

PA-01 Member of Congress Tracking Report - 04/14/19

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)	72.0%	+0.2%

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. The only vote scored this week was the net neutrality bill.

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

"When a man pays a tax, he knows that the public necessity requires it, and therefore feels a pride in discharging his duty..."

— [Thomas Paine](#), from *The Crisis*, written in Philadelphia in 1780

Votes of Interest

The House votes to restore Net Neutrality

[House Vote](#) for [H.R. 1644](#)

Before we get into the details of this vote, let's lay out what "net neutrality" means. Lots of people use those words, but not everyone has the same baseline definition. This basic explanation is from [Business Insider](#):

When you access the internet on your phone, tablet or computer, you get to view websites and watch video at pretty much the same speed everyone else does. The traffic you create simply by browsing the web is treated equally by the companies that have built the infrastructure of the internet — internet service providers (ISPs) like Comcast and AT&T, and "interconnect" companies like Cogent and Level 3, which route and direct traffic between you and your internet provider. This state of affairs, broadly, is called 'net neutrality.' Everyone gets the same treatment.

In 2015, the Federal Communications Commission (FCC) issued the [Open Internet Order](#), which codified net neutrality as the official practice of the United States. But in late 2017, when President Trump's appointees to the FCC took the majority, they overturned net neutrality. That opens a lot of potential changes to the way people interact with their ISPs and the internet, none of them good for consumers.

This new bill, introduced by Pennsylvania's own Rep. Mike Doyle of PA-18, would restore Obama-era net neutrality rules. [The New York Times](#) described it as "legislation [that] would prohibit blocking and throttling

web traffic and would categorize broadband as a service open to heavy regulation. Supporters say the regulation would prevent companies from blocking or slowing the delivery of content like videos. Opponents say it would strap broadband providers like Verizon and Comcast with heavy-handed restrictions, and could lead to price controls.” If you want to read more about what opponents to this bill had to say, please refer to this [Gizmodo article](#), where they have collected “some of the worst bad-faith arguments yet uttered by Republicans.”

This bill came up for a vote on Wednesday, April 10, 2019. The measure passed, 232-190. Only one representative in the entire House crossed party lines - Florida GOP Rep. Bill Posey, who voted YES with the Democrats. **Fitzpatrick voted NO.**

It would appear that this bill, worthy as it is, will not be moving forward in the Senate. [Vox](#) reports that Senate Commerce Committee Chair Roger Wicker (R-Miss.) will not let this bill out of committee, and Senate Majority Leader Mitch McConnell has called this legislation “dead on arrival in the Senate.”

A New ethically-challenged Secretary of the Interior

□ [Senate vote](#) on the nomination of David Bernhardt to lead the Department of the Interior. We have all, no doubt, become used to the Trump Administration’s cabinet members coming under ethics investigations the longer they are in office (see Scott Pruitt, Ben Carson, Ryan Zinke, Tom Price…) but it’s really *special* when a nominee gets confirmed even as they are smack dab in the middle of an ongoing ethics review. Meet David Bernhardt, your new Secretary of the Interior, who is taking the seat that Ryan Zinke left vacant with his resignation amongst over [a dozen investigations](#).

The [New York Times](#) described Mr. Bernhardt as “a former lobbyist for the oil and agribusiness industries” and said that he “has already played a central role in designing many of Mr. Trump’s policies for expanding drilling and mining.” The *Times* also reports that “offshore oil companies have been working closely with Mr. Bernhardt over the past several months as he develops the administration’s plan to open up most United States coastal waters to offshore drilling. A draft of that plan was made public last year, and Mr. Bernhardt is expected to put forth a final plan later this year.” The [Washington Post](#) focused their reporting on Mr. Bernhardt’s work “retooling” the Endangered Species Act:

The proposed rule, if enacted, could mark the biggest change to federal endangered species policy in decades, making it easier for development to take place in imperiled species’ habitats. It would instruct the department, for the first time, to analyze the economic impact of listing a species. Critics say it would impose a major financial burden on the agency, and it would only trigger federal intervention if an action harms “the whole” of a species’ key habitat, rather than just part of it.

But the biggest issue that could have stymied Mr. Bernhardt’s confirmation is that he is currently the target of an ethics violation investigation. [Politico](#) tells the tale of a bureaucrat who has violated rules related to recordkeeping. “Bernhardt’s existing daily schedule shows that the former fossil fuel and agriculture lobbyist has met with representatives of former clients who stood to gain from Interior’s decisions, but the department has released few details about his activities during about one-third of his days in office… Bernhardt acknowledged he does not keep a daily calendar and failed to disclose meetings with industry groups such as the American Petroleum Institute.” In response to reports of these negligent practices House Oversight Chairman Elijah Cummings opened an investigation, and the National Archives and Records Administration has set a deadline for later this month for the Department of the Interior to respond to the claims that Mr. Bernhardt has been destroying his official calendars.

Despite all of this wrongdoing, Mr. Bernhardt sailed through the confirmation process with full GOP support. In a vote taken on April 11, 2019, Mr. Bernhardt was confirmed, 56-41. The Republicans were joined by three Democrats (Kyrsten Sinema of Arizona, Martin Heinrich of New Mexico and Joe Manchin of West Virginia) as well as Independent Angus King of Maine. **Casey voted NO** and **Toomey voted YES.**

And another awful bureaucratic nominee confirmed

[Senate vote](#) on the nomination of Cheryl Marie Stanton to be the Administrator of the Wage and Hour Division, Department of Labor

While that position might sound like it is far down in the bureaucracy of our government, this is a spot in the Department of Labor that is only one step under cabinet level. According to the [Department of Labor website](#), this division “enforces Federal minimum wage, overtime pay, recordkeeping, and child labor requirements of the Fair Labor Standards Act. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the Family and Medical Leave Act, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes.” Somehow, it is not at all surprising that the Trump Administration would nominate a person who was [sued for failing to pay hourly house-cleaning workers](#) at her home, for a position overseeing laws designed to protect hourly workers.

Prior to her nomination, Cheryl Marie Stanton worked as Executive Director for the South Carolina Department of Employment and Workforce. Before that, according to her alma mater, [University of Chicago Law School](#), she “served as Associate White House Counsel for President George W. Bush. In that role, Stanton was the administration’s principal liaison to the U.S. Department of Labor, National Labor Relations Board and the Equal Employment Opportunity Commission.” Ms. Stanton also clerked for the late Supreme Court Justice Samuel Alito, when he was on the district court.

Upon her nomination, the [Economic Policy Institute](#) issued a letter in “strong opposition” to Ms. Stanton. They stated:

We have serious doubts that Ms. Stanton has demonstrated the substantive experience necessary to manage the WHD’s complex responsibilities, programs, and staff under the constraints of limited resources.

Much of Ms. Stanton’s career experience prior to her service in South Carolina’s government has in fact been dedicated to representing employers, not workers, in cases alleging violations of workplace laws, including wage theft and discrimination. We are also troubled that Ms. Stanton has even faced her own personal wage and hour litigation. The Center for Investigative Reporting recently revealed that a cleaning services provider sued Ms. Stanton after she failed to pay for services rendered.

The Wage & Hour Division Administrator is tasked with enforcing our nation’s most basic wage and hour protections. Ms. Stanton’s lack of enforcement experience and record of representing employers accused of violating the very laws she would now be responsible for enforcing raises serious questions about her nomination. Respectfully, we write to oppose her appointment to a position critically important to our nation’s workers.

The vote was taken on Ms. Stanton’s nomination on April 10, 2019. She was confirmed, 53-45, in a party line vote. **Casey voted NO** and **Toomey voted YES**.

Conservative court packing vote #1

[Senate vote](#) on the nomination of Daniel Domenico to the Colorado federal courts

This is the first full week that the GOP’s decision to ‘go nuclear’ on most confirmation hearings has been in effect, lowering the time for consideration from 30 hours to a measly 2 hours... and we see the result of that process change in this quartet of judicial confirmations. First up is Daniel Domenico, who was tapped by the Trump Administration to fill a vacancy on the U.S. District Court for the District of Colorado.

[Colorado Politics](#) explains that this is a seat that has been vacant since the Obama presidency, when an attorney was nominated (Regina Rodriguez), but with neither senator returning [blue slips](#), the nomination expired.

Prior to this, Mr. Domenico worked on the Senate campaign of GOP Rep. John Thune, who was challenging Senate Minority Leader Tom Daschle. Then he held the position of Colorado Solicitor General

for nine years (2006-2015) before going to work in private practice. While he was Colorado Solicitor General, [Courthouse News](#) reports that Mr. Domenico defended his state's ban on same-sex marriage, and wrote a brief about the same where he claimed that all the lawsuits against the state's discriminatory law were "divisive and costly." [The Vetting Room](#) was a touch catty in their observation that this nomination is a "consolation prize" for Mr. Domenico, "...who lost out on Neil Gorsuch's seat on the U.S. Court of Appeals for the Tenth Circuit to Colorado Supreme Court Justice Allison Eid."

In a vote taken on April 9, 2019, Mr. Domenico was confirmed, 57-43. Republicans were unanimous in their support of the nominee, and they were joined by four Democrats (Doug Jones of Alabama, Kyrsten Sinema of Arizona, Michael Bennet of Colorado and Joe Manchin of West Virginia). **Casey voted NO and Toomey voted YES.**

Conservative court packing vote #2

[Senate vote](#) on the nomination of Patrick R. Wyrick to the Oklahoma federal courts

Our next nominee in this quartet of rushed confirmations is the 38-year-old Patrick Wyrick, who was under consideration for the U.S District Court for the Western District of Oklahoma. An article from [Tulsa Public Radio](#) reports that Mr. Wyrick rose to national notice a few years ago; as the Solicitor General in Oklahoma, he "[changed] a few words in a letter written by a Devon Energy lobbyist then [sent] that as official correspondence to the EPA to oppose methane emission limits".

In their letter opposing Mr. Wyrick, the [Alliance For Justice](#), a coalition of over "130 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society" described his record as follows:

Despite his short legal career, Wyrick has made a name for himself as a protégé of current Environmental Protection Agency (EPA) Administrator Scott Pruitt, for whom he worked during Pruitt's tenure as Oklahoma Attorney General. Wyrick has taken far-right stances on a number of controversial issues. While working as the Solicitor General for the State of Oklahoma, Wyrick assisted Pruitt in dismantling environmental protections and was criticized for enabling Pruitt's tight-knit relationship with oil and gas lobbyists... Wyrick, with Pruitt, also advocated for restrictions on women's reproductive health, helped dismantle protections for workers, defended a law that attempted to codify religious intolerance toward Muslims, and even came under fire for allegedly attempting to mislead the U.S. Supreme Court during his defense of Oklahoma's death penalty protocol.

The [Leadership Conference on Civil and Human Rights](#), a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights, was similarly opposed to Mr. Wyrick's nomination. Among the specific cases that they found in the nominee's record, they showed that Mr. Wyrick defended an anti-Muslim referendum, "defended a 2013 Oklahoma law – the Administrative Workers' Compensation Act – that converted the state's workers' compensation system into an administrative dispute resolution system which gave far fewer protections for injured workers," and undermined women's access to health care. Specifically, they note that "...Mr. Wyrick's brief articulated a sweeping license to discriminate in the name of religion, stating that a corporation's 'religious faith is no less worthy of respect and protection than is the religious faith practiced by church members.' "

The confirmation vote was taken on April 9, 2019, and Mr. Wyrick was indeed confirmed, 53-47. This was a pure party-line vote. **Casey voted NO and Toomey voted YES.**

Conservative court packing vote #3

[Senate vote](#) on the nomination of Holly A. Brady to the Indiana federal courts

This nominee, who received consideration by the Senate this week, has a work history predominantly in private practice. The [Fort Wayne Journal Gazette](#), who provided detailed coverage of her confirmation hearings, cited a law professor, who called her hearing presentation as "well qualified and mainstream"

and observed that “the senators seemed satisfied with her few answers.” But [NARAL Pro-Choice America](#) has a different assessment of Ms. Brady. In the bulletin they produced upon her nomination, they cited the nominee’s reaction to Indiana’s infamous anti-LGBTQ legislation (their so-called religious freedom restoration act). When Ms. Brady dismissively referred to the reaction to this bill as “a lot of hoopla,” NARAL called this “minimizing very real fears of discrimination on the basis of sexual orientation or personal reproductive-health decisions.” NARAL also says that “Brady irresponsibly used her position as an attorney to promote falsehoods about the Affordable Care Act.”

Ms. Brady was confirmed by the Senate in a vote taken on April 10, 2019. The final tally was 56-42, with 3 Democrats (Doug Jones of Alabama, Kyrsten Sinema of Arizona, and Joe Manchin of West Virginia) joining the GOP for the confirmation. **Casey voted NO and Toomey voted YES.**

☐ **Conservative court packing vote #4**

[Senate vote](#) on the nomination of David Steven Morales to the Texas federal courts

This week the Senate voted on the confirmation of David Steven Morales, a long time GOP aide, to fill a vacancy on the federal courts in the Southern District of Texas. According to the [Vetting Room](#), Mr. Morales “volunteered on President George W. Bush’s re-election campaign in 2004 and worked in then-Gov. Rick Perry’s Presidential Campaign in 2012.” The [Corpus Christi Caller Times](#) provided additional background on Mr. Morales’s work history, detailing his time as an aide to Texas Gov. Greg Abbott, and his works as deputy general counsel to the University of Texas System and then-Gov. Rick Perry’s general counsel from 2011 until 2014.

Mr. Morales gained some [notoriety](#) when he, as deputy attorney general for civil litigation in the Texas Attorney General’s office, made the decision to drop an investigation into possibly deceptive trade practices of TRUMP UNIVERSITY. He explained the rationale for ending the investigation in a letter (quoting from a [Gawker article](#) from 2016):

“During that investigation and following subsequent demands for documents, Trump University agreed to temporarily suspended its Texas operations. By May 2010, Trump University had agreed to permanently suspend of all operations in Texas....That agreement to permanently and immediately leave Texas was, in my opinion, the most important element of resolving this investigation.It ensured that no further Texas citizens would be exposed to the company and it did not preclude those consumers who felt they wanted a refund to demand it from Trump University or in court.”

I’m sure that his friendly behavior towards a Trump business had *nothing* to do with Trump’s decision to nominate this man. Right? Right...?

In a vote taken on April 10, 2019, Mr. Morales was confirmed, 56-41. Four Democrats (Doug Jones of Alabama, Kyrsten Sinema of Arizona, Tim Kaine of Virginia and Joe Manchin of West Virginia) joined the GOP for the confirmation. **Casey voted NO and Toomey voted YES.**

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 - Immigration/Asylum

☐ **Senator Bob Casey, 04/08/19:**

THREAD - “We established a legal asylum system in the wake of the horrors of World War II because we, as a nation, vowed to do better, to BE better, to serve as a refuge for those fleeing violence and persecution in their home countries. The families seeking asylum at our southern border face undeniable hardships on a perilous journey not because they are looking for a handout, but because they fear for their lives. In many cases, these asylum seekers are fleeing countries ‘where the government is doing virtually nothing to protect them and is sometimes itself the predator’ [[linked to a](#)

[New York Times piece](#) that used that quote]. When faced with death? Nothing will stop them from legally seeking help from those who can give it. In such dire circumstances, they cannot be deterred by a wall, the threat of jail or even separation from their children, however cruel and inhumane. So the question becomes how do you respond to those at your doorstep begging you for help? Do you close that door as we did in the leadup to World War II? Or do you offer your help and protection? The issue of asylum is a deeply moral question, and this Administration is failing to rise to the occasion.

Twitter Action - LGBTQ

□ Senator Bob Casey, [04/12/19](#):

"Yesterday, @SenatorBennet, @lisamurkowski and I introduced the #InclusiveAgingAct to create and expand services to address sexual health care for older Americans and the diverse needs of older lesbian, gay, bisexual, transgender, and queer (LGBTQ+) Americans. For far too long the needs of LGBT elders and seniors living in rural communities have been overlooked. The #InclusiveAgingAct would expand access to culturally competent health care services for LGBT elders and help reduce social isolation among older Americans in rural areas."

Twitter Action - Taxes

□ Senator Bob Casey, [04/11/19](#):

"Twice as many companies paying zero taxes under Trump tax plan" [[linked to an NBC News article of the same name](#)]

Twitter Action - Talking about Legislation

□ Senator Bob Casey, [04/12/19](#):

"Continuing the conversation with workers today in Scranton to discuss my Tax Fairness for Workers Act. This bill would right one of the wrongs of the GOP tax plan by reinstating deductions for union dues and unreimbursed employee expenses."

□ Senator Pat Toomey, [04/11/19](#):

"Felons don't have a right to own a gun, and felons who lie on background checks are committing a new felony. It's imperative that we go after those who #LieAndTry to illegally purchase guns. See more about my bipartisan legislation here" [[tweeted with embedded new clip](#)]

□ PA-01's Rep. Brian Fitzpatrick, [04/10/19](#):

"We must fight for fairness in our nation's education system which is why I joined @RepHuffman to introduced a bill to ensure the government is upholding its commitment to our special needs community so they have the resources and support needed to succeed." [[linked to an article in Disability Scoop about the bill](#)]

Twitter Action - assorted awesomeness

□ Senator Bob Casey, [04/12/19](#):

The Senator retweeted multiple articles from journalists around the country about an action he took with the Senate Committee on Aging, where he is the Ranking Member. This is one of them, from *Reuters* reporter, Chad Terhune: "NEW: @SenBobCasey has asked @OIGatHHS to investigate whether #Medicaid plans 'systemically deny care to patients' to boost their profits, citing my stories @KHNews, #PainAndProfit series by @davidmcswane @adchavez, & @JasonClayworth coverage @DMRegister" [[tweeted with a link to a copy of Sen. Casey's letter](#)]

□ Senator Pat Toomey, [04/09/19](#):

"The @HumaneSociety does incredible work protecting animals from abuse and neglect. I am proud of my partnership to help in this effort, and it's an honor to receive their Legislative Leader Award this year."

□ **PA-01's Rep. Brian Fitzpatrick, 04/12/19:**

"After recently breaking ground, Lions Pride Park is under construction! This new park is designed to accommodate all people – especially those with disabilities – so everyone in our community can have fun in the new space." [linked to a [Bucks County Courier Times article about the park](#)]

Casey in the News

Courtesy of contributor Kathy Sites

"We need to make sure that the men and women of organized labor... who fight so hard for us every day, who helped us build the great American middle class, are supported just by keeping in place a deduction that had been there."

— from an article on [PA Homepage.com](#) titled "[Senator Casey Touts The Tax Fairness Act](#)"

"It is important to discuss policy issues, like education or gun violence, with students because these issues have a direct impact on their daily lives. Students are the future of our commonwealth and our country... America needs our young leaders to stay determined and hopeful. One of the most important things students can do is to keep advocating at all levels of government. It is also important that young people stay vocal and advocate for what they believe in, no matter the setbacks. And when they turn 18, they can make their voices heard by voting in local, state and federal elections."

— from an article in the [Altoona Mirror](#) titled "[Youth urged to voice concerns](#)"

"The time for examination is over. These families need answers and action. People in both Montgomery and Bucks County have a right to know what's in their water and what the health impacts are for them, for their families, and for their communities."

— from a [WTF](#) article titled "[Senator Casey backs bill forcing EPA to classify PFAS as hazardous](#)"

"Ms. Haines has significant trial experience that will serve her well on the bench in Johnstown, where she would be based if confirmed. I am thankful for her willingness to continue serving the public and her hometown of Johnstown, and I am confident that she has the integrity and independence needed to serve in this new role."

— from a [Pittsburgh Post-Gazette](#) article titled "[Western District judicial nominee sails through confirmation hearing](#)"

Fitzpatrick in the News

Editor's note - all of the coverage of Rep. Fitzpatrick in traditional media this week revolved around last week's VAWA vote, and quoted from the same statements that we covered last week. This was the only new quotation.

"This is not a partisan issue which is why I put a special emphasis on working to build bipartisan support for this critical legislation... VAWA programs have provided educational tools and helped survivors and their families get the resources they need to begin the healing process."

— from a [Ripon Advance](#) blog post titled "[Fitzpatrick, Brooks see efforts to protect women advance in House-approved VAWA](#)"

Toomey in the News

Courtesy of contributor Elayne Baker

“The conclusion is clear. The president is exonerated on any charges of collusion.”

— from an article in *Pennsylvania Watchdog* titled [“At PLC conference, Toomey offers praise for Trump's leadership, Janus, says fight for workers' speech rights not over”](#)

“Acting Director Vought and the OMB are to be applauded for explicitly acknowledging that the [Congressional Review Act] covers more than just formal notice-and-comment rules and applies to all federal agencies with limited exceptions. I am also encouraged that all agencies must now submit economic impact analyses for review. While I am still studying the memorandum, it appears that for those who want a government more accountable to the people, this announcement is a very positive development.”

— from a *Politico* article titled [“White House moves to tighten control over federal regulators”](#)

“I actually know Steve Moore pretty well, and I think that his supply-side and pro-growth views would be a constructive addition to the discussion at the Fed. I don't know enough about Herman Cain to have an opinion.”

— from an article in the *Washington Examiner* titled [“Trump's Fed pick Herman Cain looks to be doomed in Senate”](#)

“When a person has been convicted of a crime and is disqualified from purchasing a gun and attempts to do so, that person is committing a crime. The FBI very seldom prosecutes those cases, but the state attorneys general might want to prosecute them. I do think it's a good tool, and I've spoken with a number of district attorneys in Pennsylvania who really like it,” Toomey said. “I hear from a lot of fellow supporters of the Second Amendment that we have laws on the books that aren't being properly enforced. This is a measure that would address that.”

— from a *TribLive* article titled [“Sen. Pat Toomey wants local cops informed of failed firearms background checks”](#)

“My brothers and I used our savings to open restaurants in the Lehigh Valley and Lancaster. We worked day and night to make them a success and eventually created hundreds of jobs. Entrepreneurs face a unique set of risks and challenges when starting a business. By expanding access to capital, startups are better equipped to immediately innovate, hire more workers, and ultimately succeed. The HALOS Act would go a long way in accomplishing this goal.”

— from an article in the *Financial Regulation Times* titled [“Sens. Toomey, Murphy announce bill to support investment in startups”](#)

“I would argue we have the most successful Congress. This president has had the most successful two years of any time I can think of – certainly from a conservative, center right, Republican point of view. We lowered taxes for every single category. We made our business tax code competitive again.”

— from an article in *Pennsylvania Watchdog* titled [“At PLC conference, Toomey offers praise for Trump's leadership, Janus, says fight for workers' speech rights not over”](#)

“Congressional Democrats are now increasingly being dominated by the socialist, far left wing of their party. Honestly, for years, I would hear Republicans occasionally, jokingly, disparaging, in a light humorous way refer to Democrats as socialists. It was hyperbole. It was a joke. They weren't really socialists. Guess what? Now they are. And they admit to it. It's unbelievable.”

— from an article in *Politics PA* titled [“PLC19: Socialism is Top Topic at Conservative Confab”](#)

“This [bill] really should pass the Senate unanimously. The problem we have, frankly – it's on my side of the aisle. I have not yet been able to persuade enough of my Republican colleagues to broaden

background checks to include all commercial sales, much less universal... I'm not religious about exactly where you draw the line about exemptions from the background check. I'm looking to find a way that we can get a consensus and get legislation passed."

— from a [WESA article titled "Toomey Introduces Narrow Background Check Legislation"](#)

Committee Corner

In this section we provide snippets from some of the most interesting hearings of the week. For many of these hearings, no transcriptions are provided by Congress or Committee, so they are performed by our MoCTrack team. Accordingly, we only provide a tidbit from the hearing, with some of the best (or worst) moments from our Pennsylvania MoCs. Time markers and links are provided, so that you can see and hear the full exchanges from which these quotes are pulled, at your convenience.

Rep. Fitzpatrick did not participate in any televised hearings this week, available via his two committee websites, Youtube or C-SPAN. Since we don't have any content from our Representative, why not see what other Pennsylvania MoCs are doing in their committees.

House Financial Services Committee on April 10, 2019

"Holding Megabanks Accountable: A Review of Global Systemically Important Banks 10 years after the Financial Crisis" - Please visit the House Financial Services Committee's [website](#) for full information on witnesses present at this hearing.

□ **PA-04's Rep. Madeleine Dean:** "I don't know if any of you have had this experience, but I've actually sat with family members and constituents...as they are struggling for mortgage modification or facing foreclosure. And I wanted to ask you, Mr. Moynihan, have you ever had that experience?" [Bank of America CEO says he has not, speaks of centers for processing these modifications] "I travelled to one of your centers in Pennsylvania, and my family members, before getting to the center, faxed in materials *eleven* times, and each time was told 'oh, we lost a page' or 'mmm, we didn't get it.' My family member also went because you had convention-like meetings, they went to Baltimore, to no avail, until I got on the horn with your company. And it took dozens and dozens and dozens of hours to get any satisfaction. I don't know, actually, how people would endure that. Because you also know the shame and the fear that comes over a family when they are losing their home. You have lawsuits against you for this same practice. Over and over again - it was NOT just one person. How many people lost their homes?" [Bank of America CEO hedges, then says about 1,000,000] "A million of your customers lost their homes." *Hearing is available on [YouTube](#), these remarks start around 5:53:30*

House Appropriations Subcommittee on April 9, 2019

"Justice Department Fiscal Year 2020 Budget Request" - Please visit the House Appropriations Committee [website](#) for full information on the order of events and witness information. The comments below are directed to Attorney General Bill Barr.

□ **PA-08's Rep. Matt Cartwright:** "I have understood for quite some time now that there are those in this country whose favorite pastimes are attacking healthcare. But your decision, as our new Attorney General, to throw the weight of the United States Department of Justice behind an effort to get the federal courts to entirely invalidate the Patient Protection and Affordable Care Act as unconstitutional is *breathtaking*. It is unbelievable, it stands out, this decision does, for its breadth, its scope, its recklessness and its lack of legal justification to invalidate the Patient Protection and Affordable Care Act. If your efforts are successful, *millions* of Americans will lose their healthcare, *tens* of millions of Americans will see their premiums skyrocket." *Hearing is available on [C-SPAN](#), these remarks start around 43:30*

House Education and Labor Committee on April 10, 2019

"Examining the Policies and Priorities of the U.S. Department of Education" - Please visit the House Education and Labor Committee [website](#) for full information on the order of events and witness information.

□ **PA-11's Rep. Lloyd Smucker:** "I'd like to just briefly talk about your Education Freedom Scholarships, and let other members of the community know just a little bit about a similar program in Pennsylvania, the EITC program that has been in effect for a number of years. We've had a lot of discussions in Pennsylvania around charter schools, we've had discussions about school choice programs. There have been voucher programs, but the EITC program, in the midst of all those discussions, has bipartisan, broad bipartisan support throughout the time that the program has been in effect. In fact, almost every year we have been increasing the number of tax credit programs that are available. Why? Because people on both sides of the aisle see the benefit." *Hearing is available on [C-SPAN](#), these remarks start around 1:29:35*

□ **PA-09's Rep. Dan Meuser:** "Thank you very much, Secretary DeVos, it's nice to have you with us. Thank you as well for your many years of work, philanthropy, and support of educating America's young people, in private schools and in public schools. Pennsylvania's ninth district, where I represent, and I think in all districts, the education of our young people is an enormously important component for economic growth and quality of life. I know your department appreciates the importance of helping students explore the many pathways to success, whether that be four year university, career and technical education, or vocation schools. We do need to ensure that there is an effective plan in place so students can make choices." *Hearing is available on [C-SPAN](#), these remarks start around 2:40:50*

□ **PA-07's Rep. Susan Wild:** "I think we can agree on a point that was made in your opening statement. Great education should not be dependent on family income. Is that a correct quote? And I assume it should not be dependent on zip code. Fair to say?" [Secretary DeVos agrees] "And can we agree that this should be one of the primary goals of the Department of Education, that a good education is not dependent on those factors?" [Secretary DeVos agrees] "I have grave concerns, that the program that you talked about, the Education Freedom Scholarship, does not bring us closer to that goal. And since it has been several hours since you discussed that proposal, I'll remind everyone that this would be a federal tax credit, dollar for dollar tax credit, to encourage voluntary contributions of up to five billion dollars, for scholarships to elementary and secondary students. And that's called the Education Freedom Scholarship. But I have to concur with what my colleague, Representative Fudge said, that this just creates another hole in our federal budget. Your written testimony that the proposal does not divert a single penny away from public school teachers or public school students is just, with all due respect, inaccurate. Because of course it does." *Hearing is available on [C-SPAN](#), these remarks start around 2:57:05*

House Judiciary Committee on April 9, 2019

"Hate Crimes and the Rise of White Nationalism" - Please visit the House Judiciary Committee [website](#) for full information on the order of events and witness information. Additionally, there was significant news coverage of this hearing because of steps that Youtube had to take regarding comments during the livestream. More on that situation can be found in this [Vox](#) article

□ **PA-14's Rep. Guy Reschenthaler:** "The first time I ever spoke on the floor of the US House was to condemn white nationalism and white supremacy. I'm very proud of this. I'm also very proud of the fact that earlier this year when a member of my own conference, my own party, made inexcusable remarks, Republican leadership acted very quickly and disciplined him. In fact, that member sits on zero committees right now. It's a shame that the same can't be said of my colleagues across the aisle. They continue to stand by and accept anti-Semitic remarks from a member of their own party." *Hearing is available on [C-SPAN](#), these remarks start around 2:15:30*

□ **PA-05's Rep. Mary Gay Scanlon:** "On Sunday I was in Charleston, with family for a family event, and I took the opportunity to attend services at Mother Emanuel, as I had two years previously. And I did have some consolation while I was there in knowing that just a few weeks ago this committee held hearings on gun violence and that the House passed the Charleston Loophole bill, which would have denied a gun to the white supremacist who murdered people at Mother Emanuel. So we have made a little bit of progress, but we are far, far from being through. And just the fact that we are hearing that white nationalists are fundraising off this hearing today by livestreaming it, is really, really troubling." *Hearing is available on [C-SPAN](#), these remarks start around 2:52:30*

□ **PA-04's Rep. Madeleine Dean:** "I'm not interested in the false discussion over whether or not white supremacy exists in America or around the world. It does. We know it does. And we know it costs lives. I'd like to life up Dr. Abu-Salha [a witness present at the hearing]. Your testimony..." [long pause, as the Representative struggles for a moment] "...I'm sorry for your crushing, unimaginable loss. I bring back these beautiful photographs of these beautiful children, your children, I would argue *our* children. And I thank you for telling the terrible story of their deaths, but what I'm more impressed with is the story of their lives, and how you carry that story and you keep that story. Because I'm confident; I was thinking here, throughout that testimony, how do we prevent further acts of terrorism, based on bigotry and hatred and the notions of white supremacy? And the way we do that is to lift up stories of love." *Hearing is available on [C-SPAN](#), these remarks start around 3:20:20*

Learning about Legislation - The American history of income taxes

With Tax Day almost upon us, it seems like a good time to revisit an earlier MoCTrack article about income taxes. The Library of Congress provides a short recap of [the history of income taxation](#) in their Business Reference Services section.

The origin of the income tax on individuals is generally cited as the passage of the 16th Amendment, passed by Congress on July 2, 1909, and ratified February 3, 1913; however, its history actually goes back even further. During the Civil War Congress passed the Revenue Act of 1861 which included a tax on personal incomes to help pay war expenses. The tax was repealed ten years later. However, in 1894 Congress enacted a flat rate Federal income tax, which was ruled unconstitutional the following year by the U.S. Supreme Court because it was a direct tax not apportioned according to the population of each state. The 16th amendment, ratified in 1913, removed this objection by allowing the Federal government to tax the income of individuals without regard to the population of each State.

In to process of reviewing the history of tax policy, I also found [a great letter](#) from President Franklin D. Roosevelt to the Ways and Means Committee in the House of Representatives. It is currently hosted on the Department of the Treasury's website, and I am kind of surprised the minions of Treasury Secretary Mnuchin have left it up there. The letter is from June 19, 1935, and it states, in part:

As the fiscal year draws to its close it becomes our duty to consider the broad question of tax methods and policies. I wish to acknowledge the timely efforts of the Congress to lay the basis, through its committees, for administrative improvements, by careful study of the revenue systems of our own and of other countries. These studies have made it very clear that we need to simplify and clarify our revenue laws....

With the enactment of the Income Tax Law of 1913, the Federal Government began to apply effectively the widely accepted principle that taxes should be levied in proportion to ability to pay and in proportion to the benefits received. Income was wisely chosen as the measure of benefits and of ability to pay. This was, and still is, a wholesome guide for national policy. It should be retained as the governing principle of Federal taxation. The use of other forms of taxes is often justifiable, particularly for temporary periods; but **taxation according to income is the most effective instrument yet devised to obtain just contribution from those best able to bear it and to avoid placing onerous burdens upon the mass of our people.**

The movement toward progressive taxation of wealth and of income has accompanied the growing diversification and interrelation of effort which marks our industrial society. Wealth in the modern world does not come merely from individual effort; it results from a combination of individual effort and of the manifold uses to which the community puts that effort. The individual does not create the product of his industry with his own hands; he utilizes the many processes and forces of mass production to meet the demands of a national and international market.

Therefore, in spite of the great importance in our national life of the efforts and ingenuity of unusual individuals, the people in the mass have inevitably helped to make large fortunes possible. Without mass cooperation great accumulations of wealth would 'be impossible save by unhealthy speculation. As Andrew Carnegie put it, "Where wealth accrues honorably, the people are · always silent partners." Whether it be wealth achieved through the cooperation of the entire community or riches gained by speculation—in either case the ownership of such wealth or riches represents a great public interest and a great ability to pay.

When this piece was first shared via MoCTrack in December 2017, I closed it out with this sentiment: "As we watch our current Congress pass a tax plan that will greatly burden the middle class and the poor while providing nearly immeasurable benefits to corporations and the wealthiest 1%, I find comfort in the words of FDR. I hope that future sessions of Congress will returned to this well-reasoned and planned philosophy of taxation." Now that we are seeing all of the damage this bill has done, I continue to hope that provisions of the awful GOP Tax Scam will be reversed. And to that point...

Call to Action - Support this Bill!

[H.R. 2103/S. 1026](#) - Tax Fairness for Workers Act

This bill is a reintroduction on legislation from the 115th Congress. The sponsor of the Senate version is our own Bob Casey. That bill is pending in the Senate Finance Committee, and it has 13 co-sponsors (all D). The House version was introduced by Rep. Conor Lamb of PA-17. That version is pending in the House Ways and Means Committee, and it has 12 cosponsors (11D, 1R).

Here's how Senator Casey [describes](#) why this bill was introduced, and how it is tied directly to the GOP Tax bill of 2017:

This Washington Republican assault on workers and our unions has to stop. The GOP tax scheme "suspended" the long-standing deduction for union dues and other unreimbursed employee expenses. This legislation not only reinstates those deductions, it makes sure all union members are eligible to take the deduction for dues, not just those who itemize. This would ensure that more working Pennsylvanians get some tax benefit in the coming years, not just the super-rich and large corporations.

Representative Lamb [explains](#) why he has introduced the bill in the House:

We have an obligation to do everything in our power to ensure that our economy benefits everyone, and leaves no one behind. This means providing the tools and resources that enable workers, entrepreneurs and small businesses—not just big corporations – to provide for their families. It is time for Congress to do our job and provide meaningful deductions to improve the lives of all working Pennsylvanians.

Unions are a bulwark of support for Democratic policies. It is no wonder that the GOP, and their corporate donors, are so focused on strangling unions. And they are succeeding - [CBS News](#) reports that union membership is at its lowest level... ever, with membership falling 10.5% last year. That why we need bills like this, that reverse portions of the GOP Tax Plan and provide support to struggling unions.

Please call Senator Casey to thank him for reintroducing this bill. AND, we have a special opportunity to take up this bill with our own Rep. Fitzpatrick. Please try out this script on him:

In 2018, you were very proud of your AFL-CIO endorsement, and promoted it with signs on many major intersections... along with your support from police unions and firefighters unions. And this year, you made a point of standing with the federal workers union during the shutdown. Now it's your turn to EARN those endorsements from our nation's hard-working unions. You can show that you are truly a friend to labor by signing on to the Tax Fairness for Workers Act. It's already a bipartisan bill - you wouldn't be the first Republican to join the effort to pass this bill. Do right by the unions that stood by you.

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.patotogether.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

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 and put "MoCTrack Help" in the subject. Thanks!