

PA-01 Member of Congress Tracking Report - 03/24/19

This is a 100% volunteer effort brought to you by a handful of progressive Democrats and Independents who share a vision of an informed electorate and a desire to make the process of getting legislative news easier! We want to offer thanks to the Pennsylvania Together and Pennsylvania Statewide Indivisible organizations who host our report and help us share it out to the residents of our Commonwealth!

Tracking Congress in the Age of Trump

The lower the number, the more the legislator votes in opposition to the Trump agenda.

Member of Congress	This week's score	Change from last report
Senator Bob Casey (D)	30.9%	0.0%
Senator Pat Toomey (R)	87.9%	0.0%
PA-01 Rep. Brian Fitzpatrick (R)	73.5%	0.0%

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. Congress was on recess this week, so no changes in tracking numbers

Want to see exactly what votes went into giving your MoC the numbers above? Click on the name of any legislator and you will be brought to their 538 webpage, where all of the positions that went into the index are listed in an easy-to-read format.

Words from Our Founders

"Pardoning the Bad, is injuring the Good."

— [Ben Franklin](#), from Poor Richard's Almanack, 1748

Congress was on recess - there were no votes this week.

That means it is a GREAT time to go and visit our at-a-glance vote trackers for both houses of Congress. These are quick lists for every one of Pennsylvania's MoC in the US Congress with super-short explainers for the important votes that have taken place this session. And if you click on the bill number, it will link you to more detail each bill that was voted upon.

- [House of Representatives Vote Tracker](#)
- [Senate Vote Tracker](#)

The Mueller report was delivered on Friday... Some of our MoCs have thoughts!

☐ Senator Bob Casey, 03/22/19, via [Twitter](#):

"I commend the independent work and public service of Special Counsel Mueller and his team. This report was paid for with taxpayer dollars and must be made public as quickly as possible." (This was the text shared from the senator atop a retweet of a *New York Times* [tweet](#) that reads "Breaking News: Robert Mueller has submitted his full report on President Trump and Russia to the attorney general, who now must decide how much of it to release.")

☐ PA-01's Rep. Brian Fitzpatrick, 03/22/19, via [Twitter](#):

"As a former FBI Agent, I have consistently supported my former boss, Special Counsel Robert Mueller's investigation and have insisted on allowing it to proceed unimpeded. Now that it has concluded, the report must be made public and full briefings must be made to Congress. We must insist on 100% full transparency on all investigative matters and full disclosure to the public. Once that occurs, and once we respond accordingly, it is time to move on."

- **PA-02's Rep. Brendan Boyle, 03/22/19, via [Twitter](#):**
 "Now that Special Counsel Mueller has sent his report to the Attorney General, it must be made public. Americans have a right to the truth. #ReleaseTheReport"
- **PA-03's Rep. Dwight Evans, 03/22/19, via [Twitter](#):**
 The congressman retweeted content from Eric Holder, President Obama's former attorney General. That tweet reads, "If the Mueller Report contains evidence about impeachable conduct/offenses that, at a minimum, must be shared with Congress. It would be irresponsible for DOJ to hold on to this kind of information - for any reason. No privilege claim would be valid."
- **PA-04's Rep. Madeleine Dean, 03/22/19, via [Twitter](#):**
 ".@TheJusticeDept The American people have said it loud and clear: the #MuellerReport must be made public. Congress has said the same – by a vote of 420-0. The public deserves transparency, and democracy requires it." (This was shared along with a *New York Times* article titled "[Mueller Delivers Report on Trump-Russia Investigation to Attorney General](#)."
- **PA-05's Rep. Mary Gay Scanlon, 03/22/19, via [Twitter](#):**
 "We took an oath to uphold the Constitution, safeguard our democracy, and protect the rule of law. The American people deserve no less than transparency as we work to restore faith in our democratic institutions. I look forward to reviewing this report." (This was shared with the same article that Rep. Dean also tweeted.)
- **PA-06's Rep. Chrissy Houlahan, 03/22/19, via [Twitter](#):**
 "I'm grateful that Mueller was able to finish his report. This should be made public to the fullest extent of the law."
- **PA-07's Rep. Susan Wild, 03/23/19, via [Twitter](#):**
 "The Mueller report needs to be made public. The House voted unanimously for its release because Republicans & Dems agree that the American people deserve to know what is in this report. The taxpayers paid for it & they deserve transparency at all levels of government."

The MoCs ignoring the Mueller Report completion were talking about...

- **Senator Pat Toomey** - nothing, his last social media release was on 03/20/19.
- **PA-08's Rep. Matt Cartwright** - [rebuilding infrastructure](#)
- **PA-09's Rep. Dan Meuser** - meeting with a [rural development](#) leader
- **PA-10's Rep. Scott Perry** - a [town hall](#)
- **PA-11's Rep. Lloyd Smucker** - [puppies](#)
- **PA-13's Rep. John Joyce** - [workforce development](#)
- **PA-14's Rep. Guy Reschenthaler** - [Israel](#)
- **PA-15's Rep. Glenn W. Thompson** - [boy scouts](#)
- **PA-16's Rep. Mike Kelly** - [tariffs](#)
- **PA-17's Rep. Conor Lamb** - [meeting with constituents](#)
- **PA-18's Rep. Mike Doyle** - nothing, his last social media release was on 03/21/19

Editor's note - just as MoCTrack was getting edited for publication on Sunday, 03/24/19, Attorney General Barr's office sent a [letter](#) to the chairpeople and ranking members of the House and Senate Judiciary Committees. House Judiciary Chairman Jerry Nadler made that letter public, and it contains a summary of the conclusions from the Mueller Report... as interpreted by President Trump's Attorney General. It is possible that our PA MoCs have made tweets or public comments after 5PM on Sunday that are NOT included in this segment. We will retweet those messages under the hashtag #MoCTrack for any materials that did not make the publication deadline.

MoC Twitter Action

Senator Bob Casey hot topics: Much of the senator's Twitter content this week concerned visits he made during this Congressional break, while he was home in Pennsylvania. He visited a child care center in Berks County and another in Erie to discuss his bill on child care tax credits. He was a guest at an event at Moravian College where he met with the students there. He was scheduled to hold a town hall at Temple University, but that was postponed because of the mumps epidemic at the school. From a policy perspective, the senator followed up with more information about the Defense Department projects in Pennsylvania to be raided to pay for President Trump's fake national emergency, he provided a multi-tweet thread on the president's unilateral decision to cancel some North Korean tariffs (see below) and he expressed his desire to see that the Mueller Report be made public "as quickly as possible."

Casey tweets of the week, 03/22/19: "By removing carefully vetted sanctions on North Korea, President Trump is making our nation less safe. I have supported President Trump's efforts to engage with North Korea diplomatically, but this step represents appeasement of a regime that has made no meaningful steps towards denuclearization. We are less safe because of the president's recklessness. Additionally, this reversal on sanctions fails to hold the North Korean regime accountable for its gross human rights violations against its own people and U.S. citizens like Otto Warmbier. President Trump's fascination with dictators is threatening our national security. Throughout his time in office, he has demonstrated that foreign leaders who lavish him with praise can get away with anything. That's dangerous."

— [Senator Casey's statement, made in response to President Trump's tweet announcing he has "ordered the withdrawal" of new sanctions on North Korea](#)

Representative Brian Fitzpatrick hot topics: The representative's new social media person is expanding their skill set and they have shared almost a dozen photo collages (so many!) of constituent interactions from this week. These are the activities the representative promoted:

- Visiting a Boy Scout troop in Doylestown
- Meeting with Family Promise of Lower Bucks, a group that helps homeless families
- Chating with elders at the Morrisville Senior Center and the Manor at York Town
- Praying at the Zubaida Foundation and Mosque and the Islamic Culture Center of Willow Grove
- Speaking at an event with the Bucks County Drug & Alcohol Commission
- Talking about the Problem Solvers Caucus with the Warrington Rotary Club
- Having a round table at the Abington Hospital
- Reading to children at the Kulp Elementary School
- Giving a speech about Ground Zero First Responders
- Meeting with Hedwig House staff, who run a psychiatric rehab facility
- Speaking at the Bucks County Women's Advocacy Coalition Legislator Breakfast

From a policy angle, the representative promoted his bill about 9/11 first responders, and expressed his desire for the Mueller Report to be released to the public.

Fitzpatrick tweet of the week, 03/20/19: "Thank you Jacqueline Jackson from @autismspeaks for your tireless advocacy and dedication to this community which inspires me every day to keep fighting for legislation that helps reduce barriers for individuals with autism."

— [made in response to a thank you tweet from Autism Speaks Advocacy](#)

Senator Pat Toomey hot topics: The senator tweeted six times this week (all on or before March 20th.) He retweeted content from Ivanka Trump about "Higher Edu reform!!" and offered a birthday greeting to C-SPAN along with a photo collage of his first appearance on the network. The Senator then shared a quartet of photos from constituent interactions he made in western PA with small business leaders in Erie (2 tweets from that visit), Crawford County Commissioners and Grove City students.

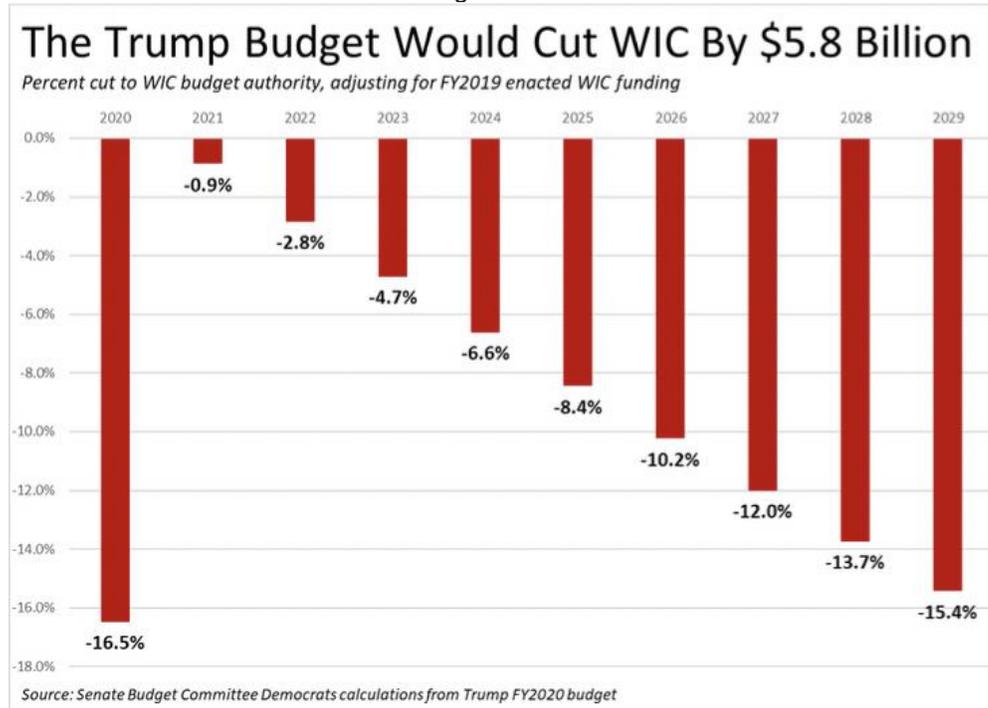
Toomey tweet of the week, 003/18/19: “Glad to see the White House prioritizing reform of the federal work-study program so college students learn real-world skills. My bipartisan bill introduced with @SenGillibrand would do just that. More: <http://bit.ly/2TGK8qO> ”

— shared as the header while retweeting Ivanka Trump's [tweet](#)

Honorable mention, lawmaker

From @SenSanders - Sen. Bernie Sanders (I-Ver.) on 03/20/19:

“Trump's budget would take away nutrition assistance from more than 1 million pregnant women, infants and children by cutting the WIC program by \$5.8 billion over the next decade. We must defeat this cruel budget.”



Honorable mention, media

From @MatthewAMiller, MSNBC Justice and Security Analyst on 03/24/19 (minutes after Attorney General William Barr released his new [letter](#) with additional details about the Mueller Report):

“I find it odd that Barr and Rosenstein decided to come to a conclusion on obstruction after Mueller and the prosecutorial team declined to. If it is a decision left to Congress, and Mueller wasn't weighing in, why did they? This "leaves it to the Attorney General" language is so strange in that it seems to imply Barr had to reach a conclusion, when in fact he didn't. He could've just passed on Mueller's findings, but decided to put his thumb on the scale after a 48 hour review of the facts.”

— shared with the image below, excerpted from AG Barr's letter:
[Image](#)

The Special Counsel's decision to describe the facts of his obstruction investigation without reaching any legal conclusions leaves it to the Attorney General to determine whether the conduct described in the report constitutes a crime. Over the course of the investigation, the

Honorable mention, constituent response

From @IridescentAshes on 03/20/19

“Btw... Tagging a Senator of respect while posting a tweet from the NEPOTISM
□Princess w/NO relevant experience, education or skill, who personally profits from

office, LIES, has an unsafe SECURITY CLEARANCE, ran SWEATSHOPS, etc is REPULSIVE. #DoBetter Senator. #Shameful”

— made in response to Sen. Toomey’s [tweet of the week](#), where he was promoting messaging from Ivanka Trump

Casey in the News

Courtesy of contributor Kathy Sites

“The latest information is further proof that robbing resources from Pennsylvania projects to build a wall that security experts say won’t work, is shortsighted and damaging to our country.”

— from the Harrisburg CBS affiliate channel 21’s article titled [“State leaders fear border wall funding could impact PA”](#)

“Ensuring access to healthy, nutritious food for all Americans, especially those with serious illnesses is a noble endeavor and I applaud MANNA on its efforts to help improve the region. I look forward to the launch of the MANNA Institute and am hopeful that we can work together to achieve policy outcomes that will make a healthier society.”

— the senator commends MANNA (Metropolitan Area Neighborhood Nutrition Alliance) for launching an institute to explore the impact of nutrition on health, from the *PR Newswire* article titled [“The MANNA Institute launches in Philadelphia, a City of Firsts”](#)

“If he were in the race, he would I think have a lot of support, and he’s someone I’d think very seriously about supporting. I don’t know a vice president who was more effective, who had greater responsibility.”

— from a piece in the *National Review* titled [“Will Joe Biden Be the Democratic Nominee?”](#)

“The cost of quality child care has gone up 25 percent in a decade and if you are living below poverty, you are already burdened by disadvantages that others don’t have. We know that by age 4, children in poverty are already 18 months behind developmentally. You all know that, but not enough people in Washington, D.C., know that. The bills are moving separately, to increase their chances of success. The likelihood that both bills passing together is remote, because of how things work now in Washington, D.C.”

“In the old days, we would work together with the other side on legislation before you introduced it, and we need a bi-partisan partner, but the other side isn’t interested at present in grabbing hold of bills like this, they would rather do a scaled-down version.”

— from an article in the *Pottstown Mercury* titled [“Sen. Bob Casey comes to Pottstown to push child care bills”](#)

“We don’t have enough policies in place to make sure every child can learn at an early age and has access to quality day care and learning opportunities. Parents are paying a lot more than they should be paying. This is America. We’re supposed to be focused on helping children and their families move forward. Unfortunately, in Washington, not nearly enough is done to meet that goal. Kids born in lower-income families have a disadvantage.”

“The average cost for infant care in a center-based facility amounts to 46 percent of the annual income of many single parents. That is an insult to the whole country. We should never allow that to persist. How can we say to a mom: ‘We want you to do everything you can for your child. You have to put your child in a quality setting, but you have to pay half of your income to do that.’ That makes no sense.”

— from an article in the *Reading Eagle* titled [“U.S. Sen. Bob Casey promotes child care funding bills during Berks County visit”](#)

Fitzpatrick in the News

“My gut tells me that it’s a bad idea... In the fight against opioids we want to get to the best place for all these people – if there’s any light at the end of the tunnel for any of them, and any method that offers that, then I think we all ought to keep an open mind about it ”

— the representative sits both sides of the fence in a [WHYY](#) article titled [“Weighing options to fight opioid crisis, few U.S. lawmakers tout supervised injection site”](#)

“Service members and their families sacrifice immensely to protect our freedom and they deserve quality housing. These new guidelines seek to ensure that health and safety issues are properly addressed while putting reckless contractors on notice. This bipartisan legislation is an important step in holding private housing companies accountable and empowering military families.”

— from a [Ripon Advance](#) blog post titled [“Fitzpatrick offers bipartisan legislation to ensure safety of U.S. military housing”](#)

“Congress has the moral obligation to fight for the first responders who answered the call on 9/11. I am proud to support the Never Forget the Heroes Act with members of the bipartisan Problem Solvers Caucus and to stand in solidarity with those who sacrificed to protect fellow Americans.”

— from a piece in [Insider NJ](#) titled [“Problem Solvers Caucus Formally Supports the ‘Never Forget the Heroes Act’”](#) (*Editor’s note - this source re-publishes press releases from the tri-state area*)

“...the last ship scheduled for construction at the Philly Shipyard will be completed in Spring of 2019. Awarding the construction of these National Security Multi-Mission Vessels to Philly Shipyard, will ensure the continued vitality of this important shipbuilding asset and preserve a critical component of our defense industrial base. For all of these reasons, we would strongly recommend the Philly Shipyard for this vital shipbuilding project. No shipyard anywhere in the U.S. is more prepared to handle this critical work.”

— an excerpt of a [letter](#) signed by Rep. Fitzpatrick and 11 other members of Congress from Pennsylvania, New Jersey and Delaware, as reported by the [Philadelphia Inquirer](#) article titled [“Amid layoffs, members of Congress and Mayor Kenney try to buoy Philly Shipyard”](#)

Toomey in the News

Courtesy of contributor Elayne Baker

“I have often disagreed with things the president has said and the things that he has tweeted. “But I think it’s a long way to attributing any kind of real link between what the president might say or tweet and the extraordinary type of madness that leads someone to massacre people in large numbers, whether it’s in Pittsburgh at a synagogue or whether it’s in New Zealand.”

— from an article in the [New York Post](#) titled [“Mick Mulvaney: Donald Trump is not a white supremacist”](#)

“What’s important to me is the source he uses to fund that. It should be a combination of sources that Congress has approved of, not those that have a very legally dubious basis. For me, it was about the separation of powers, and I think that’s an important issue... I think for decades now, Congress has been transferring way too much constitutional authority from the legislative branch to the executive. That’s very bad for a representative democracy, for a republic such as ours. This is one area where we should simply reclaim the legislative responsibility that we have in this regard.”

— from a [Newsmax](#) article titled [“Sen. Pat Toomey: Congress Needs More Power in National Emergencies”](#)

“The courts may very well end up siding with [the president.]”

— from an article in the [Washington Times](#) titled [“Sen. Pat Toomey: Courts ‘may very well’ side with Trump on emergency declaration”](#)

"I'm hoping we can restore some of this authority to Congress, where it belongs."

— from an article in the *Pennsylvania Capital Star* titled "[Republican rebel? Or opportunist? What breaks with Trump say about Pa.'s Pat Toomey](#)"

"I am not a fan of safe injection sites. It's a policy that – we're condoning lawlessness and, arguably, facilitating an addiction problem that needs to be solved."

— from an article on the *WHYY* website titled "[Weighing options to fight opioid crisis, few U.S. lawmakers tout supervised injection site](#)"

Go Erie published an extended piece about Senator Toomey titled "[Toomey: Vote against Trump wall emergency about 'separation of powers'](#)" - Pat had a LOT to say! Here are some of the choice quotes...

- "It's the first time that any president has attempted to use [the national Emergency Act], this vehicle to basically overrule Congress. The vast majority of the previous declarations were for the purpose of imposing sanctions on bad guys — terrorists, drug dealers. (These were) not controversial, not anything that Congress had gone on record disapproving of. The spending power in the Constitution goes to the heart of the separation of powers."
- "The National Emergencies Act requires a congressional review every six months. There's a danger that he renews it in 12 months then says, 'now I have access to another whole pile of money,'" Toomey said. "If Congress appropriates a particular number (for the border wall) and then he renews this authority so that he can spend a different number, even if you think that technically he's within the law, it's not the right thing to do."
- "For decades Congress has been shifting priorities and responsibilities to the executive. That is not a good development for this republic."
- "There's going to be all kinds of people mentioned in this report, I assume, and some of them have been prosecuted. We know all about it, that's fine. But others probably are going to be people that Mueller decides, for whatever reason, not to refer for prosecution. It's not clear to me that we should break with the tradition and the practice of the Justice Department and make all that information public. Maybe it should be redacted in ways that shield the identity of those people." *[Editor's note - this comment was published before the information came out that the Mueller Report was finished.]*
- "That's what our founders envisioned. That would imply to me that at least Congress and therefore really the public does need to know about whatever Mueller has discovered about the president because there is no other mechanism for holding him accountable in the event that there was a breaking of the law."
- "The tone and the content of much of what the president has said and tweeted have been unfortunate and unhelpful. It has contributed — and he's not alone in this — to a coarsening of our political discourse that is unfortunate."
- "This is a bipartisan thing. You would be appalled if you saw some of the things that are said and written about me because we have a different view on a particular policy. I find that particularly distressing when people immediately assume that you have an evil motive when you actually could have a perfectly noble motivation and you just disagree about a particular policy."

Committee Corner

This is a new segment MoCTrack is trying out. It is really exciting that we now have a House of Representatives interested in performing oversight. We will take a look at some recent hearings, and interesting exchanges had by Pennsylvania MoCs. Any quotes come from the closed captioning transcript from C-SPAN. Since those transcripts are produced live, they sometimes contain errors because of the speed at which they are created. When mistakes in transcription are obvious, they will be corrected, and such corrections will be typed in *italics*.

From March 14, 2019 - Missing and Murdered Indigenous Women Hearing

C-SPAN reports that the House Natural Resources subcommittee on Indigenous Peoples of the United States held a hearing to get testimony about the high rates of missing and murdered indigenous women

across the country. PA-08's Rep. Matt Cartwright participated in that hearing, which can be viewed [here](#), along with the transcripts from which these quotes are taken.

□ **PA-08's Rep. Matt Cartwright:** "My colleague, Congresswoman *Haaland (D-N.M.)*, called it an epidemic in her campaign. I thank you for calling this hearing. My understanding, and if I'm mistaken, my understanding is that victims of violence in tribal communities are often reluctant to report and share information about crimes. And part of this is tied to the historical relationship between settlers and indigenous communities and that is a particularly strong barrier in rural communities. Professor and Chief Justice Deer, can you give examples of what these *concerns are and* how it plays out in present time? And I'm particularly interested in the difference between rural and urban communities.

Response from Sarah Deer, University of Kansas Professor of Women, Gender and Sexuality Studies: "Thank you for the question. I think the historical mistrust that many native people have in law enforcement are well founded. The history of law enforcement has not been one necessarily of protection but one of persecution. And when you are a native woman and your sisters and your aunts and mother, grandmother and great-grandmother have all been victims of violence and nobody's done anything, why would you come forward? And I think that trust has to be built. *It's* not going to happen in one bill or one year. That trust is going to take years and years and years to rebuild. The challenge in the urban environment is that native women, particularly if she is not the perfect victim like Elizabeth Smart, or had an addiction problem or homeless or maybe her children have been taken from her... *and she goes* to urban or off-reservation police departments, families tell us 'what did you expect?' Then the family is left feeling as though nobody cares. So both on reservation and off reservation, we need to cultivate a culture of compassion and understanding. *It's not something* you can do through legislation but with the leadership we will begin to see a sea-change in that problem.

From March 12, 2019 - House Hearing on President's Fiscal Year 2020 Budget Request

Earlier this month President Trump released his plan for the next year's budget. The cuts to Medicare, Medicaid and Social Security received wide coverage, but other areas also saw radical reductions. You can read more about the specifics contained in the Trump budget from this great *Washington Post* article titled "[Trump's budget slashes science. Here's what would be lost.](#)" The House Budget Committee held a hearing with Russell Vought, the acting director of the Office of Management and Budget, to learn more. PA-09's Rep. Dan Meuser participated. C-SPAN's video and closed captioning transcripts can be found [here](#). All quotes are from those materials.

□ **PA-09's Rep. Dan Meuser:** "Today, in the Fiscal year 2020 Budget, your office has outlined a plan to invest in important programs that are essential to many Americans while also reducing our discretionary spending and reducing the growth of mandatory spending. I am concerned about our nation's rising debt and I do appreciate the fact that the president is putting us on a plan that moves us toward fiscal responsibility by decreasing spending on non-defense discretionary programs by 5% next year, as well as reducing mandatory spending growth through reforms targeted at waste, fraud and abuse; and lowering drug prices as well as welfare reform. Our federal revenue growth projected for 2020 is 4.9%. *Does that number ring true with you?*

Response from Mr. Voight: "Yes."

□ **PA-09's Rep. Dan Meuser:** "Most states in our country would love to have that revenue growth. The only ones that probably have it would occur after a sizeable tax increase. 4.9% revenue growth is very strong. Of course, our problem is that our spending levels are quite a bit higher than that. Would you say that it is accurate that during the previous administration, President Obama's *presidency* that our debt, national debt, went from \$9.5 trillion to \$1.5 trillion in an eight year period? To \$19.5 trillion in an eight-year period?"

Response from Mr. Voight: "Sounds about right."

□ **PA-09's Rep. Dan Meuser:** "Sounds about right. Can you quantify the general impact of the Affordable Care Act on our current mandatory spending levels?"

Response from Mr. Voight: "It's a sizeable aspect of our mandatory programs."

If you would like to listen to Rep. Meuser's defense of President Trump's proposed shredding of the social safety net and his attacks on the ACA (because there's quite a bit more than what is excerpted here), they can be found at around one hour and twenty five minutes into the [hearing](#).

MoCTrack readers - do you want to see more from the Committee Corner? Any thoughts on how to format it to make it easy to digest? Let us know - tweet your feedback to @BucksCoKierstyn and include the hashtag #MoCTrack.

Learning about Legislation

Courtesy of David Bria, Vice-president of Yardley Boro Council

[@DavidBria](#) on Twitter

Editor's note - David prepared this last year for his township, and felt it would provide the perfect perspective for the introduction of H.R. 5 - the Equality Act.

THE CURRENT STATE OF ANTI-DISCRIMINATION LAWS

An estimated 276,000 LGBT adults live in Pennsylvania, and 174,000 LGBT people work in Pennsylvania. Data from the 2010 census show there are 5.28 same-sex couples in Bucks County per 1,000 households, the fourth-highest in Pennsylvania.

FEDERAL LAWS

Currently, there is no federal law that explicitly prohibits workplace discrimination based upon sexual orientation. Different circuits of the federal appellate courts disagree on whether sexual orientation is covered by Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on an individual's sex. The Second and Seventh Circuits have ruled in favor of this interpretation, while the Eleventh Circuit has ruled against this interpretation. The executive branch has issued conflicting opinions as well: In *Zarda v. Altitude Express*, the Equal Employment Opportunity Commission and the Department of Justice filed opposing amicus briefs, with the EEOC arguing in favor of Title VII covering sexual orientation and the DOJ arguing against.

STATE LAWS

Twenty (21) states plus Washington D.C. currently have laws which prohibit discrimination based on sexual orientation or gender identity. They are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Minnesota, Iowa, Illinois, Colorado, New Mexico, Utah, Nevada, Washington, Oregon, California, and Hawaii. Additionally, New York and Michigan explicitly interpret existing prohibitions on sex discrimination to include discrimination based on sexual orientation or gender identity. Wisconsin prohibits discrimination based on sexual orientation, but not gender identity.

Pennsylvania law does not explicitly prohibit discrimination on the basis of sexual orientation and is therefore the only state in the northeastern U.S. not to do so. H.B. 1410, known as the PA Fairness Act, and its counterpart S.B. 613, seek to amend the Pennsylvania Human Relations Act (PHRA) to include discrimination in employment, housing, or public accommodation on the account of one's actual or perceived sexual orientation or gender identity. Both bills presently remain stalled in committee despite bipartisan sponsorship. The PHRA currently prohibits discrimination based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status—but not sexual orientation and gender identity.

MUNICIPAL ORDINANCES

More than 50 municipalities in the Commonwealth of Pennsylvania have anti-discrimination ordinances. These ordinances establish a local Human Relations Commission which can hear complaints pertaining to an expanded list of protected classes which includes sexual orientation and gender identity.

In Bucks County, such ordinances were adopted in the Boroughs of New Hope, Newtown, Doylestown, Bristol, and Yardley. Based upon census data, if Newtown Township were to adopt this ordinance, it would nearly double the number of individuals in Bucks County living in a municipality that prohibits LGBTQ discrimination.

PUBLIC OPINION

A 2017 survey from the non-partisan Public Religion Research Institute indicates that a large majority of Americans support anti-discrimination laws to protect the LGBT community. 70% of respondents were found to support the measure, with 72% of Independents, 79% of Democrats and 58% of Republicans showing support. Majority support held even when results were broken down by race, ethnicity, gender, religion, and age bracket.

Non-discrimination policies are increasingly popular with several major employers. According to a 2013 study by the Williams Institute, 139 companies headquartered in Pennsylvania—37 of which are Fortune 1000 companies—have policies in place that prohibit discrimination based on sexual orientation; 40 companies go further to prohibit discrimination based on gender identity. Perhaps the most high-profile case of business support for LGBTQ anti-discrimination policy comes from Amazon; the company has indicated that LGBTQ anti-discrimination laws are a requirement in its search for the site of its new headquarters, known as HQ2.

ECONOMIC IMPACT

The Williams Institute in September of 2017 released a detailed study on impacts of stigma and discrimination against LGBT people in Florida. A poll run from 2012 – 2014 found that 28% of LGBT people in Florida did not have enough money for food compared to 19% of non-LGBT adults. Additionally, the 2012 Behavioral Risk Factor Surveillance System found the following differences between the experiences of LGBT people and non-LGBT people:

	Diagnosed with a depressive disorder	Report binge drinking	Current Smoker
LGBT People	32.6%	26.5%	34.3%
Non-LGBT People	16.8%	11.8%	15.1%

The study concluded that a 25% reduction in these health disparities between LGBT people and non-LGBT people would result in \$609.4 million in annual cost savings to the state economy.

Anti-discrimination employment laws and policies are also shown to be beneficial for businesses. These policies increase the likelihood that LGBT employees are out at work, which leads to increased productivity, better psychological health, and increased job engagement and satisfaction. LGBT employees also tend to stay in their jobs longer when anti-discrimination policies are in place.

Deliberately anti-LGBTQ legislation in recent years has proven harmful to some states' economies. An analysis by the Associated Press found that the recent "Bathroom Bill" in North Carolina (HB2) would have cost the state \$3.76 billion over a ten-year period. Similarly, the Religious Freedom Restoration Act in Indiana was shown to have cost the city of Indianapolis more than \$60 million in lost revenue.

BANNING THE PRACTICE OF CONVERSION THERAPY ON MINORS

Conversion therapy, sometimes referred to as reparative therapy, can be defined as any intervention attempting to change a person's sexual orientation or gender identity. The practice is widely discredited by the medical community and considered to have no scientific merit.

Conversion therapy is considered to be harmful to LGBTQ youth. A 2009 study by San Francisco State University found that LGBTQ youth who were highly rejected by their families were 8 times more likely to have attempted suicide, 6 times more likely to experience high levels of depression, 3 times more likely to use illegal drugs and 3 times as likely to be at high risk of HIV and STI transmission than LGBTQ youth who are accepted by their families .

The following professional organizations oppose the practice of conversion therapy:

American Academy of Child Adolescent Psychiatry, American Academy of Pediatrics, American College of Physicians, American Counseling Association, American Medical Association, American Psychoanalytic Association, American Psychological Association, National Association of Social Workers, Pan American Health Organization: Regional Office of the World Health Organization, and the World Psychiatric Association .

Fourteen (14) states have banned the practice of conversion therapy on minors:

New Jersey, California, Oregon, Illinois, Vermont, New Mexico, Connecticut, Rhode Island, Nevada, Washington, Hawaii, Maryland, New Hampshire, and Delaware; a ban has also been enacted in Washington DC.

In Pennsylvania, eight (8) municipalities have banned the practice:

Reading, Allentown, Pittsburgh, Philadelphia, Doylestown Borough, State College, Yardley Borough, and Bethlehem.

In 2016, The Ninth Circuit Court of Appeals upheld California's conversion therapy ban in the case *Welch v. Brown*. In 2017, the United States Supreme Court denied hearing an appeal, thus allowing the lower court's ruling to stand.

CONCLUSION

Adopting an ordinance that prohibits employment, housing, and public accommodation discrimination against the LGBT community is smart policy. Sexual orientation and gender identity are not explicitly protected classes under current statute or case law and passing an ordinance will end that ambiguity. Such an ordinance enjoys broad support from both the general public and the business community, and in the long term can help contribute to economic growth. Anti-discrimination laws, though not in effect nationwide, have been passed in 21 states over the past 20 years, and their positive effects are well-documented.

A ban prohibiting conversion therapy for children under 18 should also be included in the ordinance. Conversion therapy is a medically discredited practice that can harm the youth upon which it is practiced. It is disavowed by several major professional and medical associations and is banned in 14 states and Washington D.C.

Call to Action - Support this Bill! H.R. 5: The Equality Act

Courtesy of David Bria, Vice-president of Yardley Boro Council

[@DavidBria](#) on Twitter

[H. R. 5](#), a bill "to prohibit discrimination on the basis of sex, gender identity, and sexual orientation, and for other purposes," was introduced on March 13, 2019, into the House by Representative David Cicilline (D-RI-1). The bill is currently referred to committee, but with 235 Democratic and 2 Republican cosponsors, it seems poised to pass the House of Representatives. Notably, Rep. Brian Fitzpatrick (R-PA-1) is one of the two Republican cosponsors.

The resolution makes a simple but important amendment to the Civil Rights Act of 1964 and all subsequent Acts addressing discrimination. It seeks to define sex discrimination to include discrimination on the basis of sexual orientation or gender identity, giving the LGBTQ community full protection. Presently, there is ambiguity as to whether sex discrimination is meant to include sexual orientation and gender identity.

Different circuits of the federal appellate courts disagree on whether sexual orientation and gender identity are covered by Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on and individual's sex. The Second and Seventh Circuits have ruled in favor of this interpretation, while the Eleventh Circuit has ruled against this interpretation. The executive branch has issued conflicting opinions as well: In *Zarda v. Altitude Express*, the Equal Employment Opportunity Commission and the Department of Justice filed opposing amicus briefs, with the EEOC arguing in favor of Title VII covering sexual orientation and the DOJ arguing against.

Twenty-one (22) states plus Washington D.C. currently have laws which prohibit discrimination based on sexual orientation or gender identity. They are Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Minnesota, Iowa, Illinois, Colorado, New Mexico, Utah, Nevada, Washington, Oregon, California, Hawaii and New York. Here in Pennsylvania, prohibitions on sex discrimination are interpreted to include discrimination based on sexual orientation or gender identity—though this is not codified into law.

Call to Action - We don't get to do this very often, so it is important that you **call Rep. Brian Fitzpatrick to thank him for co-sponsoring The Equality Act**. The congressman values input from his constituents and made the decision to co-sponsor after receiving several dozen letters asking him to do so.

Senator Bob Casey (D-PA) has expressed his support for the Equality Act (not yet introduced in the Senate) and is taking a specific interest in preventing the unique forms of discrimination faced by LGBTQ seniors.

Senator Patrick Toomey (R-PA) has not supported the Equality Act in past sessions. Call Senator Toomey and ask him to co-sponsor the bill this session. A sample script from the Human Rights Campaign is below:

Hi, my name is _____ and I'm a constituent from _____. As a voter and constituent, I urge Representative _____ to support for the Equality Act and the crucial protections it would provide members of the LGBTQ community nationwide. Our country cannot continue to tolerate discrimination – in employment, housing, public places, education or anywhere – on the basis of sexual orientation or gender identity. Now more than ever, we need to pass the Equality Act and its consistent and explicit non-discrimination protections.

Please consider supporting the Equality Act today. For the LGBTQ community, and for the betterment of our country. Thank you for listening!

Thank you in advance for championing equality and encouraging your lawmakers to do the same!

A reminder of other Call to Action bills from previous MoCTrack Reports:

- [A legislative fix for Dreamers and TPS recipients - the American Dream and Promise Act](#)
- [The Green New Deal!](#)
- [Repairing the Voting Rights Act at the invitation of SCOTUS, to protect against voter suppression and intimidation](#)
- [Forcing the president to stand up to human rights abuses \(like the murder of Jamal Khashoggi\) and disentangling the US from the hostilities in Yemen](#)
- [Modernizing a 1988 bill about “undetected weapons” to include new 3D printed guns](#)
- [Prohibiting the president from ordering a nuclear first strike if Congress hasn't declared war](#)

- [The Democrats' signature ethics reform package, H.R. 1](#)
- [A bill to create more IT/Cybersecurity infrastructure and oversight](#)
- [A bill to provide back pay to low-wage contractor employees](#)

Thanks for reading up on what our Pennsylvania Members of Congress have been doing this past week. We're delighted to have you as a reader. If you liked what you read here and think others need to keep up with our MoCs, please share our website - <http://www.patogether.org/congress.html> Or you can head over to Twitter and search for #MoCTrack and retweet what you see there.

This report brought to you by the PA-01 MoCTrack team...

Elayne Baker

Gary Garb

Kathy Sikes

Kierstyn Piotrowski Zolfo

With additional help from David Bria

Are you an introvert activist looking for ways to help a progressive effort that don't involve phone calls, door knocking, or leaving your house? We are always seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover — tasks big (example - what traditional media is saying about your MoC) and small (example - what's your MoC tweeting about) to fit any level of time commitment or experience. We'd particularly love to get some perspective from the western half of our fine state... and help keeping an eye on what the Congressmen over there are up to. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!