

Week ending 12/16/18 - PA MoCTrack Report

The report will be off next weekend for holiday travel, but we will be sure to post information on Twitter if there are major legislative developments - just search for #MoCTrack for mid-week updates.

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 — **31.3%** (+0.9% from last report)

Representative Brian Fitzpatrick — **84.0%** (+0.1% from last report)

Senator Pat Toomey — **88.8%** (-2.0% 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. Four votes were scored this week. In the House, only the Farm bill was assessed. In the Senate, the index includes the Farm Bill, the Bernie Sanders Yemen vote, and the campaign donation rule reversal.

Words From Our Founders

"Make haste slowly."

— [Benjamin Franklin](#), from the 1744 Poor Richard's Almanac

Votes of Interest

The Senate rebukes Trump on his Saudi position

S.J.Res.69 - A joint resolution supporting a Diplomatic Solution in Yemen and Condemning the Murder of Jamal Khashoggi

[Senate Vote](#)

On December 13, 2018 the Senate **unanimously passed** a resolution to censure the government of Saudi Arabia for the murder of Virginia resident and Washington Post journalist Jamal Khashoggi and for its aggression in Yemen. The resolution includes the statement that the Congress "declares that there is no statutory authorization for United States involvement in hostilities in the Yemen civil war." During the floor discussion about the resolution, the retiring Sen. Bob Corker (R-Tenn.) [said](#), "the Senate has now unanimously said that Crown Prince Muhammad bin Salman is responsible for the murder of Jamal Khashoggi. That is a strong statement. I think it speaks to the values we hold dear, as the rest of this resolution does. I am glad the Senate is speaking with one voice." This is one of three votes related to Yemen that occurred in the Congress this week.

The Senate exerts its War Powers Authority on Yemen

S.J.Res. 54: A joint resolution to direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress

[Senate vote](#)

This is the second vote relating to Yemen, and the language of this item was much stronger than its companion resolution (S.J. Res. 69). This offering from Sen. Bernie Sanders (I-Vt.) opens with the constitutional reference to Congress as the "sole power" enabled to declare war, and lays out how the Administration has been assisting efforts in Yemen, closing with "Congress hereby directs the President to remove United States Armed Forces from hostilities in or affecting the Republic of Yemen." [Axios reports](#) that this is the first time that Congress has ever used congressional authority handed to them in the War Powers Act of 1973. In a vote on December 13, 2018, the measure passed 56-41. All of the Democrats and Independents were joined by 7 Republicans - the departing Jeff Flake (AZ), Todd Young (IN), Jerry Moran (KS), Rand Paul (KY), Susan Collins (ME), Steve Daines (MT), and Mike Lee (UT). **Casey voted YES** and **Toomey voted NO**. But it is unlikely that this will move forward, because of the third Yemen vote, taken in the House. See below...

Bringing the Farm Bill to the floor... with a poison pill for inaction in Yemen

H.Res. 1176: Providing for consideration of the conference report to accompany the bill (H.R. 2) to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2023, and for other purposes

[House vote](#)

Part of the process of bringing a bill to the floor for a final vote is often a resolution that sets the terms for the coming debate. This resolution was the action that brought the Farm bill conference report to the floor of the House... but the GOP leadership added language to the bill that forbade any War Powers or Yemen related debate for the remainder of the 115th Congress. If that sounds familiar, it is because they did the same thing a few weeks ago with a resolution ([H.Res. 1142](#)) related to gray wolves. Their goal in doing so was to make legislators feel like they had to choose between endangered Americans (because the Farm Bill includes the SNAP/food stamp program) and people overseas. For more on the politics of this plan, see the excellent Vox piece titled "[The bizarre story of Democrats helping Republicans stall action on Yemen.](#)" This shifty gambit from the Republican leadership just barely succeeded. It passed, 206-203, on December 12, 2018. The Pennsylvania delegation was divided on the issue. All of the Democrats voted NO. Republican Reps. Bill Shuster and Lou Barletta did not vote. All of the remaining Republicans (including Rep. Fitzpatrick) voted YES. This action essentially blocks the Senate bills on Yemen for the remaining two weeks of the 115th Congress. All is not lost, though. The incoming House should have enough votes to approve action ending hostilities in Yemen, and enough of those who voted on Sen. Sanders action in the Senate (S.J. Res. 54) will be coming back next term to pass another effort.

Reversing a Trump rule about donor information disclosure

S.J.Res. 64: A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of the Treasury relating to "Returns by Exempt Organizations and Returns by Certain Non-Exempt Organizations"

[Senate vote](#)

In July, the Treasury Department issued a new rule that would end requirements for certain tax-exempt organizations to report identifying information on their donors. Vox provided an excellent [explainer](#) on this move. It means that groups like the NRA, who spent over \$30 million on Donald Trump's 2016 campaign, would no longer need to disclose their financial contributors. And while it is illegal for people outside the United States to contribute support for political campaigns, if these groups no longer needed to report donors, then there is no way to enforce the rules about foreign contributions. Despite this obvious invitation to illegal behavior, senators who favor this rule, like Senate Majority Leader McConnell, refer to it instead as a "pro-privacy reform," as [reported](#) by *Politico*.

This week, the Senate invoked the Congressional Review Act (the rule used earlier in the 115th Congress to overturn a number of Obama era rules related to topics like [gun control](#) and [wildlife protection](#)) to take the first step to overturn this pro-dark money initiative from the Trump Administration. In a vote taken on December 12, 2018, this measure scraped by, 50-49. The Democrats and Independents were joined by Sen. Susan Collins (R-Maine). Sen. Thom Tillis (R-N.C.) did not vote. **Casey voted YES** and **Toomey voted NO**.

A judicial confirmation, despite Jeff Flake's protest

On the Nomination PN2117: Jonathan A. Kobes, of South Dakota, to be United States Circuit Judge for the Eighth Circuit

[Senate Vote](#)

In the [December 2nd MoCTrack Report](#) we covered the cloture vote on Jonathan Kobes, a Trump Administration nominee with the dubious distinction of being a recipient of an "unqualified" rating from the [American Bar Association](#). They concluded that "Mr. Kobes has neither the requisite experience nor evidence of his ability to fulfill the scholarly writing required of a United States Circuit Court Judge." At the time, Sen. Jeff Flake had voted for cloture, but indicated via tweet that he intended to vote against all judicial nominations until such time as Senate Majority Leader McConnell brought legislation to protect the Mueller Investigation to a vote. Despite this threat, the confirmation of Mr. Kobes was indeed brought to the full Senate for a vote on December 11, 2018. Sen. Flake kept his promise and joined with the Democrats and Independents to vote against Mr. Kobes, tying the chamber. Vice President Pence was

brought in to break the tie, and this officially unqualified nominee has now been confirmed as a circuit court judge, with a 51-50 vote. **Casey voted NO** and **Toomey voted YES**.

#MeToo Legislation moves to the President

S. 3749: A bill to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the initiation, review, and resolution of claims...

[Senate vote](#) and [House Vote](#)

After harassment issues prompted the resignation of half dozen legislators, with more opting not to seek re-election, Congress has finally passed legislation to update the law that directs the process for handling harassment claims in Congress. Earlier in the term the House and Senate had passed different version of legislation, and they finally came to an agreement on the sticking points. *NBC News* [explained](#) some of the new provisions:

The agreement aims to cut down on the processes that deter a victim from moving forward with a claim, including a previously required 30-day "cooling off" period, the 30-day "counseling" period and the mandatory arbitration, which victims and their attorneys have said was more of a interrogation instead of an arbitration.

Additionally, settlements will no longer be paid by the taxpayers, but will instead come out of the offending lawmaker's salary, even if they leave office. If they fail to repay, their wages (or final paycheck) will be garnished. Settlements will be made public, along with the name of the lawmaker. The key issue in the negotiations that had stalled the process was apparently the House's desire to provide an attorney for the victim of harassment. After the election results, when 102 women were elected into the House, negotiations picked up once again. The compromise is that an attorney will be provided for victims in the House, and "an advocate" will be granted to those reporting in the Senate. **The bill passed both houses unanimously**, via voice vote. The bill's sponsor, Rep. Jackie Speier (D-Calif.) [said](#), "I feel thrilled that the employees of this august institution are now going to be safer. It's a long time coming, but it is a wholesale change in the way that sexual harassment claims are going to be handled in Congress."

The Farm Bill passes in both houses

H.R. 2 - Agriculture Improvement Act of 2018

[Senate vote](#) and [House vote](#)

The Farm Bill is a massive legislative package that comes up for renegotiation every five years. This year's effort was problematic for a variety of reasons, including the fact that the GOP ignored decades of tradition to bypass bipartisan negotiation and introduced a fully formed bill with onerous work requirements for SNAP (food stamps) included. For more details and additional links about the wrangling on this must-pass package, see this previous [MoCTrack recap](#). After the House and Senate passed different versions of the bill it went to [conference](#). Shortly after Thanksgiving the key negotiators from the Agriculture Committees came to an "[agreement in principle](#)." The *Washington Post* was kind enough to produce an explainer that breaks down the \$867 billion, 529 page monster into an easily digestible [recap](#). The final efforts of the conference committee came to the Senate floor on December 11, 2018. It passed with an 87-13 vote. **Casey voted YES** and **Toomey voted NO**. The bill went to the House for a vote on December 12, 2018, and passed, 369-47. Most of the Pennsylvania House delegation (including Rep. Fitzpatrick) voted YES. Rep. Lou Barletta did not vote, and Reps. Scott Perry and Keith Rothfus voted NO. For more on legislator statements upon the passage of the Farm Bill, please see the section at the end of this report.

EDITOR'S NOTE - this [opinion piece](#) in the New York Times presents an interesting perspective about the flaws in the Farm Bill. It makes for a good read, if you have an eye towards future movement towards progressive policy that would enable the survival of small and medium sized farms and sustainable agriculture.

The House condemns Russian aggression towards Ukraine

H.Res. 1162: Expressing the sense of the House of Representatives with respect to Ukraine

[House vote](#)

This resolution was recapped in the [December 2nd MoCTrack](#). It officially rebukes Russia for its recent aggression in Ukraine. It was sponsored by the leaders of the House Foreign Relations Committee, Chairman Ed Royce (R-Calif.) and Ranking Member Eliot Engel (D-N.Y.). The measure **passed**

unanimously on December 11, 2018 by voice vote. Since it is a simple house resolution, the mere passing ends its legislative process.

SHUTDOWN UPDATE

H.J.Res. 143: Making further continuing appropriations for fiscal year 2019

<https://www.govtrack.us/congress/bills/115/hjres143>

“I am proud to shut down the government for border security, Chuck. Because the people of this country don’t want criminals and people that have lots of problems and drugs pouring into this country. So I will take the mantle. I will be the one to shut it down. I won’t blame you for it.” - President Trump, as reported in the [Washington Post](#) (and every other news outlet in the country)

Earlier this week, President Trump invited presumptive House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer to the White House to negotiate the spending bill that funds the Department of Homeland Security and several other departments. When the pair arrived, they were met by the press corp, as the president failed to tell them this was going to be a televised meeting. In the course of the meeting Rep. Pelosi referred to the coming event as the “Trump Shutdown” and then the president uttered the words quoted above.

At issue is spending on the border wall, which the President insists be included in the spending bill, and which the Democrats refuse to provide. Incidentally, the President could pass the bill through the house without any Democratic buy-in, but members of his own party are recalcitrant about all spending bills, which is why Democratic votes are needed.

There was some talk on Thursday and Friday that a short term spending bill (another continuing resolution) was in the works, pushing the shutdown threat to January and the new Congress, according to [reporting](#) in *Politico*. But as of Sunday morning, Trump surrogate and senior advisor Stephen Miller was [quoted](#) in *The Independent*, saying “ew will do whatever is necessary to build the border wall to stop this ongoing crisis of immigration.” When he was asked to clarify if that included a shutdown, he said “Absolutely.”

Our legislators have until Friday, December 21st to resolve this issue or there will be a partial shutdown. The President is [scheduled](#) to leave Washington DC after the 21st, and will spend the next 16 days at Mar-a-Lago. And the *New York Times* just released an [article](#) that says “...House Republican leaders are also confronting a more mundane and awkward problem: Their vanquished and retiring members are sick and tired of Washington and don’t want to show up anymore to vote.” With all of this in the mix, the next week should be interesting.

Criminal Justice Reform Update

S. 3649: First Step Act

<https://www.govtrack.us/congress/bills/115/s3649>

This bipartisan criminal justice reform bill faces an uncertain future, but it is moving forward in the short time the Senate has left before the end of the legislative calendar. The bill, which covers issues related to reducing mandatory minimums, advancing anti-recidivism programs and establishing early release guidelines, is the source of significant debate within the Republican caucus. Sen. Tom Cotton (R-Ark.), the bill’s most vocal opponent, has been gathering allies, and Sen. Ted Cruz (R-Texas) has been busy drafting changes that he wants included in the bill before it goes to floor debate. *Politico* [reports](#):

McConnell on Thursday moved to set up votes to open up debate on the legislation, which will then be followed by a limited number of amendments... McConnell’s parliamentary move fulfills a promise to President Donald Trump to consider the bill in the lame duck session after the GOP leader publicly and privately surmised that the Senate didn’t have enough time to complete it. After the Senate begins debating the bill, it will

ultimately take 60 votes to pass it. And an amendment from Cotton will require just 50 votes in the narrowly divided Senate.

The bill should come to the floor of the Senate on Monday, with an eye towards a vote mid-week, to give the bill time to go to the House before the end of the session.

The passage of the Farm Bill, our MoCs speak

Sen. Bob Casey, 12/11/18, from his [website](#):

"I have worked for years to ensure that Pennsylvania farmers, families and rural communities receive the support they need," said Senator Casey. "I'm pleased that the 2018 Farm Bill includes measures that 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 effort and I urge my colleagues in the House of Representatives to swiftly pass this legislation."

EDITOR'S NOTE - the statement that Senator Casey provided also included recaps of a handful of bills that he sponsored that were included within the Farm Bill. These include the Organic Agriculture Research Act of 2018 (S.2404), the Conservation Reserve Enhancement Program Improvement Act of 2018 (S.2978), the Give Our Resources the Opportunity to Grow Act (S. 2557) & the Chesapeake Bay Enhancements Act of 2017 (S.2139), the Nourishing Our Golden Years Act (S.2085), and the Farm to Food Bank Act of 2018 (S.2824). For more details on these programs, please follow the [link](#) to his website.

Rep. Brian Fitzpatrick, 12/14/18, from his [website](#):

"I was proud to support the updated Farm Bill, which passed the House with overwhelming bipartisan support. The Supplemental Nutrition Assistance Program serves as our nation's most effective anti-hunger program. The updated measure ensures that the thousands of families, including our community's children, seniors, and veterans, maintain the support they need to raise themselves out of poverty. In addition, this bill reauthorizes much-needed assistance programs for our local farmers and producers."

Sen. Pat Toomey, 12/11/18, from his [website](#):

"This Farm Bill is a wasted opportunity to rein in excessive spending and end corporate welfare. It makes no attempt to curb taxpayer-funded handouts or reform the broken sugar program that forces American consumers to pay twice as much for sugar as the rest of the world. Further, efforts to establish a reasonable work requirement for adult, able-bodied food stamp recipients with no dependents, were abandoned. American farmers, consumers, and taxpayers deserved better."

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!