

## PA-01 Member of Congress Tracking Report - 04/07/19

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
<a href="#">Senator Bob Casey (D)</a>	<b>30.9%</b>	<b>0.0%</b>
<a href="#">Senator Pat Toomey (R)</a>	<b>87.9%</b>	<b>0.0%</b>
<a href="#">PA-01 Rep. Brian Fitzpatrick (R)</a>	<b>71.8%</b>	<b>-0.4%</b>

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. Two House votes were scored this week - one resolution condemning the Trump Administration's attacks on the Affordable Care Act, the other relating to US forces in Yemen.

Want to see ALL the 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

"Some boast of being friends to government; I am a friend to righteous government, to a government founded upon the principles of reason and justice; but I glory in publicly avowing my eternal enmity to tyranny."

— [John Hancock](#), 1774, made on the anniversary of the Boston Massacre

### Votes of Interest

#### The Senate smashes their rules and makes it easier to shove through Trump judges

[Senate Cloture vote](#) on [S. Res. 50](#), and then... [Senate vote on the rules change](#)

In [last week's MoCTrack](#) we noted that Senate confirmation rules were about to be changed, because Senate Majority Leader Mitch McConnell was peeved that he was unable to shove through judicial picks quickly enough. Remember that McConnell and former Senate Judiciary Chair Chuck Grassley had already tossed the [blue slip process](#) (where the senators from a judge's home state had some control over whether a nomination could move forward) into the dustbin of history, so yet another trashing of norms should come as no surprise.

The process of enacting this rules change was a bit convoluted. First, Leader McConnell brought the resolution S. Res. 50 to the floor for a cloture vote. That is legislation introduced by Sen. James Lankford (R - Okla.) that would have amended the rules of the Senate, via normal procedures, to cut the debate time on executive nominations (excluding Supreme Court nominees, circuit court nominees, and Cabinet-level officials) from 30 hours all the way down to 2 hours. Under normal Senate procedures, this would need to get 60 votes for cloture before it could proceed to a final vote. However, the results of that cloture vote, taken on Tuesday, April 2, 2019, were 51-48. All of the Democrats, the two Independents, and two Republicans (Utah's Mike Lee, and McConnell himself) voted against this, so it did not achieve cloture.

Don't read anything into McConnell's vote against this initiative. According to *GovTrack*, "sometimes a party leader will vote on the winning side, even if it is against his or her position, to have the right to call for a new vote under a motion to reconsider." **Casey voted NO** and **Toomey voted YES** on S. Res. 50.

Then the Senate took up the district judge nomination of Roy Kalman Altman, and that's where McConnell went '[nuclear](#).' Let's turn back to [GovTrack](#), as they provide an excellent description of the next steps that Leader McConnell took:

**Why the vote was taken** - A vote on cloture is a vote to limit further debate and move to an up-or-down vote, in other words to prevent a filibuster. In a previous vote, on a resolution to shorten the time the Senate may debate presidential nominees failed to reach the 3/5ths threshold. In this vote the Senate changed its rules so that they could bypass the filibuster when approving presidential nominations.

**McConnell's point of order** - Sen. Mitch McConnell, the Majority Leader, raised a point of order that the Senate's rules only permit two hours of debate for presidential nominations. This was untrue. The resolution that would have made such a rule was filibustered in a previous vote. McConnell raised the point of order strategically, knowing that his point of order would be ruled against by the chair, so that he could force a vote. **The chair ruled against McConnell.**

**What yea and nay mean** - In this vote, the Senate is voting on the ruling of the chair. A vote in favor was a vote to keep the chair's ruling that the Senate may debate approval of presidential nominations for 30 hours. A vote against was a vote to adopt McConnell's contention in the point of order. Although the chair's ruling was an accurate, this vote was intended as a means to change the Senate's rules going forward. The vote required a simple majority.

**The result** - The vote failed, meaning the chair's ruling was overruled by the senators present, and McConnell's statement was adopted as the Senate's new rule. The new rule is that debate on some presidential nominations may not last more than two hours, rather than the old rule of 30 hours.

So, in this vote, the YES means that lawmakers want to keep debate for nominations at 30 hours. A NO vote means that the Senator backs McConnell and wants to churn through Trump Administration nominees at a record pace. McConnell's gambit paid off, 48-51 (remember, the 51 who sided with him voted NO). All of the Democrats and Independents voted against McConnell, and they were joined by two Republicans - Utah's Mike Lee and Maine's Susan Collins. **Casey voted YES** and **Toomey voted NO**. *Welcome to the new horrid reality of expedited nominee confirmations.*

### **The Senate nixes disaster aid package**

[Senate Cloture vote](#) on [H.R. 268](#)

This bill is one of the many appropriations measures that passed the House in January, when they were trying to end the shutdown. At that time, they passed many appropriations options, so that the Senate could have their choice of bills to take up as they saw fit to end the shutdown. This differed from other appropriations bills passed at that time in that it had significant disaster funding attached.

[Politico](#) reduced the back-and-forth in the Senate down to its major components in a piece from earlier this week:

Democrats blocked a GOP plan earlier this week because they wanted millions more for Puerto Rico than the \$600 million in nutrition aid that Trump has begrudgingly accepted. Similarly, the GOP stopped a House-passed disaster aid bill. Meanwhile, Puerto Rico is running out of food assistance, the Southeast is reeling from hurricanes and the Midwest is struggling with floods.

In addition to the immediate humanitarian impact, there are broader political and policy implications from the impasse, especially if the massive bill isn't completed soon. In particular, Senate Democrats campaigning in Iowa for the presidency are almost certain to be pressed on why they haven't delivered flood relief.

Complicating the already difficult wrangling in the Senate is President Trump and his biased view of Puerto Rico. Trump [tweeted](#), "Puerto Rico got 91 Billion Dollars for the hurricane, more money than has ever been gotten for a hurricane before, & all their local politicians do is complain & ask for more money. The pols are grossly incompetent, spend the money foolishly or corruptly, & only take from USA...." a claim that [Politifact](#) debunked at length. In an article from *the Hill* titled "[Disaster relief talks stalled by Trump feud with Puerto Rico](#)," journalist Alexander Bolton reported that "Trump's beef with Puerto Rico has put Senate Republicans from Midwestern and Southern states in a tough spot, because they say farmers in their home states need assistance immediately."

And that leaves us in a situation where no one is getting any disaster funding right now. This bill was brought to the floor of the Senate for a cloture vote (meaning it needs a supermajority of 60 to move to a final vote) on April 1, 2019. The measure failed, 46-48. This was a party line vote, with the Democrats and Independents voting for the funding, and the GOP voting against it. **Casey voted YES** and **Toomey voted NO**.

### **First Trump judicial pick confirmed under new Senate rules**

[Senate vote](#) on Roy Kalman Altman to be United States District Judge in Florida

Another very young, very conservative Trump pick has been confirmed to a lifetime position in the judiciary branch. The [Miami Herald](#) reported on the credentials of Roy Kalman Altman:

Altman's private work was centered on aviation law, and he represented victims of high-profile airline crashes like the Malaysia Airlines flight that disappeared over the Indian Ocean in 2014. He also worked as an assistant U.S. attorney for the Southern District of Florida... Altman's confirmation is part of a longtime strategy by Senate Majority Leader Mitch McConnell to confirm as many nominees with conservative credentials as possible. Altman is a member of the Federalist Society, a conservative organization that seeks to modify the legal system to match an originalist interpretation of the U.S. Constitution.

The website [The Vetting Room](#), compiled a recap of many of Mr. Altman's past writings, and why they would be deeply upsetting to all but the most conservative jurists. Amongst his record they found:

- An op-ed where he criticized an Appeals Court decision that found that border agents can't seize laptop computers and search them without suspicion of criminal activity. He called that decision "unworkable" and said it "will severely restrict the ability of federal agents to protect America's borders."
- An article where Altman advocated for warrantless search of an arrested person's cell phone
- That "Altman has also donated exclusively to Republicans, giving \$4750 over the last five years"

In a vote taken on Thursday, April 4, 2019, the 36-year-old Altman was confirmed, 66-33. Fourteen Democrats joined most of the Republicans in YES votes. Only one GOP senator, Rand Paul of Kentucky, joined 30 Democrats and the 2 Independents to vote against Mr. Altman. **Casey voted NO** and **Toomey voted YES**.

### **Toomey ally confirmed to head critical housing finance post**

[Senate vote](#) on Mark Calabria to be Director of the Federal Housing Finance Agency

The [Federal Housing Finance Agency](#) (FHFA) is a bureaucratic office that was created after the financial crisis of 2008. It supervises and regulates federal house loan programs and offices - like Fannie Mae and Freddie Mac. The Trump Administration nominated Mark Calabria, Vice President Mike Pence's chief economist, who also served as a Republican aide on the Senate Banking Committee (where our own Senator Toomey holds a prominent leadership position). Mr. Calabria also held the position of director of financial regulation studies at the Cato Institute.

There are big questions about Mr. Calabria's position on the role of Fannie Mae and Freddie Mac. The credit union industry blog [CUToday](#) covered the senate confirmation hearings of Mr. Calabria. They reported:

A number of senators referenced prior writings by Calabria, including while working at the libertarian think tank the Cato Institute from 2009 to 2017, during which he called for dialing back federal government support for the 30-year, fixed-rate mortgage. Calabria's position, said Sen. Sherrod Brown (D-OH), runs counter to what "housing stakeholders" have told the committee in the past. Calabria was also questioned over an earlier report that he supports a plan by the Trump Administration to end the decade-long conservatorship of Freddie Mac and Fannie Mae, and said he has not been involved in any related discussions... [Senator Elizabeth] Warren also challenged Calabria over prior statements that he would like to eliminate federal requirements for affordable housing.

Mr. Calabria's nomination spawned a number of banking industry think pieces, fearing he might support [re-privatization](#) or the [end of the conservatorship of Fannie and Freddie](#). As we here at MoCTrack have noted in many previous reports, it would be well within the Trump Administration's pattern to bring in a director of a bureaucratic agency who is ideologically opposed to the very mission and goals of the agency he is to lead.

Senator Toomey backed Mr. Calabria from the moment he was announced as a nominee. He issued a [statement](#) last December that reads, "Mark Calabria is a well-respected economist who has been a trusted voice on housing markets for Congress, the Executive Branch, and academia. He is an excellent choice to lead the Federal Housing Finance Agency, and I look forward to working together to pursue market-driven reforms that protect taxpayers from future bailouts and lead to a healthier housing market."

The vote on this nomination took place on Thursday, April 4, 2019. It was a strict, party line affair, and thus Mr. Calabria was confirmed, 52-44. **Casey voted NO** and **Toomey voted YES**.

### **House FINALLY reauthorizes Violence Against Women Act!**

[House vote](#) on [H.R. 1585](#)

The Violence Against Women Act (VAWA) was legislation that was originally passed in 1994, and directed funding and changed the language of some criminal laws to stiffen penalties for crimes against women. Like many such efforts it needs to be periodically reauthorized. In the past it usually passed with broad, bipartisan support, but there have been battles about broadening language to include same sex couples and undocumented immigrants under some provisions. The 115th Congress, under GOP control, let the bill expire in late 2018. It was reauthorized for a very short stretch of time in one of the shutdown-ending measures early this year, but funding once again lapsed in February. If you would like to read more about the history of this Act, please see the Congressional Research Service white paper, "[The Violence Against Women Act \(VAWA\): Historical Overview, Funding, and Reauthorization](#)."

This most recent iteration of VAWA faced coordinated opposition from the NRA, who indicated that they were "scoring" the vote on this bill. [NPR](#) outlined the contested parts of the bill:

House Republicans broadly object to at least four new policies added to the bill to reauthorize VAWA... the most controversial are new provisions to lower the criminal threshold to bar someone from buying a gun to include misdemeanor convictions of domestic abuse or stalking charges. Current law applies to felony convictions...It would also close the so-called "boyfriend loophole" to expand existing firearm prohibitions to include dating partners convicted of abuse or stalking charges.... Republicans also oppose a new provision to allow U.S. citizens to be tried in tribal courts for crimes of domestic or dating violence committed by non-native perpetrators on native lands; a provision to create a pathway for an "alternative justice response" as a form of mediation between victims and abusers; and the expansion of existing protections to include transgender victims.

The vote was taken on Thursday, April 4, 2019, and the measure passed, 263-158. One Democrat (Collin Peterson of Minnesota) and 157 Republicans voted against the reauthorization. Thirty-three Republicans joined the Democrats in passing this measure, including **Rep. Fitzpatrick, who voted YES**. Here's what he had to say about his vote:

□ **PA-01's Rep. Brian Fitzpatrick, [04/04/19](#)**

"We did it! We passed a full reauthorization for VAWA which will help victims get the resources they need and protect countless women and children with broad bipartisan support!"

[Mother Jones](#) reports that the GOP members of the Senate, "...hope to pass what they call a "clean" version of the bill, which extends the funding, but excludes the Democratic add ons."

### **The House tees up a possible veto by passing the Yemen resolution**

[House Vote](#) on [S.J. Res. 7](#)

The ongoing tug of war over the [United States' military involvement in the hostilities in Yemen](#) is part of a larger conflict over the Trump Administration's entire global foreign policy, their stance on human rights, and even the differing views on the role of the legislative branch in [arms sales](#) and [war powers](#). Sen. Bernie Sanders (I-Vt.), who introduced the original resolution to the Senate, explained via the [New York Times](#), "The United States Congress is going to reassert its constitutional responsibility over issues of war that have been abdicated for presidents, Democrats and Republicans, for too many years."

This situation is all but a do-over of the events from late 2018. During the 115th Congress the Senate took up a similar resolution and passed it, but then-Speaker of the House Paul Ryan refused to bring it to the floor for a vote. Rep. Barbara Lee (D-Calif.) set the stage for the importance of this vote, as reported in [Democracy Now](#), observing "We've helped create and worsen the world's greatest, largest humanitarian crisis: 22.2 million Yemenis—that's 75% of the population—needs humanitarian assistance. At least 85,000 children under the age of 5—85,000—have died from war-related hunger and disease."

The Senate already passed this new 116th Congress version of the resolution last month. This version came to the floor of the House on Thursday, April 4, 2019. The resolution passed, 247-175. The Democrats were unanimous in their support of this effort, and they were joined by 16 Republicans. **Fitzpatrick voted NO.**

It is expected that President Trump will issue a veto on this resolution. The chairman of the House Foreign Affairs Committee, Rep. Elliott Engel (D-N.Y.), stated, "the president will have to face the reality that Congress is no longer going to ignore its constitutional obligations when it comes to foreign policy," per the [Denver Post](#). In an effort to avoid the veto, on Friday a bipartisan group of lawmakers sent a letter to the president, imploring him to not veto this effort. According to [The Hill](#), the letter says, "we believe that by signing this historic legislation to terminate an unconstitutional war that predates your presidency, you will set a new precedent for cooperation with both chambers of Congress to overcome such entrenched opposition to foreign-policy restraint."

### **The House condemns the Trump Administration over ACA attacks**

[House Vote](#) on [H. Res. 271](#)

This resolution is just one step in the long war between Republicans and Democrats about what is the role of government in healthcare. The two most recent steps, prior to this resolution, were a December 2018 federal court decision that the Affordable Care Act is unconstitutional ([Texas v. United States](#)), and a Trump Administration [federal appeals court filing](#) in March that shifted position so that they are now fully in line with that court decision., instead of just against protections for pre-existing conditions.

The text of the resolution itself outlines, in detail, many of the steps that the Trump Administration has taken to sabotage and undermine the ACA (*note to editorial writers - it is a gold mine*). After taking readers

through that litany of harms that belie President Trump's recent claim that the GOP will be "[the party of health care](#)," it then resolves the following:

...the actions taken by the Trump Administration seeking the invalidation of the ACA's protections for people with pre-existing conditions, and later the invalidation of the entire ACA, are an unacceptable assault on the health care of the American people; and the Department of Justice should protect individuals with pre-existing conditions, seniors struggling with high prescription drug costs, and the millions of people in the United States who newly gained health insurance coverage since 2014; ease any and all efforts to destroy Americans' access to affordable health care; and reverse its position in Texas v. United States.

One should view this resolution as a companion to a vote taken back in January on [Title III of H. Res. 6](#), where the House voted to take legal action to support the ACA in the same Texas v. United States lawsuit.

The resolution also serves the purpose of forcing Republicans to go on the record as, per the [Washington Post](#), "siding with Trump in his attempt to use the courts to overturn the ACA, known as Obamacare, including politically popular provisions that protect people with preexisting conditions and allow individuals to remain on their parents' insurance plans until age 26."

This resolution was brought to the floor for a vote on Wednesday, April 3, 2019. It passed, 240-186. Only one Democrat voted against this (Collin Peterson of Minnesota); while 8 Republicans joined the Democrats in supporting the ACA, including **Rep. Fitzpatrick, who voted YES**.

It is unlikely that this resolution will get any movement in the Senate. [CNBC](#) reports, "on Tuesday, Senate Majority Leader Mitch McConnell said he told Trump the Senate would not revisit health-care reform before the 2020 election."

## MoC Twitter Action

We are continuing with the new layout for this section, covering twitter by topic instead of by lawmaker. If you have a preference on this, please do not hesitate to provide feedback! Tweet at @BucksCoKierstyn or email me at KierstynPZ@gmail.com.

### Twitter Action - The ACA

#### ☐ Senator Bob Casey, [04/02/19](#)

"I stand with AARP and it's 1.8 million Pennsylvania members. Here is what AARP says about the law and what's at stake in the Courts for families across the country..."

- According to @AARP, the ACA "...strengthens the financial viability of Medicare..."
- According to @AARP, the ACA "...lowers Medicare prescription drug costs..."
- According to @AARP, "If the Court finds that the ACA is invalid, millions of older adults will lose health care coverage and consumer protections..."
- According to @AARP, if the Court finds that the ACA is invalid, "it will throw the Medicare and Medicaid programs into financial and administrative CHAOS..."
- According to @AARP, if the Court finds that the ACA is invalid, "it will plunge the more than 100 million people with preexisting conditions into an ABYSS OF UNCERTAINTY..."

[tweeted with a link to an AARP announcement that reads "[AARP urges federal appeals court to preserve Affordable Care Act](#)"]

### Twitter Action - #EqualPayDay

#### ☐ Senator Bob Casey, [04/02/19](#)

"Study after study shows that women still make less than men in the same jobs; that's why we have to pass the Paycheck Fairness Act. This legislation would strengthen and close loopholes in the Equal Pay Act of 1963 by holding employers accountable for discriminatory practices. It would also end the practice of pay secrecy, easing workers' ability to individually or jointly challenge pay discrimination, and strengthening the available remedies for wronged employees. #EqualPayDay"

- **PA-01's Rep. Brian Fitzpatrick, [04/02/19](#)**

"Proud to have supported the Paycheck Fairness Act on this #EqualPayDay. Congress must work in a bipartisan manner to close the gender pay gap and ensure women receive equal pay for equal work."



### Twitter Action - the 2017 GOP Tax Bill

- **Senator Bob Casey, [04/05/19](#)**

"Under the GOP tax plan, workers in Pennsylvania and across the country lost the ability to deduct union dues and unreimbursed employee expenses when filing. To right this wrong, I joined @RepConorLamb, State Senator-elect Pam Iovino and @ACE\_Fitzgerald, to announce the introduction of our Tax Fairness for Workers Act." [tweeted with images from an event with Pennsylvania's newest elected member of the state Senate]

- **Senator Pat Toomey, [04/04/19](#)**

"Since joining the Senate in 2010, I've worked hard to be a good steward for Pennsylvanians' tax dollars. From #TaxReform to cutting wasteful spending, the taxpayer comes first. I am honored to be named a Taxpayer Super Hero by @GovWaste." [tweeted with a link to the [award announcement](#) in *Business Wire*]

### Twitter Action - Promoted Legislation

- **Senator Bob Casey, [04/01/19](#)**

"Today I joined @SenToomey, @RepBrianFitz and the Zezzo family to call for passage of our bipartisan bill to more severely punish stalkers who exploit the internet to terrorize children. The Combat Online Predators Act enhances criminal penalties by five years for stalkers who victimize children. This legislation was inspired by the story of the Zezzo family of Bucks County, Pa. whose teenaged daughter was cyber-stalked by a friend's father on social media. The then-51-year-old stalker pleaded guilty only to a misdemeanor stalking charge and was sentenced to probation and counseling. Three years later, he made contact again, and was arrested by local police. He was sentenced to between 18 months and seven years in a state prison."

- **Senator Pat Toomey, [04/02/19](#)**

"I'm working w/@SenBobCasey & @RepBrianFitz to protect children from stalking by online predators. Our bipartisan Combat Online Predators Act will strengthen penalties on those who prey upon children. I am hopeful Congress will soon pass our legislation." [tweeted with a link to an [article](#) in Allentown's *WFMZ* about the legislation]

- **PA-01's Rep. Brian Fitzpatrick, [04/03/19](#)**

"Thank you to @SenBobCasey and @SenToomey for your commitment to protecting our nation's children and for joining me in supporting the Combat Online Predators Act." [tweeted with a link to an [article](#) about the bill from the *Doylestown Intelligencer*]

### Twitter Action - Assorted Awesomeness

- **Senator Bob Casey, [04/03/19](#)**

Senator Casey retweeted content from Sen. Sherrod Brown (D-Ohio), and this tweet was accompanied by images of a letter that the pair sent to Mick Mulvaney at the Office of Management and Budget: “This Administration’s systematic targeting of people with disabilities, their families and those who serve them shows a moral recklessness not worthy of our government.”

## Casey in the News

*Courtesy of contributor Kathy Sites*

“This is what happens when you have one party writing a tax bill, ramming it through in a matter of weeks. You have a bad process that leads to a bad result. And, of course, they weren’t thinking about workers. They were thinking about two groups, basically major corporate interests and very wealthy people, and both of those groups of Americans did pretty well. The “gut punch” to American workers, though, was the elimination of the union dues deduction. This is an attack on workers. It’s an attack on the dignity of work and the value of good work and it should be restored. Some say it is a temporary elimination that will be restored eventually, but we can’t rely on those promises. Tax provisions have a way of becoming permanent once they’re in there.”

— from an article in the *Beaver Times* titled [“Casey, Lamb unveil bills restoring tax deductions for workers”](#)

“Republican efforts to invalidate all of Obamacare reveals how their party doesn’t actually want to provide health care to all Americans. It’s frankly not surprising if you examine what Republicans have been doing the last couple years it’s very consistent, they want to rip it away. They’ve never come up with an alternative that is in any way comparable. Democrats will be on the offensive themselves regarding health care. We are going to hammer home to voters how GOP leaders want to end preexisting condition coverage while also not offering a viable alternative. Part of the reason for that is it’s just not high on their priority list, and it’s going to be a huge issue in the election. They have in my judgment very little prospect of preserving preexisting conditions protections. They say it, but they’ve got to prove it and they haven’t been able to do that.”

— from a *Wyoming Public Media* article titled [“Wyoming Lawmakers Are Ready To Battle Over Health Care”](#)

“The rise in incidents of religious discrimination and religiously-motivated hate crimes around the world is completely unacceptable. We have to not only condemn it but work to stop it.”

— from an article in *Campus Reform* about a bill he introduced, titled [“Senators aim to crack down on campus anti-Semitism, of which there is plenty”](#)

“Congress must do more. Research funding needs to be increased to really make an impact on the disease. We need billions of dollars more every year and we can certainly afford that for health research. Focus on segments of our population that we sometimes overlook when it comes to Alzheimer’s disease. Those who are under the age of 65.”

— from an article in *ABC’s Salt Lake City* affiliate titled [“New bill to combat Alzheimer’s disease”](#)

“For the brave servicemembers who put their life on the line for our country, we owe it to them to ensure that their health needs are taken care of. This legislation works to ensure that vets suffering as a result of PFAS exposure can get the treatment they need at the VA. I urge my colleagues to support this important measure.”

— from *Upper Michigan’s TV6* website article titled [“Kildee, Stabenow, Peters introduce legislation ensuring health care for veterans harmed by PFAS chemicals”](#)

## Fitzpatrick in the News

“The Combat Online Predators Act ensures that, not only are we increasing penalties for these crimes, but we are also requiring federal law enforcement officers to constantly evaluate and update practices to combat this online harassment.”

— from an article in the *Allentown Morning Call* titled [“Repeatedly stalked by friend’s father, Bucks County woman demands action on cyberstalking”](#)

“Whether it is state actors from North Korea to Russia, hacktivists or cyber-criminals targeting consumer and personal data, cybersecurity is a serious national and economic security issue that our country will continue to face over the decades to come... This legislation is an important first step to ensure DHS has the information to address this challenge on every front and the tools it needs to carry out this mission.”

— from a *Ripon Advance* blog post titled [“Katko’s bipartisan bill would increase U.S. cybersecurity preparedness, response”](#)

“As the first museum in the United States dedicated to the full story of women’s history, this museum will tell the diverse story of the women who helped shape America. It is time for Congress to authorize the creation of a National Women’s History Museum and I’m proud to stand with Congresswoman Maloney and my other colleagues to introduce this legislation.”

— from a *Ripon Advance* blog post titled [“Collins, Fitzpatrick offer bills to create national women’s history museum”](#)

“[PFAS contamination is] one of the most widespread public health crises we, as a nation, currently face.”

— from a *Pennsylvania Capital-Star* article titled [“Pa. Rep. Madeleine Dean, others ask for \\$10M study on PFAS contamination”](#)

“It is a great honor to be selected to serve as a Commissioner on the U.S. Helsinki Commission. The promotion of global cooperation and security initiatives with our allies is vital to the preservation of democracy and human rights throughout the world. I appreciate Leader McCarthy’s confidence and look forward to working with my colleagues in the House and Senate, along with the Executive Branch, to fight for our shared values.”

— from an article in *Homeland and Preparedness News* titled [“Rep. Fitzpatrick named to Helsinki Commission”](#)

“I think we need to speak to everyone, including women, and talk about the issues they care about and take reasonable, pragmatic positions, and this is one of them... I understand for some of my colleagues that may be controversial. For me, it’s not. I tell my colleagues all the time, I think the biggest threat to the Second Amendment is when you allow all of these gun crimes to occur unaddressed, because that erodes people’s confidence and trust in people that are legitimately trying to protect themselves and their families and their homes.”

— from a *WAMU* article titled [“House Passes Bill Protecting Domestic Abuse Victims, GOP Splits Over Gun Restrictions”](#)

## Toomey in the News

*Courtesy of contributor Elayne Baker*

“The Green New Deal is a ridiculous proposal that would devastate the American economy. Eliminating the use of natural gas and other fossil fuels, phasing out air travel as we know it and forcing the renovation of every building in the country is impossible and not based in reality.”

— from an article in the *Altoona Mirror* titled [“Poll shows Pennsylvania voters back climate action”](#)

“Illicit fentanyl has inflicted severe suffering on Pennsylvania families and communities...I am committed to holding responsible those who export this poison to our country. Congressional attention coupled with pressure from the Trump administration recently led to China finally subjecting all fentanyl-like chemicals to

its drug laws. This bipartisan measure provides Congress with another tool to fight the heroin and fentanyl epidemic."

— from an article on Allentown's *WFMZ 69* website titled "[Pa. Senator Toomey helps introduce Fentanyl sanctions bill](#)"

"No family should have to go through what the Zezzos have."

— from an article in the *Doylestown Intelligencer* titled "[Repeatedly stalked as teen, Buckingham woman demands action](#)"

Senator Toomey also expressed himself about gun reform laws in an article in *Erie Now* titled "[Toomey says Pittsburgh gun law is 'not a good direction,' talks new gun safety bill](#)" - without the full context provided by the article, Toomey's direct quotes would be disjointed. Accordingly, here is an excerpt from the piece, reported by Matt Knoedler:

"I don't agree with the idea of banning categories of very popular and widely-owned firearms," Toomey said. "To decide that if you paint it black and call it an assault rifle that we're going to make it illegal, that accomplishes nothing constructive."

Like most senators from purple states, Toomey is working to find a balance that will reduce gun violence without infringing on 2nd Amendment rights. One of those ways, he says, is through new legislation introduced last week. It would require federal authorities to alert state law enforcement within 24 hours when individuals "lie and try" to purchase firearms.

Federal officials are notified when someone who is prohibited from buying a gun tries to do so, but fails a background check. Often times, that breaks state law, but the cases are never prosecuted. Thirty-seven and the District of Columbia rely on federal background checks and right now, are not always told when someone gets caught in the "lie and try" scheme.

"If you think about, it's probably not a bad idea to have someone take a look," Toomey said. "This is a person who has been convicted probably of a violent crime, they're trying to buy a gun. We might want to look into this."

Toomey said Thursday there currently are no plans to reintroduce his legislation due largely to a lack of Republican support in the GOP-controlled Senate.

## **Legislation of Interest – H.R. 763, Energy Innovation and Carbon Dividend Act of 2019 (EICDA)**

*Courtesy of Andrea Wittchen, Partner, [iSpring](#)*

[H.R. 763](#) is a slightly revised version of a 2018 bill of the same name, reintroduced in January 2019 by Representative Ted Deutch (D-FL22). The bill currently has 26 co-sponsors – 25 Democrats and 1 Republican and is under review by the Committees on Ways and Means, Foreign Affairs, and the Energy and Commerce Subcommittee on Energy. The only Pennsylvanian co-sponsor is Rep. Susan Wild of PA-07.

The stated purpose of the bill is "To create a Carbon Dividend Trust Fund for the American people in order to encourage market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations." It represents one of the most significant approaches to combating climate change by using the power of efficient markets to jumpstart innovation by making it progressively more expensive to continue with current fossil fuel-based practices.

First let's look at the contents of the bill and then we'll look at its implications.

The first step in the EICDA is to create **a fee that will be imposed on the carbon content of all fossil-based fuels**. These fees would be imposed on the producers and/or importers at the point of production or import. In other words, the fees would be paid at the refinery, coalmine, natural gas emission system (pipeline or well), or at the port by those who are manufacturing or importing products that would release greenhouse gases into the atmosphere. Those fees would be paid directly by the producers/importers into the Carbon Dividend Trust Fund (more on that later).

The fee would be determined by multiplying the rate, determined to start at \$15/metric ton in 2019, by the greenhouse gas content of the fuel. This rate is planned to increase by \$10/metric ton each year until either the emission levels are reduced to the specified targets or the dividend payments fall below specified levels. If either case pertained, it would imply that the carbon fee had accomplished its purpose of emission reduction.

There are **some exemptions**. Fuels used primarily in agriculture – which make up less than 1% of U.S. greenhouse gas emissions – and fuels used primarily by the Armed Forces – which are approximately 1.2% of emissions – are exempt from the fee. The mechanism seems to be that the producer will pay the fee but that the agricultural or Armed Forces purchaser will then be rebated the fee for the amount of fuel that's used, so that the fee is imposed, but the cost is not moved to the consumer – in this case, the farm or the military. Also be aware that this bill has nothing to do with the issue of the recently notorious bovine methane farts. This bill only relates to fuels.

There are also **rebates available** to companies that can prove reliable and effective carbon capture and sequestration processes.

Another important feature of the bill is the **Border Carbon Adjustment** provision. This is a rather complicated series of calculations that basically is included so that American producers and consumers are operating on a level playing field vis-à-vis the rest of the world. Let me quote this explanation of the Adjustment from the Citizens Climate Lobby's FAQs so that it's accurately represented. "Specifically, the bill stipulates that the U.S. exporter would get a refund equal to the difference between the U.S. carbon fee and the destination country's carbon price, with the caveat that no exporter would ever get a refund of more than the embedded carbon fee. The effect of this would be to keep the price of exported U.S. fossil fuels on par with their foreign competitors regardless of the carbon price."

The **emissions reductions targets** are impressive. The EICDA calls for a 33% reduction in emissions from fossil-fuel sources within 10 years and uses 2016 as the baseline year. It additionally calls for a 90% reduction by 2050. These targets are more robust than those the U.S. agreed to in the Paris Accord and represent more than 3 times the rate of reduction called for in the late, lamented Clean Power Plan.

So where does all this money from the fees go? It's deposited directly into the **Carbon Dividend Trust Fund**. This government-controlled fund can pay out only for two purposes – administration of the Act and return of carbon dividends to American citizens and lawful residents. Each adult is entitled to one pro rata share of the Fund each year paid on a monthly basis and each child under the age of 19 is entitled to one-half of a pro rata share. There is no limit to the number of children in a family – a change from the 2018 version of the Act that limited it to two child shares per family.

The Fund is limited to an 8% administrative rate in the first five years and then two percent of a rolling average after five years. The remainder of the fees must be disbursed as dividends that will be includible in each person's gross income.

There is one other component: a **temporary suspension of enforcement** of certain EPA emission limitations during the term of the Act. The idea is that the larger emissions targets of the Act plus market forces will insure compliance on those emissions issues. If the emissions targets are not met on time, EPA reclaims the right of enforcement on all the temporarily suspended regulations.

What are **the implications of the bill**?

The concept of a carbon tax or its economic stepchild cap-and-trade has been around for quite a while. Many advanced industrialized countries have adopted some form of one or the other. One of the primary drawbacks to acceptance in the U.S. has been the perception that such a tax would unfairly burden the economically disadvantaged and that the fees collected would simply be gobbled up into the great maw of the U.S. budget. This Act addresses both of those political hurdles. By creating a fund, separate and apart from the general expenses of the country, the fees cannot be used to fund the government. Instead, the money is returned directly and very visibly, i.e. monthly, to the public. Obviously, this has some significant political attractiveness (“here’s your check for free money from the government”) but it also puts cash in the hands of those who would otherwise most suffer from the inevitable increase in fuel prices. As the Act has a greater and greater effect, fuel prices should stabilize or even decline but that might take some time.

The bill depends heavily on market forces to drive innovation within the fossil fuel and clean energy industries. In the U.S., that’s not a bad bet. We are still a remarkably innovative country but we have been playing on a tilted board for years, with massive subsidies going to the fossil-fuel industries and with erratic fuel pricing that makes investment in cleaner, cutting-edge technologies risky. A reliable cost of carbon with a clear understanding of its price trajectory allows companies to commit to long-term plans for investment and research.

The implementation of this plan also opens the door to more jobs, by some estimates as many as 2.1 million. Innovation has traditionally been a job creation engine and there’s no reason to think this would be any different. One look at the jobs numbers posted by the solar and wind industries gives some idea of the size of the impact.

Two claims have been made for the EICDA that are a bit problematic. One is that it has bipartisan support. With only one Republican co-sponsor out of 26, that’s a little difficult to believe. Perhaps when it comes time to vote, that will change. But Representative Brian Fitzpatrick (R-PA1) and Representative David Trott (R-MI11) who co-sponsored the 2018 version of the Act have not signed on to this one. One wonders why.

Secondly, the EICDA is not the silver bullet to solve climate change. It is one weapon in an arsenal that will be needed. But it is aimed at the right targets and could show significant results in a shorter period of time than other proposed solutions.

If you want to support the bill, you can contact your member of Congress and you can endorse it at <https://energyinnovationact.org/endorse/>. Additional information on the act and helpful FAQs created by the Citizens Climate Lobby can be found [here](#).

## **Call to Action - Support these bills!**

Since the first quarter of 2019 has just come to a close, let’s look back at two of the CTAs from the past three months that still need your help to move forward. Both of these bills have passed the House, but have not been taken up yet by the Senate. **Please consider calling Senator Toomey to let him know that you support these bills.** Clicking the name of the bill will take you to the original call to action with scripts and talking points that you can use.

### **[H.R. 1 - The For the People Act](#)**

This is the Democrat’s signature ethics and election reform act.

### **[H.R. 247 - Federal CIO Authorization Act of 2019](#)**

This new bill proposes to create the position of Federal Chief Information Officer (CIO), who would then oversee the security of our digital infrastructure across the entirety of the federal government.

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

Andrea Wittchen

Kierstyn Piotrowski Zolfo

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. Can you help us out? Please email [KierstynPZ@gmail.com](mailto:KierstynPZ@gmail.com) and put "MoCTrack Help" in the subject. Thanks!