

Week ending 11/25/18 - 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 — **30.4%** (no change from last report)

Representative Brian Fitzpatrick — **83.9%** (no change from last report)

Senator Pat Toomey — **90.8%** (no change from last report)

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

Words From Our Founders

"I have been taught to consider an independent judiciary as our Surety against arbitrary power, our only best Security for Life Liberty and property."

— [Abigail Adams](#), to her son, John Quincy Adams, 1808

Votes of Interest -

H.R. 6784: Manage our Wolves Act

<https://www.govtrack.us/congress/votes/115-2018/h420>

This bill was introduced by Rep. Sean Duffy (R-Wis.) in September. The bill ends the Endangered Species Act protections granted to the 5,000 gray wolves that live the the lower 48 states. It also contains a section that reads that this action "shall not be subject to judicial review." *The Huffington Post reports* that the bill was introduced at the behest of "livestock industry associations representing ranchers who have to contend with wolves scaring and attacking cattle and sheep...They said in a letter to Congress that wolf populations have recovered." The bill passed on November 16, 2018 in a 196-180 vote. **Fitzpatrick voted NO**. After the passage of the bill, the Sierra Club issued the following [statement](#):

No amount of false advertising would change the fact that this bill is a dangerous and inappropriate Congressional overstep that would not only undermine the recovery of the gray wolf but also the Endangered Species Act itself... Decisions about the fate of our imperiled wildlife should be governed by the sound science of expert fish and wildlife agencies, not the political whims of Congress. This bill is an unacceptable step backwards and should be rejected by the Senate.

H.Res.1142 - Providing for consideration of the bill (H.R. 6784)

<https://www.govtrack.us/congress/votes/115-2018/h418>

This is a very tricky bit of legislative business, wherein the Republican party used this resolution to bring the bill on the gray wolves to block a vote on the US involvement in the war in Yemen. Earlier this year Rep. Ro Khanna (D-Calif.) introduced a [resolution](#) that would have used the Congress's [war powers](#) to direct the president to remove armed forces from the hostilities in Yemen. Instead of bringing that resolution up for a voter, the leadership did something far more shifty. Prior to move bills being brought to the floor, the chamber will pass a resolution that sets for the rules for debate and floor speeches. That is what this resolution is. But tucked at the end of it is a section that reads "the provisions of section 7 of the War Powers Resolution (50 U.S.C. 1546) shall not apply to House Concurrent Resolution 138." That effectively quashed Rep. Khanna's resolution. For more details on how this procedure works, please see [this article](#) from *The Intercept*. The vote occurred on November 14, 2018. It passed 201-187. **Fitzpatrick did NOT VOTE**.

Motion to Table - S.J.Res. 65: A joint resolution relating to the disapproval of the proposed export to the Government of the Kingdom of Bahrain of certain defense articles and services

<https://www.govtrack.us/congress/votes/115-2018/s243>

The rules relating to arms sales are sufficiently complicated to warrant their own section, for those interested in getting into the weeds (see this week's Learning about legislation). But, much as the Senate has the authority to approve or deny treaties drawn up under the President's authority in the realm of foreign policy, so does the Congress have the ability to oversee or object to arms sales made to foreign countries. There are special rules that allow any Senator to bring a bill related to arms sales to the floor of the full Senate. Sen. Rand Paul (R-Ky.) indicated via a [statement](#), that he intended for this resolution to be a message not just to Bahrain, but also to Saudi Arabia, noting "this vote is about more than yet another arms sale. The Senate has a chance to stand up for innocent life, speak out against a humanitarian tragedy that is getting worse by the day, and demonstrate it will not support further destruction in Yemen."

The vote taken on November 15, 2018 was to table the resolution. A YES vote is one to drop the measure, while a NO vote actually supports to decision to stop the weapons export. The motion to table passed 77-21, so the arms sale will go forward. **Casey voted NO** (he did not want the sale to proceed) and **Toomey voted YES** (to allow the sale).

MoC Twitter Action

Senator Bob Casey hot topics: The senator did not share any tweets this week, other than holiday related content.

Casey tweet of the week, 11/22/18: "Wishing all who celebrate today a safe, happy and healthy Thanksgiving. I am especially thankful for all those men and women who can't be with their families today because they are serving their country in our Armed Forces. May we be worthy of their valor."

Representative Brian Fitzpatrick hot topics: The representative exchanged a pair of thanks with Jennifer Gonzalez-Colon, the non-voting delegate to Congress from Puerto Rico, who hosted him these last few days on the island. He then shared a thread on commemorating the Holodomor.

Fitzpatrick tweet of the week, 11/24/18: "The lessons of the Ukrainian Famine remain poignant as we continue to confront human rights abuses and support the self-determination of people around the world. We acknowledge the many of Ukrainian American families who suffered through this crime against humanity."

— shared as part of a longer [thread](#) on the Holodomor

Senator Pat Toomey hot topics: The senator shared only one policy related tweet, related to the new trade agreement between the US, Canada and Mexico.

Toomey tweet of the week, 11/21/18: "Check out my @WSJ op-ed on why I believe @POTUS should work with congressional Republicans to fix the flaws in the USMCA, and then ratify it this year"

— shared with a link to a copy of [the op-ed](#) as hosted on his website (since the *Wall Street Journal* is behind a paywall)

Honorable mention, lawmaker

From @AdamSchiff (D-Calif.) on 11/21/18:

"President Trump has replaced promotion of human rights with a doctrine of "it is what it is," and moral clarity with "maybe he did and maybe he didn't" when a U.S. resident and journalist is brutally murdered. U.S. leadership requires moral force, not an amoral shrug."

— shared with a link to a [New York Times](#) article titled "[In Extraordinary Statement, Trump Stands With Saudis Despite Khashoggi Killing](#)"

Honorable mention, media

From @CourierTimes on 11/24/18:

"Two more months? On a presidential campaign zipping across the country? I was filled with a newfound appreciation for not just Thompson but all journalists who have ever undertaken such a task."

— with a link to an opinion piece by [Bucks County Courier Times](#) reporter Kyle Bagenstose titled "[Lessons from the campaign trail](#)" about his experiences covering the high-profile PA-01 congressional race

Honorable mention, constituent response

From @TwTPgh (Tuesdays with Toomey, Pittsburgh) on 11/21/18:

"Maybe you haven't heard but POTUS is praising the country that lured an American resident journalist to Turkey, murdered him & chopped him into pieces b/c he gets lots of
□ from them in the business he was Constitutionally required to separate from. Maybe do something about that"

— tweeted in response to Sen. Toomey's link to his [Wall Street Journal](#) piece

Casey in the News

Courtesy of contributor Kathy Sites

"I think we have to continue to solidify our vote in urban and suburban communities, but you have to keep working those counties that have been voting Republican because sometimes it takes a lot of work just to keep them where they are. For incumbents, that means working the counties in non-election years. Since Trump's election, I have visited all 67 counties once and 58 counties at least twice. You just have to keep doing that and keep talking about issues they're struggling with, whether it's wages or rural broadband or the opioid crisis. Our vote in '18 was better in Westmoreland County, for example. If I were Donald Trump, I would be very worried about the Philadelphia suburban vote and their turnout as well as Allegheny."

— from a [Citizen's Voice](#) article on how the Democratic party can approach moving forward to 2020 titled "[Pennsylvania Democrats restore order, but west a concern](#)"

"He's obviously both a partisan and an ideologue, with a very thin resume for becoming the attorney general. Pres. Trump should have appointed a Republican with a less partisan background. He could find scores of people who fit that description... He appointed Whitaker to act as a lapdog who might oppose, defund or raise doubts about the investigation. That's not what we need. You want an attorney general (who will) uphold justice and the uphold the rule of law. And not act as the president's personal attorney."

— from a [Doylestown Intelligencer](#) article titled "[Acting AG Whitaker filed complaints against Santarsiero, McGinty in 2016](#)"

“Democrats need to maintain their strength in urban and suburban districts, especially among women, but they also need to drive up the margins in rural areas, too. I didn’t win it but getting (above) 40 percent is a significant victory. I won rural women by two points.”

“I not only showed up in rural areas but I campaigned on issues they care about: opioids, infrastructure, child care and especially health care. Democrats have to figure out how to show that they can relate to and care about rural voters. A lot of this comes down not just to an issue list, but to show you give a damn about their lives and their future and the future of their children.”

— from an [NBC News](#) article titled [“Pennsylvania Senator Bob Casey on a presidential bid: ‘We’ll see’”](#)

“I’m hoping that all of that -- all of those wins by Democrats or even the close races that sent a very powerful signal as well -- will be a clear sign to Republicans that if you try to repeal the Affordable Care Act, you’re on the losing end of that. With buy-in from both sides, I’d also like to see Congress pass a series of “common sense gun measures” -- including a universal background check bill and legislation prohibiting access to firearms by those on the who are deemed too dangerous to fly on an airplane -- while continuing to put federal money into the opioid crisis.”

— from a [Pittsburgh Post-Gazette](#) article titled [“Bob Casey enters third term with eye on infrastructure, preserving Mueller investigation”](#)

“We have got to have a universal background check bill that should be in place, a limitation on the magazine so you don’t have one person able to shoot hundreds of bullets in a public place.”

— from an article in the Philadelphia CBS affiliate’s website titled [“Sen. Bob Casey On Gun Control: ‘We Have Got To Have A Universal Background Check Bill’”](#)

“We’ve got a lot of work to do here. But I — look, we’ll see what happens. I think there are an awful lot of candidates who are going to be running, not just from the Senate, but governors, former governors, we’ve got mayors, I think it’s a long list. House members are going to be running. So it’s going to be a multi-candidate field, and that’s probably the biggest understatement. There will be a lot of variety in that field, so we’ll have to see what happens.”

— the statement that launched a thousand think pieces about a potential presidential run, from a [Philly Voice](#) article titled [“Sen. Bob Casey to make a trip to Philly on Monday ahead of the holidays”](#)

“There’s no question there’s a history of presidents rebounding, but I’ve never seen more of a shift from one election to the other and it’s not four or five counties here or there that aren’t big voting counties. Just the Philadelphia suburban change ... that is just an extraordinary explosion of votes. How does he (Trump) reduce that number? It’s just very difficult to see how he turns that around.”

— from a [Citizens Voice](#) article titled [“Democrats hope to keep momentum going for 2020 election”](#)

“It’s good that governments are trying to upgrade their systems. The federal government has a duty to provide resources and funding to help states make these security investments, and I will continue to push for this critical funding.”

— from a [York Dispatch](#) article titled [“York County has year to replace voting machines — and figure out how to pay up to \\$8 million”](#)

Fitzpatrick in the News

“We worked really hard, and we stood true to our belief in bipartisanship and the Problem Solvers [Caucus].”

— from a [Roll Call](#) article titled [“The Survivors: Three Republicans in Clinton Districts Hang On”](#)

"In the nearly three months that members of the community have waited, we have not received information on when, or even if, the post office will reopen. As I'm sure you can understand, the interruption of service, and the limited resources deployed by USPS to mitigate this interruption, have caused challenges to many of Croydon's residents. It is my hope that the United States Postal Service will immediately provide an update to my office, and the people of Croydon, on the status of repairs being made to the post office and when the post office will reopen, and full service will resume."

— an excerpt from a letter sent to U.S. Postmaster General Megan Brennan from the congressman, as reported in the [Bucks County Courier Times](#) article titled "[Bristol Township residents demanding answers on Croydon post office closure](#)"

"Following the devastating effects of hurricanes Irma and Maria, Puerto Rico experienced an accelerated exodus of residents and physicians. Many people in our community are rightly concerned about the situation in Puerto Rico. It's time for Congress to act. By eliminating Medicare Advantage disparities, and incentivizing doctors to return, the PRIMA Act would help reconstruct the island's healthcare infrastructure."

— from a [Bucks Local News](#) article titled "[Congressman Fitzpatrick urges Congress to act on Puerto Rico; supports measure to aid hurricane recovery efforts](#);" the same press release was quoted in the [Ripon Advance](#) post titled "[Fitzpatrick supports efforts to increase hurricane recovery aid in Puerto Rico](#)"

Toomey in the News

Courtesy of contributor Elayne Baker

"I would be willing to vote for the agreement if the President takes steps to strengthen it in the coming weeks through pro-trade modifications in the implementation legislation."

— from a [CNBC](#) article titled "[GOP lawmakers call for vote on Trump's trade deal with Mexico and Canada before Democrats take over the House](#)"

"There might be an opportunity here that we haven't had in the past. And that is a House that is much more likely to pass something like our background check bill. Since I fully support that legislation I want to take a run at it... it will be interesting to see if any of my new Republican colleagues in the Senate will be open to supporting this [legislation]."

— from a [Penn Live](#) article titled "[Toomey: New Democratic majority in the U.S. House could be 'silver lining' for stalled gun background checks bill](#)"

"Matt Whitaker is not confirmable as a permanent attorney general, and I think it would be really a good decision by the president to pick someone who is confirmable soon and get that process started."

— from the same [Penn Live](#) [article](#) about background checks

"The idea is real simple: if you're a violent criminal or you're dangerously mentally-ill, then you shouldn't have a firearm. It's a reasonable thing to do a several-minute background check to see if you're in one of those categories."

— from an [Erie News](#) article titled "[Toomey revives 'common sense' gun reform proposal following Pittsburgh synagogue shooting](#)"

"The scourge of opioid abuse and drug addiction has spared no corner of Pennsylvania. This is especially true for Beaver County where overdose deaths have become far too common.... [I am] pleased that HHS is supporting Beaver County in its efforts to help young people who are at-risk and their families."

— from an article in [The Beaver Times](#) titled "[\\$2.7M grant to combat substance abuse, mental health issues](#)"

“I know there are strongly held views on the Second Amendment, and I’m one of those senators who has strongly held views on the Second Amendment, but I’m also convinced there is common ground among people who have differing views on the Second Amendment... Since we all accept the premise of the NICS system and we have enacted legislation to improve the effectiveness of the NICS system, shouldn’t we also close the remaining loopholes?”

It’s our duty, and it would be a fitting act of remembrance of mass shootings at Tree of Life, Thousand Oaks, Sandy Hook, and all the others whose deaths from gun violence have scarred our country. This is just a commonsense measure that is entirely consistent and compatible with the Second Amendment.”

— from a [Pittsburgh Post-Gazette](#) article titled “[Tree of Life shooting inspires renewed push by Sen. Toomey to close gun show loophole](#)”

Learning about Legislation - Arms Sales and Congressional Review

In the weeks since the murder of journalist and United States resident Jamal Khashoggi, President Trump has often displayed how he sees foreign policy as an entirely transactional affair. When confronted with the issue of this heinous murder and human rights abuse, the president will inevitably bring up an arms deal with Saudi Arabia, and his unwillingness to endanger that arrangement. However, arms sales are not entirely the province of the Executive branch. Just as the Constitution grants a means for the Legislative branch to provide oversight in foreign policy via the Senate’s power to ratify treaties, our Congress has a similar role in overseeing arms deals, which are an economic form of international treaty.

The Defense Security Cooperation Agency provides a succinct explanation of the legislation through which Congress can review arms sales. Their [Security Assistance Management Manual](#) explains:

The basic U.S. law providing the authority and general rules for the conduct of foreign military sales and commercial sales of defense articles, defense services, and training.

The AECA came into existence with the passage of the Foreign Military Sales Act (FMSA) of 1968. An amendment in the International Security Assistance and Arms Export Control Act of 1976 changed the name of FMSA to the AECA.

The opening sections of the AECA, while they provide the President with the authority to enter into arms sales agreements, were not meant to authorize an environment where the United States would sell arms to anyone and everyone for mere financial gain. Section §2751 states:

It is the sense of the Congress that the President maintain adherence to **a policy of restraint** in conventional arms transfers and that, in implementing this policy worldwide, a balanced approach should be taken and full regard given to the security interests of the United States in all regions of the world and that particular attention should be paid to controlling the flow of conventional arms to the nations of the developing world. To this end, the President is encouraged to continue discussions with other arms suppliers in order to **restrain the flow of conventional arms** to less developed countries.

From there, the bill goes on to delineate different types of countries. Allies like the member-states of NATO are treated differently from other ally countries (like, say... Saudi Arabia). Financial thresholds are set, as are rules about re-transfer of military items to third parties.

The AECA is, as one might expect, a voluminous piece of legislation, within hundreds of edits and modifications made in the decades since its introduction. Since it is difficult to digest, the Congress had its analysts provide a [white paper](#) to help politicians understand their role in overseeing arms sales, under the provisions of the AECA. The most basic summary of the process from that guide states:

...the executive branch, after complying with the terms of applicable U.S. law, principally contained in the AECA, is free to proceed with an arms sales proposal unless Congress passes legislation prohibiting or modifying the proposed sale. Under current law Congress faces two fundamental obstacles to block or modify a presidential sale of military equipment: it must pass legislation expressing its will on the sale, and it must be capable of overriding a presumptive presidential veto of such legislation. Congress, however, is free to pass legislation to block or modify an arms sale at any time up to the point of delivery of the items involved.

This week, Senator Rand Paul used the rules set forth in the AECA to try to limit the sale of weapons that are being used in the war in Yemen. The Congressional white paper notes that a Senator can bring a resolution to stop an arms sale to the floor of the full Senate if “the committee fails to report back to the Senate by the end of the 10 calendar days it is entitled to review the resolution.” Only 20 other senators (including our own Sen. Casey) shared Sen. Paul’s desire to limit the United States’ role in the provisioning of the war in Yemen, and his attempt ultimately failed. But while it is disappointing to have this one instance fall short, it was reassuring to see at least one of the houses in our legislative branch remember their Constitutionally mandated responsibility to provide oversight to the executive branch.

Legislation of Interest:

H.R.7151/S. 3655 - To amend the Communications Act of 1934 to provide for measures to reduce the number of unlawful robocalls and unlawful spoofed calls received by consumers

<https://www.congress.gov/115/bills/hr7151/BILLS-115hr7151ih.pdf>

<https://www.govtrack.us/congress/bills/115/s3655>

File this bill under the heading of “it’s about time someone tried to tackle this issue!” The Senate version of this bill was introduced by Sen. John Thune (R-S.D.) on November 15, 2018. It is pending in the Senate Commerce, Science, and Transportation Committee and has 2 co-sponsors (1D, 1R). An identical bill was introduced in the House by Rep. Raja Krishnamoorthi (D-Ill.) on November 16, 2018. The House version is pending in the Energy and Commerce Committee and it has no co-sponsors. Se. Thune [observed](#):

The TRACED Act targets robocall scams and other intentional violations of telemarketing laws so that when authorities do catch violators, they can be held accountable. Existing civil penalty rules were designed to impose penalties on lawful telemarketers who make mistakes. This enforcement regime is totally inadequate for scam artists, and we need do more to separate enforcement of carelessness and other mistakes from more sinister actors.

I think we can all agree that robocalls using spoofed telephone numbers (so that the calls look like they are coming from the neighborhood) are one of the most annoying things. It may not be a life or death issue, but it is something that we can all agree on, regardless of party. This bipartisan bill would change existing rules that govern telephone communications to give law enforcement more ability to pursue parties that make illegal robocalls and who spoof telephone numbers.

H.R.7145/S. 3640 - Stop Welfare for Any Large Monopoly Amassing Revenue from Taxpayers Act of 2018

<https://www.govtrack.us/congress/bills/115/hr7145/text>

<https://www.govtrack.us/congress/bills/115/s3640>

The Senate version of this bill was introduced by Sen. Bernie Sanders (I-Vt.) on November 15, 2018. It is pending in the Senate Banking, Housing, and Urban Affairs Committee (where Senator Casey is a member), and does not yet have any co-sponsors. An identical bill was introduced in the House by Rep. Ro Khanna (D-Calif.) on November 16, 2018. The House version is pending in two committees (Education and the Workforce as well as Financial Services) and it has 4 co-sponsors (all D). The short name for this bill is, appropriately enough “Stop WALMART.” The bill is a first step towards addressing income inequality, by prohibiting large corporations from buying back their own stock unless the employees of the corporation meet minimum standards related to hourly pay, paid sick leave and CEO compensation. Rep. Khanna [explained](#):

Walmart has refused to pay its workers a living wage, resulting in costs for taxpayers of \$6.2 billion for basic necessities for survival, food stamps and housing assistance. If Walmart can find \$20 billion for stock buybacks to further enrich the Waltons, it can find the money to raise the pay of its workers to a living wage. It’s time to put workers over wealthy corporation – across our nation, one company at a time. Today, I’m proud to join my friend, Senator Sanders, in introducing the Stop WALMART Act to raise wages for Walmart workers.

Sen. Sanders [added](#), “Enough is enough. The time is long overdue for the Walton family to pay its workers a living wage.” Please consider contacting Sen. Casey to ask him to join this effort as a co-sponsor. While there is no chance of this bill moving forward in the 115th Congress, it is a piece of legislation that can be reintroduced in the next legislative session.

H.Res. 1145: Expressing the need for bold climate action in response to the release of the United Nations report titled “Global Warming of 1.5 degrees Celsius, an IPCC special report on the impacts of global warming of 1.5 degrees Celsius above pre-industrial levels and related global greenhouse gas emission pathways in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty”.

<https://www.govtrack.us/congress/bills/115/hres1145/text>

This resolution was introduced by Rep. Mike Quigley (D-Ill.) on November 13, 2018. It is pending in two House Committees (Foreign Affairs as well as Energy and Commerce) and has 87 co-sponsors (all D). The resolution acknowledges “the Government of the United States has failed to enact policies to effectively transition to a low-carbon economy or reduce greenhouse gas emissions in line with scientific recommendations to reduce global temperature changes... [and] t is the sense of the House of Representatives that immediate action by Congress and the Administration is needed to reduce greenhouse gas emissions.” In a [statement](#), Rep. Quigley explained his reasoning for introducing this resolution:

As Congress returns to Washington today following the midterm elections, and the global community prepares for a vital meeting of the UN Framework Convention on Climate Change early next month, this resolution is a firm statement that continued inaction in the face of the climate crisis is morally unacceptable. It is long past time to meet the challenge of greenhouse gas emissions head on.

This resolution is a key litmus test for those of us in PA-08 (soon to be PA-01) in regards to our Representative Brian Fitzpatrick. The Congressman had a lot to say on the campaign trail about bipartisanship and environmentalism. This resolution is pending in the Foreign Affairs Committee, where he sits. If he is truly serious about crossing the aisle, this resolution would be a good place to start. Please consider calling Rep. Fitzpatrick to encourage him to join on with this legislation - let’s see if he was serious about working with Democrats by observing his willingness to do so before they take control of the House.

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!