argument that’s made as just an attempt to make wait for [the Democrats’] real position which is that President Trump should never be able to confirm a vacancy. Look I don’t remember hearing the Democrats making that argument when President Bill Clinton, was in fact personally under investigation when a vacancy occurred. My understanding is that President Trump is not himself personally the subject of the investigation, even. So I think that is a non-argument and we needn’t pay any attention to it.”

— excerpted from the July 1, 2018, CBS News [Face the Nation transcript](#)

“Now— that won’t be necessary. I do want to have a vote to restore to Congress its constitutional responsibility to have the final say on the imposition of tariffs, especially when it’s national security that’s invoked as the rationale. But there is uniform, I believe, uniform Republican Senate support for us allowing that debate, allowing that vote.”

— the senator’s response to the question “Would you withhold your vote to confirm a Supreme Court nominee in order to get the kind of vote you’re asking for on tariffs?” from the [Face the Nation transcript](#) above

“This Farm Bill is another wasted opportunity to rein in excessive spending and end corporate welfare. It fails to reform, even modestly, any of the numerous taxpayer subsidies for agriculture products. It also fails to include a reasonable work requirement for adult, able-bodied food stamp recipients with no dependents.”

— from the *Sunbury Daily Item* article titled [“Food stamps at center of Farm Bill debate”](#)

“Virtual currencies have great potential for commerce, but they are becoming increasingly popular with sex traffickers. Our bipartisan legislation will give Congress important information about how best to stop criminal deviants who use digital money to avoid detection when exploiting society’s most vulnerable members.”

— from *The Beaver Times* article titled [“After Keith Rothfus’ bill passes House, Pat Toomey co-introduces virtual currencies bill in Senate”](#)

“The challenge is how do we get to 60 votes in the Senate? The Democrats who participated and supported the [S] 2155 banking regulatory relief bill, they have gotten well and truly beat up from the left wing of their party, who I think are completely unreasonable about this. I think they feel like they’ve paid a political price and so the question is, are they willing to go into that arena again?”

— the senator’s remarks to a joint SIFMA-Clearing House Association conference, as reported in the *American Banker* article titled [“How Pat Toomey could shape banking policy”](#)

“The [agricultural] community is more adversely affected by the retaliation against these ill-conceived tariffs.”

— from a [Good4Utah.com](#) article titled “[The U.S.–China trade war has begun](#)”

“I really disagree with the president on this. Look, I think there's been terrific policy on tax reform. The president's been terrific about rolling back regulations. Those are the reasons that we have had such a tremendous surge of economic growth. But I do think we could derail this if we get into a full-blown trade war. I think that it's been part of a trend on the part of this administration, from a bad sugar deal with Mexico that was very protectionist, imposing tariffs on solar panels and washer machines, as you will recall, earlier this year, and now the steel and aluminum tariffs and a huge wave of tariffs on Chinese products. Protectionism leads to higher costs, fewer options for consumers, and fewer jobs for American exporters. And that's not a good combination... I disagree with the end goals that have been articulated by our trade rep. And I don't like these tactics that are being used to get there.”

— excerpts from an interview between the Senator and Maria Bartiromo on Fox News, titled “[Toomey: Congress should have a role when setting tariffs](#)”

Legislation of Interest:

S. 3211: A bill to ensure greater accountability by licensed firearms dealers

<https://www.govtrack.us/congress/bills/115/s3211>

Sen. Ed Markey (D-Mass.) introduced this bill on July 12, 2018. It has 13 co-sponsors, all Democrats. The [Brady Campaign to Prevent Gun Violence](#) reports that 90 percent of the guns used in crimes across the country were supplied by about 5 percent of the nation's dealers. This bill aims to address the problem presented by those “bad apple” dealers by increasing the number of Bureau of Alcohol, Tobacco and Firearms (ATF) inspections allowed per year, creating new criminal penalties for dealers who aid gun trafficking, and providing for flexible enforcement mechanisms. In a [press release on the bill](#), Senator Markey said:

“We have seen the devastating consequences of not holding gun dealers who engage in illegal sales practices accountable. By increasing inspections and penalties, we can decrease the number of guns falling in to the wrong hands. And by strengthening accountability measures for all gun dealers and equipping ATF with the tools to enforce the law, we can prevent further gun violence from occurring.”

This appears to be the kind of common sense gun-related legislation that could make an actual difference in stemming the flow of illegal weapons in circulation. Please consider calling both of our senators and asking them to co-sponsor this legislation.

S.Res. 557: A resolution expressing the sense of the Senate regarding the strategic importance of NATO to the collective security of the transatlantic region and urging its member states to work together at the upcoming summit to strengthen the alliance

<https://www.govtrack.us/congress/bills/115/sres557/text>

This resolution was introduced by Sen. Roger Wicker (R-Miss.) in late June and was ordered reported on July 11, 2018. It has eight co-sponsors (four Democrat and four Republican) and the Senate Foreign Relations Committee has sent it to Senate Majority Leader Mitch McConnell (R-Ky.) to be put on the Senate schedule. After this week's disastrous visit between President Trump and our NATO partners, the foreign relations community in the United States is [scrambling to reassure our allies](#). One way to achieve that would be to have the Senate resolve to stand by our long-term allies, regardless of the president's posturing. If you value our commitment to NATO, please consider calling both our senators. Please ask Senator Casey to join this effort as a co-sponsor, and ask Senator Toomey to use his influence to see that this resolution is put on the calendar in the immediate future.

S. 3188/H.R. 6358: Gay and Trans Panic Defense Prohibition Act of 2018

<https://www.govtrack.us/congress/bills/115/s3188/text>

<https://www.govtrack.us/congress/bills/115/hr6358/text>

Sen. Ed Markey (D-Mass.) introduced the Senate version of this bill on July 10, 2018. It has five co-sponsors, all Democrats, and it is pending in the Senate Judiciary Committee. Rep. Joe Kennedy (D-Mass.) introduced the House version on July 12, 2018. The House version has 10 co-sponsors, also all Democrats, and is pending in the House Judiciary Committee. If you would like background on the gay panic defense, the [LGBT Bar Association offers a primer](#) on the issue. In short, it says:

Gay and trans “panic” defense tactics ask a jury to find that a victim’s sexual orientation or gender identity is to blame for the defendant’s excessively violent reaction. The perpetrator claims that the victim’s sexual orientation or gender identity not only explain – but excuse – their loss of self-control and subsequent assault of an LGBT individual.

Gay panic defenses are legal in 48 states, with only California and Illinois having outlawed them. Three other states and the District of Columbia have legislation outlawing the defense pending.

Rep. Kennedy made the following [statement](#) upon the introduction of the bills:

Murdering or assaulting anyone because of their sexual orientation or gender identity is not a defense, it is a hate crime. Legal loopholes written into our laws that seek to justify violent attacks against our gay, lesbian, bisexual, and transgender neighbors should never have existed in the first place. I am proud to introduce this legislation with Senator Markey and believe that our colleagues will echo our urgency in ensuring hate does not live in our courtrooms.

Please consider calling all three members of Congress to request that they throw their support behind this effort to counteract hate in our legal system.

H.R. 6361: To establish a Commission tasked with establishing a humane immigration enforcement system, terminate Immigration and Customs Enforcement

<https://www.govtrack.us/congress/bills/115/hr6361/text>

Rep. Mark Pocan (D-Wis.) introduced this bill on July 12, 2018. It has eight co-sponsors, all Democrats, and it is pending in three committees: House Homeland Security, House Judiciary and House Ways and Means. Since the Trump Administration’s “zero-tolerance” policy and the family separation crisis began, calls of “Abolish ICE” (Immigration and Customs Enforcement) have become more and more prevalent in public discourse. This bill calls for the creation of a “Commission to Study and Establish a Fair and Humane System of Immigration and Customs Enforcement.” Within six months, the commission would report to Congress on a transition plan to establish a new government agency to handle the responsibilities ICE currently manages. ICE would be disbanded one year after the bill is enacted.

This bill’s introduction has created a political firestorm. [Vox](#) describes it best:

For the first time in years, House Democrats are getting the chance to vote on a Democrat-sponsored immigration bill — and they are planning to vote against it. House Republican leaders said they would bring up a vote for a contentious “Abolish ICE” bill proposed by three progressive Democrats — Reps. Mark Pocan (D-WI), Pramila Jayapal (D-WA), and Adriano Espaillat (D-NY) — knowing it would put the minority party in a difficult position. Republicans know Abolish ICE is divisive for Democrats, so they’re taking the most left-wing proposal out there and putting it up for a vote.

Progressive Democrats never thought their messaging bill, which would have disbanded Immigration and Customs Enforcement agency within a year, would make it to the floor. They didn’t try to build a coalition around it or even reach out to parts of the Democratic conference, Jayapal said. Now, they are trying to find a way to match Republican gamesmanship.

Republican leadership in the House is using this bill as an opportunity to present Democrats as unrealistic and extreme. *The Hill* [reports](#) that Steve Scalise, the House Majority Whip, observed, “Democrats have been trying to make July 4th about abolishing ICE, which is a radical, extreme position that would lead to open borders and undermine America’s national security. I think it’s the wrong approach. I think everyone ought to be on record about where they stand on that issue.” The key here for activists is to not let the GOP shape the discourse on our behalf. Much as they earlier brought up an [abortion-related vote](#) last year not because it had any chance of becoming law, but so they could enrage liberal activists and put

red state Democrats up for re-election in a difficult political place, the House leadership is using this bill as a tool to divide progressives. Do not play into their hands.

H.Res. 987: Condemning the Attorney General's decision in "Matter of A-B-" seeking to declare domestic violence and gang violence as invalid grounds for seeking asylum

<https://www.govtrack.us/congress/bills/115/hres987/text>

Rep. Janice Schakowsky (D-Ill.) introduced this resolution on July 11, 2018. The resolution has 81 co-sponsors, all Democrats, and is pending in the House Judiciary Committee. Back in May, Attorney General Jeff Sessions made the following [statement](#) at a law enforcement event in Scottsdale, Arizona:

We've had situations in which a person comes to the United States and says they are victim of domestic violence; therefore they are entitled to enter the United States. Well that's obviously false, but some judges have gone along with that. If you're a victim of domestic violence in the United States, are you entitled to demand entry in England or Canada? Of course not.

Within several weeks, Session made the decision to issue a ruling in a pending immigration case, called the "[Matter of A-B-](#)," that would turn that Scottsdale statement into policy. Under this new policy, "an applicant seeking to establish persecution based on violent conduct of a private actor must show more than the government's difficulty controlling private behavior. The applicant must show that the government condoned the private actions or demonstrated an inability to protect the victims."

This new resolution condemns this new policy and "identifies Attorney General Sessions' decision as the next cruel step in the Trump Administration's intentional and cruel scheme to dismantle the United States asylum system." Additionally it states that the House of Representatives "remains actively committed to reconstituting, preserving, and defending asylum laws that allow victims of domestic violence to seek life-saving refuge and protection in the United States." Please call Representative Fitzpatrick and ask him to co-sponsor this resolution. Just this past week, the representative [promoted](#) his participation in the annual "Walk a Mile in Her Shoes" event in which men wear high heels for a walk to encourage "the community to have a serious and honest conversation about gender relations and violence against women." Perhaps we can pressure the Congressman to take real action to protect women instead of participating in photo-ops.

H.R. 6353: To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the United States Government from accessing and using information of United States persons collected under section 702 of such Act without a warrant

<https://www.govtrack.us/congress/bills/115/hr6353/text>

Rep. Phil Roe (R-Tenn.) introduced this bill on July 12, 2018. It does not yet have any co-sponsors, and it is pending in the House Judiciary and Permanent Select Intelligence Committees. Section 702 of the Foreign Intelligence Surveillance Act (FISA) is one of the most complex political issues of our time. It is one of the few topics in Washington that completely avoids cleavage along political party lines. Basically, Section 702 is the provision that allows the intelligence apparatus of the US government to collect, store and analyze communications metadata from citizens without receiving a warrant. That does no justice to the philosophic and practical implications of this program.

- For a civil liberties perspective, read the [ACLU's assessment](#)
- For a legal/intelligence-themed review, read [Lawfare's analysis](#)
- For a political explainer, read the [CNN Politics article](#)

When FISA reauthorization came up for a vote in January 2018, it passed 256–164. The Democrats broke about one-third in favor of the bill and two-thirds against it. The Republicans were about four-fifths in favor of the bill and one-fifth against it. Rep. Roe was one of those Republicans who voted against the FISA reauthorization. When he introduced this bill, he said:

"I still believe we must do more to protect the constitutional liberties guaranteed to all American citizens, which is why today I introduced the FOURTH Amendment Warrants Act. Americans' security should not have to come at the expense of their Constitutional rights. I have long held concerns that intelligence operations do not adequately protect civil liberties, which is why I am introducing this legislation to increase transparency in our

nation's surveillance programs. One of the things that makes our country great – and distinguishes our legal system from that of other countries – is that we give our citizens the right to due process and protection from arbitrary government intrusion into their lives. We must do everything possible to maintain these precious freedoms, and I am hopeful this bill will be a step forward in safeguarding Americans from unlawful government intrusion.”

This new bill would completely rework with intelligence metadata collection efforts and require warrants for the collection of any electronic materials from US citizens. Expect this bill to become a flashpoint for civil libertarians.

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!