

## PA-01 Member of Congress Tracking Report - 05/12/19

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>	30.2%	0.0%
<a href="#">Senator Pat Toomey (R)</a>	88.2%	0.0%
<a href="#">PA-01 Rep. Brian Fitzpatrick (R)</a>	70.2%	-1.2%

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 votes scored this week were the disaster funding bill and the legislation to nullify one of the Trump Administration's attempt to sabotage critical parts of the ACA.

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

"...having undertaken the task, from a sense of duty, no fear of encountering difficulties and no dread of losing popularity, shall ever deter me from pursuing what I conceive to be the true interests of my Country."

— [George Washington](#), to the citizens of Baltimore, 1789

### Votes of Interest -

#### The House nixes one of Trump's attempts to neuter the ACA

[House Vote](#) on [H.R. 986](#)

This is a bill that was introduced during the early weeks of the 116th Congress by Rep. Amy Kuster (D-N.H.). The legislation takes aim at one of the Trump Administration's many attacks on the Affordable Care Act (ACA). Back on October 24, 2018, the Departments of the Treasury and Health and Human Services issued guidance titled "[State Relief and Empowerment Waivers](#)." While the Administration argued that this guidance would "grant states more flexibility to design alternatives to the ACA and to give Americans more options to get health coverage that better meets their needs," what that means, in reality, is that states could now allow junk insurance that does not meet the ACA's minimum provisions for coverage, and it eviscerated protections for people with pre-existing conditions. This bill, the Protecting Americans with Preexisting Conditions Act, would nullify that guidance from the previously mentioned departments, restoring the ACA-mandated protections. To quote Rep. [Kuster](#), "our legislation provides much-needed pushback against the Trump Administration's repeated and ongoing sabotage of the Affordable Care Act and our healthcare system. I remain focused on how we can strengthen our healthcare system and I will continue fighting to make the ACA work better for all Americans."

This bill involved many hours of debate and amendments. Often, the votes on the amendments are far more interesting - and telling - than the vote on the final bill. Let's look at those amendments that received roll call votes.

- [House Vote](#) on [Amendment 2](#) - this amendment clarified the text of the bill, so that nothing in it would affect reinsurance programs that lower health insurance premiums. It passed 351-70, with only Republicans voting against it. Fitzpatrick voted YES.
- [House Vote](#) on [Amendment 6](#) - Introduced by North Carolina Republican Rep. George Holding, this amendment objected to the title of the bill. Rep. Holding's amendment would have changed the bill's name to (not joking) "Insert Politically Punchy Title That Doesn't Reflect the Bill Substance Act." With a vote of 184-237, this goofy amendment failed. Fitzpatrick was one of only 7 GOP MoCs to vote YES.
- [House Vote](#) on [Amendment 10](#) - introduced by our neighbor across the Delaware, Rep. Tom Malinowski (D-N.J.) this amendment would "prohibit the Secretaries from taking any action that would reduce the affordability of comprehensive coverage for individuals with pre-existing conditions." It passed 302-117. Fitzpatrick voted YES.
- [House Vote](#) on [Amendment 11](#) -  **PA-07's Rep. Susan Wild** introduced this amendment that went one step further than the previous one, prohibiting ANY administrative actions that would raise premiums. This passed, 308-112. Fitzpatrick voted YES.
- [House Vote](#) on the [Motion to Recommit](#) - Regular MoCTrack readers will know that [motions to recommit](#) are the 'minority's motion' and the last chance they have to 'recommit' - or send a bill back to committee for some stated purpose. In this situation, the motion to recommit was paired with instructions to add a slew of new text into the bill that would gut the entire purpose of the measure (the text can be found on [page H3548](#) of the Congressional Record for May). The Motion to recommit failed, 182-231. Fitzpatrick voted YES.

The vote on the final bill took place late on Thursday, May 9, 2019. The final vote was 230-183, with four Republicans joining a unified Democratic party. Fitzpatrick was one of the GOP MoCs who voted YES.

**While Fitzpatrick kept to his standard pattern of only tweeting about community events and boy scouts, other Pennsylvania MoCs had a lot to say about H.R. 968:**

**PA-03's Rep. Dwight Evans, [05/09/19](#):**

"@HouseDemocrats are doing a LOT more #ForThePeople besides holding POTUS & his attorney general accountable – For example, this week we're passing bills to lower prescription drug prices & reinforce protections for people with pre-existing health conditions. Plus:"

The Democratic House's progress For The People stands in stark contrast to the inaction of the GOP-controlled Senate. The Senate needs to cease its endless obstruction and inaction, and vote on urgently needed House-passed bills now.

- **H.R. 1 – the For The People Act** to restore confidence in our democracy;
- **H.R. 8 & H.R. 1112 – the Bipartisan Background Checks Act and the Enhanced Background Checks Act**, commonsense gun violence prevention measures;
- **H.R. 7 – the Paycheck Fairness Act**, to ensure that women receive equal pay for equal work;
- **H.R. 1585 – Violence Against Women Reauthorization Act**, a strong improvement and long-term reauthorization of VAWA;
- **H.R. 1644 – the Save The Internet Act** to restore vital Net Neutrality protections;
- **H.R. 9 – the Climate Action Now Act.**

The American people are demanding action to deliver progress in their lives – and Senate Republicans need to stop standing in the way!

**PA-05's Rep. Mary Gay Scanlon, [05/07/19](#):**

“Over 130 MILLION Americans with pre-existing conditions are protected under the ACA. The Trump Administration wants to take away those vital protections. I am proud to support #HR986 to #ProtectOurCare.”

**Examples of conditions for which insurers could decline or limit coverage before the Affordable Care Act:**

- AIDS/HIV
- Alzheimer’s disease
- Rheumatoid arthritis
- Bipolar disorder
- Cancer (within the past 10 years)
- Cerebral palsy
- Congestive heart failure
- Crohn’s disease
- Emphysema
- Diabetes
- Epilepsy
- Heart disease
- Hemophilia
- Hepatitis C
- Kidney disease
- Lupus
- Multiple sclerosis
- Muscular dystrophy
- Severe obesity
- Organ transplant
- Paraplegia
- Paralysis
- Parkinson’s disease
- Pending surgery or hospitalization
- Pneumocystic pneumonia
- Pregnancy or expectant parent
- Sleep apnea
- Stroke
- Substance abuse (with recent treatment)
- Transsexualism

Source: Kaiser Family Foundation, Pre-existing Conditions and Medical Underwriting in the Individual Insurance Market Prior to the ACA (December 12, 2016)

□ **PA-06’s Rep. Chrissy Houlahan, [05/09/19](#):**

The Administration’s attacks on the #AffordableCareAct are unacceptable. I will vote today to #ProtectOurCare in PA & across the country. A pre-existing condition like asthma, arthritis, cancer, diabetes, etc. should never preclude someone from accessing quality & affordable . I just voted to pass the Protecting Americans with Pre-Existing Conditions Act of 2019. This bill is:

- Bipartisan
- Protecting the over 2 million Pennsylvanians who have pre-existing conditions
- Thwarting the President’s and his Administration’s efforts to weaken the ACA

I made a promise to my community when I ran for Congress – to protect and improve their health care. This bipartisan legislation marks a critical step in realizing that vision for our Commonwealth and for our entire country.”

□ **PA-07’s Rep. Susan Wild, [05/09/19](#):**

“Many of us made it to Congress on the promise of protecting people with pre-existing conditions and putting a stop to the rising cost of healthcare. I’m proud to say, today, we took a huge step toward keeping our promise to #ProtectOurCare.”



□ **PA-08’s Rep. Matt Cartwright, [05/07/19](#):**

“If Attorney General Barr succeeds in repealing the ACA in court, millions of Pennsylvanians with pre-existing conditions like arthritis, cancer, or diabetes could lose the necessary protections they depend on for their health care. We can’t let that happen. #ProtectOurCare”



- **PA-13's Rep. John Joyce, [05/09/19](#):**  
 "□ ATTENTION: House Democrats are about to waste taxpayer time and resources with a mirage of a so-called health care reform vote that will do nothing to make care more accessible or affordable for patients. Stay tuned for further updates on their shenanigans. #ForThePolitics"
- **PA-16's Rep. Mike Kelly, [05/09/19](#):**  
 "The healthcare bill on House floor today:  
 Protects people with PreX conditions? □  
 Decreases cost of Hcare? □  
 Stops states from innovating & improving their own HCare markets? □  
 Promotes federal takeover of HCare? □  
 Dems putting politics over people.. again #ForThePolitics"
- **PA-18's Rep. Mike Doyle, [05/09/19](#):**  
 "We cannot go back to the days when insurance companies could outright deny coverage to Americans with pre-existing conditions. I am voting for H.R. 986 to #ProtectOurCare for Louise and all Americans who have been able to rely on the #ACA for coverage."

**"I AM SELF-EMPLOYED.  
I HAVE PRE-EXISTING CONDITIONS.**

WITHOUT THE AFFORDABLE CARE ACT, I WOULD NOT BE ABLE TO HAVE INSURANCE. OBAMACARE SAVED MY LIFE NOT ONCE BUT TWICE IN 2015. I HAD TWO EMERGENCY SURGERIES WHICH DUE TO HAVING THE INSURANCE DID NOT MEAN I WAS FINANCIALLY DEVASTATED. WITHOUT INSURANCE THE SURGERIES WOULD'VE TOTALED OVER \$120,000. WE AS A NATION NEED TO MAKE SURE ALL PEOPLE HAVE ACCESS TO AFFORDABLE CARE."

*- Louise  
Pittsburgh, PA*

**House passes disaster aid package**

[House Vote](#) on [H.R. 2157](#)

This is a supplemental appropriations bill designed to provide aid to communities devastated by natural disasters. [GovTrack](#) indicates that the \$17.2 billion in the bill will fund programs through the Departments

of Agriculture, Commerce, Justice, Defense, Army Corps of Engineers, Interior, Energy, Coast Guard, EPA and Forest Service, along with nearly a dozen other departments.

*Politico* [explained](#) how this bill fits in with [other measures](#) passed by the House to help disaster victims, noting that this:

...allow[s] House Democrats to formally stake their latest negotiating position, four months after passing their first disaster aid offer in January. That initial bill has languished in the Senate amid failed test votes and pushback from the president, who has chimed in during the intervening months with insults against Puerto Rican officials and an insistence that the federal government has already given the U.S. territory more than enough money to rebuild from the Category 5 hurricanes that hit the island in 2017.

Disaster aid bills often pass without partisan bickering, but in light of the [President's animosity towards Puerto Rico](#), that was not this case with this legislation. In the hours immediately prior to this vote, President Trump [tweeted](#) "House Republicans should not vote for the BAD DEMOCRAT Disaster Supplemental Bill which hurts our States, Farmers & Border Security. Up for vote tomorrow. We want to do much better than this. All sides keep working and send a good BILL for immediate signing!" Complicating matters further, the *Washington Post* [reports](#) that the president "wants the disaster-relief bill to include \$4.5 billion in emergency border spending to be used for humanitarian and security purposes, a proposal many lawmakers oppose."

In a vote taken on Friday, May 10, 2019, this bill passed comfortably, 250-157. Thirty four Republican joined a united Democratic Party to support the measure. Fitzpatrick voted YES.

#### **A Trio of PA MoCs made the following tweets about H.R. 2157 and disaster aid:**

☐ **PA-06's Rep. Chrissy Houlahan, [05/10/19](#):**

"I voted to pass H.R. 2157 - a comprehensive disaster relief bill - because I believe that we in America must look out for each other, that we must rise up and support our brothers and sisters across our country when disaster hits. It doesn't get much more American than that."

☐ **PA-13's Rep. John Joyce, [05/10/19](#):**

"Agreed. This was just another attempt to continue to raise spending instead of doing the hard work of utilizing funds we already have available in the budget. While I support helping those impacted by a disaster, I could not do so in a way that increases our growing deficit." *This tweet was in response to [messaging from President Trump](#) that reads,* "House Republicans should not vote for the BAD DEMOCRAT Disaster Supplemental Bill which hurts our States, Farmers & Border Security. Up for vote tomorrow. We want to do much better than this. All sides keep working and send a good BILL for immediate signing!"

☐ **PA-15's Rep. Glenn W. Thompson, [05/10/19](#):**

"This week House Democrats passed bill, despite claims, had nothing to do with #PreExistingConditions & a #Disaster Supplemental denying needed aid & refusing emergency funding for Unaccompanied Alien Children at border to receive welfare services, including shelter, food, & care"

#### **Another Trump judicial nominee pushed through**

[Senate confirmation vote](#) on Joseph F. Bianco to the 2nd Circuit

Joseph Bianco is currently a judge serving on the federal court in New York. He was nominated to serve on the circuit court, a step up from the district court where he serves now. The [Vetting Room](#) reports that Mr. Bianco "has overseen a large number of criminal cases involving MS-13 members. At least one of these cases—that of Josue Portillo, a MS-13 member who plead guilty to a quadruple murder in August 2018—garnered the attention of Trump, who used the case as a rallying cry to crack down on illegal

immigration.” That same outlet quotes Mr. Bianco saying he is a “really big fan of Justice Scalia” and “as a judge, I strongly share his originalist or textualist philosophy.” Additionally, the [National Review](#) reported that the nominee “is a frequent speaker and panelist at Federalist Society events on topics including Federalism and Separation of Powers, National Security Law, Government Enforcement and the Financial Sector.”

The *Alliance for Justice (AFJ)*, an organization that [describes itself](#) as “a national association of 130 organizations, representing a broad array of groups committed to progressive values and the creation of an equitable, just, and free society,” prepared a background report in opposition to Judge Bianco. They start with a [procedural objection](#) related to [blue slips](#):

It’s important to note that Bianco’s nomination is being advanced over the objections of both of his home-state senators, Chuck Schumer and Kirsten Gillibrand. Consistent with Senate practice for nearly a century, the Judiciary Committee should not proceed with a hearing without positive blue slips from both senators... As Senator Orrin Hatch said in 2014, “[w]eakening or eliminating the blue slip process would sweep aside the last remaining check on the president’s judicial appointment power. Anyone serious about the Senate’s ‘advice and consent’ role knows how disastrous such a move would be.”

The [AFJ](#) then goes into Judge Bianco’s legal record, and finds many areas of concern. Under the heading of ‘Employment Discrimination and Labor’ they found that “Bianco grants motions to dismiss in employment law cases over 84 percent of the time” and that the judge inexplicably “held that claims of employment discrimination based on sexual orientation do not constitute sex-based discrimination under Title VII of the Civil Rights Act of 1964.” Under the topic of Search and Seizure constitutional protections, Judge Bianco once found that a legally contested school search was valid because a student “pulled his hood up to cover part of his face after encountering a teacher.”

Because of the Senate’s change of rules for handling nominations (a.k.a. “[the nuclear option](#)” jammed through by Senate Majority Leader Mitch McConnell), Judge Bianco’s confirmation vote was brought up on Wednesday, May 8, 2019. He was confirmed in a 54-42 vote. Two Democrats (Doug Jones of Alabama and Joe Manchin of West Virginia) joined the Republicans in placing YES votes. **Casey voted NO and Toomey voted YES.**

### **And yet another Trump judicial nominee confirmed**

[Senate confirmation vote](#) on Michael H. Park to the 2nd Circuit

Unlike the previous nominee, who is already a judge, Mr. Park was nominated into the circuit courts (above the federal district courts) with no judicial experience. Mr. Park’s background does, however, encompass clerking work to Supreme Court Justice Samuel Alito (while he was in the circuit court system), private work at the firm Consovoy McCarthy Park PLLC, and public service at the Department of Justice. He is nominated to a seat that has been vacant since the Obama Administration, but held open by Senate Majority Leader Mitch McConnell. Like the other nominee this week, Mr. Park did not pass the [blue slip](#) process, with both Chuck Schumer and Kirsten Gillibrand objecting to his nomination.

The *Alliance for Justice* sent [letters of objection](#) to senators on the Judiciary Committee, observing:

Park, a longtime member of the Federalist Society, became a partner in 2015 at Consovoy McCarthy Park, a boutique law firm that has “become the go-to legal shop for conservative ideologues looking to fight everything from voting rights to affirmative action to abortion.” Park himself is a movement lawyer who has dedicated his career to advocating for a checklist of ultraconservative causes – fighting voting rights and affirmative action, women’s reproductive rights, tribal rights, worker’s rights, access to health care, consumer rights, and clean water. There is nothing in his record to suggest he will be a fair, unbiased jurist should he be confirmed. Park has spent his career working to undermine civil rights, and at present is deeply involved in efforts to defend the politically-motivated and discriminatory citizenship question on the U.S. Census... Moreover, Park is committed to dismantling equal opportunity programs for communities of color.

The *Vetting Room* also collected [examples of politically partisan work](#) that Mr. Park performed while in private practice. Among the most objectionable are that “Park has represented the Chamber of Commerce and other business groups in their challenge to the Environmental Protection Agency’s ‘waters of the United States’ rule” and “Park has represented the head of the Kansas Department of Health and Environment in suspending state Medicaid contracts with Planned Parenthood affiliates in the state.”

Mr. Park’s nomination was brought up for a vote on Thursday, May 9, 2019. He was confirmed with a vote of 52-41. Despite the peculiar number, this was a party line vote, with 7 members of the Senate not voting. **Casey voted NO and Toomey voted YES.**

### **Trump nominee confirmed to critical anti-discrimination post**

[Senate confirmation vote](#) on Janet Dhillon to the Equal Employment Opportunity Commission  
The Equal Employment Opportunity Commission is the government’s leading agency for dealing with workplace discrimination. It is, then, of no surprise that President Trump has nominated a corporate executive with no government experience and views that are antithetical to the organization she is tasked to lead.

Much as they have been strangling bureaucracies across the board, the Trump Administration has been slow to fill vacant seats on the EEOC, leaving it without a quorum and unable to effectively do business for several months. *Bloomberg Law* [explains](#), “the agency’s quorum, and decision making power, would be reinstated with Dhillon’s confirmation. But the quorum could be lost again as soon as September if another pick isn’t nominated.” They added that “the EEOC since January has been functioning on a “‘imited delegation’ process, with the heads of agency offices taking the reins on some decisions. Major litigation, sizable expenditures, and novel issues of law have been put on the backburner until the quorum is restored.”

The *National Women’s Law Center* expressed their own concerns about Ms. Dhillon. They outlined [five major areas](#) that could disqualify the nominee, including:

1. She has no experience enforcing antidiscrimination laws, either in the public or private sector.
2. Dhillon would take over leadership of the EEOC at a time when equal pay is under siege, but we don’t know where she stands on collecting pay data.
3. Dhillon co-founded and serves on the board of a retail industry group that advocates for limiting the workplace protections she would enforce as EEOC Chair.
4. She oversaw JC Penney at a time when it engaged in repeated labor law violations.
5. Dhillon’s husband is a lawyer in Trump’s White House who has sought to block Congressional oversight over federal agencies.

The Leadership Conference on Civil and Human Rights, a coalition of approximately 200 national advocacy organizations, echoed a number of those same concerns in a [letter](#) to Senate Committee on Health, Education, Labor and Pensions Chairman Alexander and Ranking Member Murray. In addition to the issues enumerated above, the Leadership Conference cited the number of amicus briefs that Ms. Dhillon was involved in producing for Supreme Court cases that “advanced positions adverse to workers.” They concluded “the decisions in all four of these cases impair workers’ ability to challenge and hold employers accountable for workplace discrimination, and Ms. Dhillon’s work in support of the outcomes in these cases is at odds with the mission of the agency she is nominated to lead.”

The Human Relations industry website [HRDive](#) explains how Ms. Dhillon’s confirmation could be immediately consequential:

One of Dhillon’s early challenges as EEOC chair will be to address employer concerns about the agency’s data collection procedures. During litigation over EEO-1 Component 2, EEOC’s chief data officer was quoted in court documents questioning the agency’s preparedness to collect pay data. The collection might yield poor quality results, the chief data officer said, because of “limited quality control and quality assurance measures” implemented during an expedited timeline. Importantly, Dhillon and Lipnic — the

agency's other Republican commissioner — both have expressed concern about the new requirement, and a handful of stakeholders said Dhillon's confirmation could pave the way for new rules.

Ms. Dhillon's nomination came up for a vote on Wednesday, May 8, 2019. She was confirmed, 50-43. This was a party line vote, with 7 members of the Senate not voting. **Casey voted NO** and **Toomey voted YES**.

### Notes on the Export-Import Bank confirmations

[Three Senate Votes](#) on Export-Import Bank nominees

This week the Senate confirmed nominations to fill the three vacancies on the Export-Import Bank (EXIM), bringing its membership up to full strength after they were unable to do regular business, lacking a quorum. For those (like me) not in the know, the [EXIM describes itself](#) as:

...an independent Executive Branch agency with a mission of supporting American jobs by facilitating the export of U.S. goods and services. When private sector lenders are unable or unwilling to provide financing, EXIM fills in the gap for American businesses by equipping them with the financing tools necessary to compete for global sales. In doing so, the Bank levels the playing field for U.S. goods and services going up against foreign competition in overseas markets, so that American companies can create more good-paying American jobs.

Formed in 1934, the EXIM was mostly apolitical, but became the target of some conservative groups in 2015. *The Hill* [explains](#), “the bank’s critics, including the Heritage Foundation and the conservative nonprofit Americans for Prosperity, say Ex-Im is prototypical crony capitalism that distorts markets and benefits major U.S. firms that do not need help..”

One of EXIM's fiercest critics is our own Senator Toomey. Earlier this week he [tweeted](#):

“The @EximBankUS, absent reforms, is an example of corporate welfare that puts U.S. taxpayers at risk and subsidizes China, Russia, and huge corporations. That’s why I am opposing all three nominations to the Ex-Im board. <http://bit.ly/2Vntttm>”



He also made [extensive remarks](#) on the floor of the Senate this week, opposing the mandate of the EXIM.

All three of the nominees to the EXIM were confirmed with over 70 votes. But in each case, **Casey voted YES** and **Toomey voted NO**.

### Twitter Action - Small Business week

□ **Senator Bob Casey, 05/11/19:**

“President Trump’s obsession with tearing down the Affordable Care Act not only hurts the 21 million who gained coverage under the law, but also creates uncertainty for all the small-businesses who have come to rely on the exchanges for their employees.” *retweeted with a link to a piece from [The Hill](#)*

□ **PA-01's Rep. Brian Fitzpatrick, [05/10/19](#):**

"Small businesses are the backbone of our nation's economy. This #SmallBusinessWeek, I am proud to be working in Congress to fight for increased investment in technical education and lower taxes for hardworking small business owners and their employees."



## NATIONAL SMALL BUSINESS WEEK

May 5 - 11, 2019



### Twitter Action - promoted legislation

□ **Senator Bob Casey, [05/09/19](#):**

"Proud to lead the bipartisan, commonsense #BENES Act to keep dollars in seniors' pockets, not going towards costly penalties." *tweeted with content from the [Medicare Rights Center](#) that reads, "Thousands of people approaching #Medicare eligibility make honest mistakes in their enrollment each year. But thanks to @SenBobCasey's leadership on the #BENES Act, there's a real opportunity to help people avoid coverage delays and costly penalties."*

□ **Senator Pat Toomey, [05/07/19](#):**

"Actively working with @SenDougJones on a bipartisan bill to crack down on any country, like China, that allows the export of this lethal, illicit drug to our shores. <http://bit.ly/2SgzCG5>"

□ **PA-01's Rep. Brian Fitzpatrick, [05/10/19](#):**

"By addressing suicidal and violent behavior, the STANDUP Act gives school districts the tools needed to protect our nation's kids through swift and appropriate intervention. This helps both students and teachers react to threats before a tragedy can occur." *tweeted with a link to a [CBS News article](#)*

### Twitter Action - Assorted Awesomeness

□ **Senator Bob Casey, [05/08/19](#):**

"Humbled and honored to be named a Champion for Children by the @Campaign4Kids. We have to keep fighting for legislation and policies that help all children. It's time we #InvestInKids"

□ **PA-01's Rep. Brian Fitzpatrick, [05/07/19](#):**

"As co-chairs of the Bipartisan Congressional PFAS Task Force, @RepDanKildee and I are committed to ensuring clean water for everyone in our communities. This morning we held a round table discussion in Warminster with local, state, and federal agencies to determine what steps must be taken to protect our water supply. Together we will generate bipartisan solutions to this crisis to ensure safe, clean drinking water in our communities."

### Casey in the News

*Courtesy of contributor Kathy Sites*

"It is the duty of [Managed Care Organizations], as a steward of taxpayer dollars, to spend Medicaid funds responsibly in pursuit of the health of our families. What the Dallas Morning News and Des Moines

Register uncovered, however, were actions taken by MCOs focused squarely on delivering profits to wealthy shareholders at the expense of those most in need of medical care.”

— [Senator Casey’s comments regarding his request to HHS Inspector General Daniel R. Levinson, to investigate and determine if some managed care organizations have wrongly denied needed care, as reported by \*Disability Scoop\* in an article titled “Are Managed Care Providers Wrongly Denying Services To People With Disabilities?”](#)

“We can’t stop pushing for the common-sense measures that will help prevent gun violence from happening, but we must also acknowledge the reality of our gun-violence problem and make sure that survivors, families, friends and caregivers have the support they need to recover and manage their longer-term needs. That’s what this bill is aiming to do, and I hope that Congress will take it up. There are millions of Americans who have been affected by gun violence and could benefit from this legislation.”

— [from an article in the \*Beaver Times\* titled “U.S. Sen. Bob Casey introduces bill to help victims of gun violence”](#)

“The main thing is making that individual, that family, eligible for services that they would not normally receive through the older Americans Act until that individual was 65 and up.”

— [the senator’s comments upon co-sponsoring The Younger-Onset Alzheimer’s Disease Act, as reported by Allentown’s \*WFMZ 69 News\* in an article titled “Alzheimer’s act aims to help younger patients”](#)

“Alzheimer’s disease impacts different communities differently, so research and clinical trials must include people who are diagnosed at younger ages, people with disabilities, racial and ethnic minorities and people living in rural areas. We must tackle this disease from every angle—including continuing research for a cure and ensuring medical professionals and community organizations can provide the best care possible to every single population.”

— [an excerpt from the Senate Aging Committee \[release\]\(#\), where Senator Casey is the ranking member](#)

*Editor’s note - there was additional coverage of Senator Casey, regarding a gun violence victims bill. Much of it quoted from the same release we cite in our Call to Action section at the end of this report.*

## **Fitzpatrick in the News**

“Corporations need to take accountability when their products cause harm. This is a clear example of a product causing immense harm throughout communities to the point where you have residents using bottled water to brush their teeth with. That’s unacceptable.”

— [from an article on \*WKYW NewsRadio 1060 AM’s\* website titled “Boyle, Fitzpatrick push to set federal limits for chemicals that pollute groundwater”](#)

“Climate change must be addressed proactively with leaders from both sides of the aisle working to protect our planet. Every nation will be affected by climate change which is why nearly every country agreed to work to reduce carbon emissions in the Paris Climate Accords. The people in my district remain committed to pursuing bipartisan solutions to address climate change and protect our environment which is why I voted yes.”

— [from a \*Bucks County Courier Times\* article titled “Bucks lawmakers support state, federal climate action”](#)

“Bowen’s has been a longstanding, respected business in Newtown and I appreciate their contributions to the community. I’d like to thank the owner of Bowen’s, Tracey Bowen, for her generosity. I’d also like to extend my gratitude to Mary Kurman and the Bucks County Intermediate Transition program for their work in empowering individuals with special needs.”

— [from an article in the \*Newtown Patch\* titled “Bowen’s Barber Shop Recognized On House Of Representatives Floor”](#)

“Fentanyl has contributed to tens of thousands of deaths and has devastated our community. Especially concerning is the fact that this synthetic poison can be ordered online and delivered via mail or express consignment couriers, predominantly from China.”

— from a blog post in the [Ripon Advance](#) titled [“Hill, Fitzpatrick take aim against foreign opioid traffickers”](#)

“When economic growth comes at the cost of human lives, that’s not OK.”

— from an article in the [Bucks County Courier Times](#) titled [“Rockhill PFAS concerns aired during congressional panel”](#)

“Ultimately, I think the manufacturers of the chemicals who profiteer to the tens of billions of dollars ultimately have to bare the responsibility for this. I think there needs to be an investigation into the facilitators which were at the minimum DOD, what they knew and when they knew it.”

— from an article on [WKYW NewsRadio 1060 AM’s website](#) titled [“Congressional task force tackles water contamination by chemicals”](#)

“This law has put the Postal Service in a horrible financial position which has prevented USPS from investing in services to benefit our community. I’m proud to join my colleagues to introduce this legislation, which will allow the Postal Service to devote resources to critical services its employees deliver to our community.”

— from a blog post in the [Ripon Advance](#) titled [“Reed, Fitzpatrick support repeal of pre-funding retirement mandate for USPS”](#)

“Our constituents have a right to clean drinking water. The more we learn about these chemicals, the clearer the danger becomes which is why the American people deserve to know where these toxins are used. In communities across the country, PFAS chemicals have poisoned the drinking water of countless Americans and we must act swiftly to stop the spread of these dangerous chemicals and hold those responsible for this crisis accountable.”

— from an article in [Upper Peninsula Matters](#) titled [“Bill introduced to add PFAS to the Toxic Release Inventory”](#)

## **Toomey in the News**

*Courtesy of contributor Elayne Baker*

“A lot of those folks are making consumer goods. And the price of the consumer goods goes up if the price of the inputs goes up. So it may not be quite as obvious to the consumer why the dishwasher or the washing machine or some other product that uses a lot of steel, why that price is higher than they used to be. But it’s real — and it’s costing consumers money... I do not believe that our national security is threatened by the modest amounts of steel and aluminum that we import from Canada and Mexico — our closest neighbors, strongest allies and huge trading partners.”

— from a [WHYY](#) article titled [“Saying consumers will suffer, Toomey objects to Trump tariffs on Chinese goods”](#)

“This whole argument that if some other country is engaged in this behavior, therefore we have to — that’s a really weak argument.”

— from a [Politico](#) article titled [“Senate revives beleaguered export bank after push by Trump”](#)

“Gold Star families have all endured a terrible tragedy, the loss of a loved one in service to our nation, and deserve the gratitude of all Americans. I appreciate the work of Gold Star families who have led the fight to have Congress address this issue.”

— from an article in *the Beaver Times* titled [“Bill by U.S. Sen. Pat Toomey fixes tax issue for Gold Star families”](#)

“Allegheny County motorists are paying more at the pump than anyone else in the state because of the misguided summer-blend gasoline mandate. I have and continue to urge the EPA to accept and finalize Allegheny County’s request to sell lower-cost fuel in the summer months.”

— from an article in the *Pittsburgh Post-Gazette* titled [“More expensive summer gasoline arrives in Allegheny County”](#)

“The Ex-Im Bank unreformed is an example of crony capitalism that puts U.S. taxpayers at risk and subsidizes some pretty unsavory characters.”

— from an article in the *Allentown Morning Call* titled [“Pat Toomey backed a Senate rule change that’s reviving his bureaucratic nemesis”](#)

## Committee Corner

Because we want to spend Mother’s Day with our moms, the transcriptions are going to take a break for this week. Instead, we’re going to give you a line-up of coming hearings for next week. I’ve put in **bold** the three hearings that I plan on checking out! If any of these topics intrigue you, keep an eye on C-Span and YouTube for video. Alternately, most committees will post video from the event at the links provided below after the hearing is held. Some will also livestream their events. Compared to the dismal oversight docket during Paul Ryan’s 115th Congress, this snapshot of \*one week\* of hearings is really impressive!

- House Agriculture Committee - 05/15/19 at 10AM  
[To Review USDA Farm Bill Conservation Programs](#)
- House Budget Committee - 05/15/19 at 10:15 AM  
[Keeping Our Promise to America’s Seniors: Retirement Security in the 21st Century](#)
- House Education and Labor Committee - 05/15/19 at 10:15 AM  
[Examining the Older Americans Act: Promoting Independence and Dignity for Older Americans.](#)
- House Committee on Energy and Commerce - 05/15/19 at 10:15 AM  
[Accountability and Oversight of the Federal Communications Commission](#)
- **House Committee on Energy and Commerce - 05/15/19 at 10:30 AM**  
[Protecting Americans at Risk of PFAS Contamination & Exposure](#)
- House Financial Service Committee - 05/15/19 at 10:00 AM  
[Promoting Economic Growth: A Review of Proposals to Strengthen the Rights and Protections for Workers](#)
- House Financial Service Committee - 05/15/19 at 2:00 PM  
[Assessing the Use of Sanctions in Addressing National Security and Foreign Policy Challenges](#)
- House Financial Service Committee - 05/16/19 at 10:00 AM  
[Oversight of Prudential Regulators: Ensuring the Safety, Soundness and Accountability of Megabanks and Other Depository Institutions](#)
- House Foreign Affairs Committee - 05/15/19 at 2:00 PM  
[The Conflict in Libya](#)
- House Foreign Affairs Committee - 05/16/19 at 10:00 AM  
[Democracy, Development, and Defense: Rebalancing U.S.-Africa Policy](#)
- House Foreign Affairs Committee - 05/16/19 at 2:00 PM  
[The Dangers of Reporting on Human Rights](#)
- Committee on House Administration - 05/13/19 at 2:00 PM  
[Field Hearing: Voting Rights and Election Administration in Alabama](#)
- **House Judiciary Committee - 05/15/19 at 10:00 AM**  
[Executive Privilege and Congressional Oversight](#)
- House Judiciary Committee - 05/16/19 at 10:00 AM  
[Justice Denied: Forced Arbitration and the Erosion of our Legal System](#)
- House Committee on Natural Resources - 05/15/19 at 10:00 AM  
[U.S. Department of the Interior Budget and Policy Priorities for FY 2020](#)
- House Committee on Natural Resources - 05/15/19 at 2:00 PM  
[Examining the Impacts of Climate Change on Public Lands Recreation](#)

- House Committee on Natural Resources - 05/15/19 at 2:00 PM  
[Water, Oceans, and Wildlife Legislative Hearing](#)
- House Committee on Natural Resources - 05/16/19 at 10:00 AM  
[Oil and Gas Development: Impacts of Water Pollution Above and Below Ground](#)
- House Committee on Natural Resources - 05/16/19 at 2:00 PM  
[Investigating the Health and Safety Risks of Native Children at BIE Boarding Schools](#)
- House Committee on Natural Resources - 05/16/19 at 2:00 PM  
[Examining the President's Fiscal Year 2020 Budget Proposal for the U.S. Bureau of Reclamation and U.S. Geological Survey](#)
- House Oversight and Reform Committee - 05/15/19 at 10:00 AM  
[DOD Inspector General Report on Excess Profits by TransDigm Group, Inc.](#)
- House Science and Technology Hearing - 05/15/19 at 10:00 AM  
[Advancing the Next Generation of Solar and Wind Energy Technologies](#)
- House Science and Technology Hearing - 05/16/19 at 10:00 AM  
[Event Horizon Telescope: The Black Hole Seen Round the World](#)
- House Science and Technology Hearing - 05/16/19 at 2:00 PM  
[The Future of Forecasting: Building a Stronger U.S. Weather Enterprise](#)
- House Science and Technology Hearing - 05/17/19 at 9:30 AM  
[Member's Day Hearing](#) (*members get to speak out about issues of bills they are working on*)
- House Small Business Committee - 05/15/19 at 11:30 AM  
[Member's Day hearing](#)
- House Small Business Committee - 05/16/19 at 10:00 AM  
[Oversight of the SBA's Women-Owned Small Business Federal Contract Program](#)
- **House Transportation and Infrastructure Committee - 05/15/19 at 10:00 AM**  
[Status of the Boeing 737 MAX](#)
- House Veterans Affairs Committee - 05/15/19 at 10:00 AM  
[Examining Mid-Semester School Closures Impact on Student Veterans](#)
- House Veterans Affairs Committee - 05/15/19 at 2:00 PM  
[Fiscal Year 2020 Department of Veterans Affairs Budget Request for the Veterans Health Administration](#)
- House Ways and Means Committee - 05/15/19 at 10:00 AM  
[The Economic and Health Consequences of Climate Change](#)
- House Ways and Means Committee - 05/16/19 at 10:00 AM  
[Overcoming Racial Disparities and Social Determinants in the Maternal Mortality Crisis](#)

## Learning about Legislation - Congress's Contempt Power

The Judiciary Committee's move of holding Attorney General Barr in contempt of Congress received wall-to-wall news coverage this week. But very little of that media blitz provided context about that contempt power. Enter the Congressional Research Service! In 2017, they produced a report titled "[Congress's Contempt Power and the Enforcement of Congressional Subpoenas: Law, History, Practice, and Procedure](#)." Frankly, this *entire report* should be required reading for any close observers of the current battles between the legislative and executive branches, and for all of our Democratic MoCs. Here are a few excerpts to whet your appetite.

From page 1, on **enforcing subpoenas**:

Congress has three formal methods by which it can combat non-compliance with a duly issued subpoena. Each of these methods invokes the authority of a separate branch of government. First, the long dormant inherent contempt power permits Congress to rely on its own constitutional authority to detain and imprison a contemnor until the individual complies with congressional demands. Because the contemnor is generally released once the terms of the subpoena are met, inherent contempt serves the purposes of encouraging compliance with a congressional directive. Second, the criminal contempt statute permits Congress to certify a contempt citation to the executive branch for the criminal prosecution of the contemnor. Criminal contempt serves as punishment for non-compliance with a congressional subpoena, but does not necessarily encourage

subsequent acquiescence. Once convicted, the contemnor is not excused from criminal liability if he later chooses to comply with the subpoena. Finally, Congress may rely on the judicial branch to enforce a congressional subpoena. Under this procedure, Congress may seek a civil judgment from a federal court declaring that the individual in question is legally obligated to comply with the congressional subpoena. If the court finds that the party is legally obligated to comply, continued non-compliance may result in the party being held in contempt of court. Where the target of the subpoena is an executive branch official, civil enforcement may be the only practical means by which Congress can effectively ensure compliance with its own subpoena.

From page 53, on Practical Limitations of Congressional Reliance on Criminal Contempt or the Civil Enforcement of Subpoenas:

In many situations Congress likely will not be able to rely on the executive branch to effectively enforce subpoenas directed at executive branch officials, nor will reliance on the civil enforcement of subpoenas through the judicial branch always result in a prompt resolution of the dispute. Although subject to practical limitations, Congress retains the ability to exercise its own constitutionally based authority to enforce a subpoena through inherent contempt

From pages 10-11, on **Inherent Contempt**:

Under the inherent contempt power the individual is brought before the House or Senate by the Sergeant-at-Arms, tried at the bar of the body, and can be imprisoned or detained in the Capitol or perhaps elsewhere. The purpose of the imprisonment or other sanction may be either punitive or coercive. Thus, the witness can be imprisoned for a specified period of time as punishment, or for an indefinite period (but not, at least by the House, beyond the end of a session of the Congress) until he agrees to comply.

From page 30, on **civil enforcement** of subpoenas:

It appears that all that is legally required for House committees, the House general counsel, or a House-retained private counsel to seek civil enforcement of subpoenas or other orders is that authorization be granted by resolution of the full House. Absent such authorization, it appears that the courts will not entertain civil motions of any kind on behalf of Congress or its committees. While some may still argue that a measure passed by both houses and signed by the President conferring jurisdiction is required, it appears that—at least with respect to claims filed in the U.S District Court for the District of Columbia—if an authorizing resolution by the House can be obtained, there is a likelihood that the court will find no legal impediment to seeking civil enforcement of subpoenas or other committee orders.

Before we make demands of our MoCs to take a particular path of action in this battle between the Article I and Article II branches of government, it is imperative that we know the manner in which they have been granted remedies for these interactions. Read up on it!

## **Call to Action - Support this Bill!**

### **[S. 1352/H.R. 2585](#) - Resources for Victims of Gun Violence Act**

These are a pair of identical bills that were introduced last week. The Senate version was introduced by our own Bob Casey. It is pending in the Senate Judiciary Committee, and it had two Democratic co-sponsors (Sen. Harris of California and Sen. Klobuchar of Minnesota). The House version of the bill was introduced by PA-03's Rep. Dwight Evans. It is pending in the House Judiciary Committee and it has 23 Democratic co-sponsors.

The *Philadelphia Inquirer* lays out the stakes that this legislation is attempting to address in their article titled "[Gun violence victims still feel forgotten. Sen. Bob Casey and Rep. Dwight Evans hope to change that](#)":

Four months into 2019, nearly 400 people have been shot in Philadelphia.

Most have survived, thanks in no small part to the frenzied work of the city's trauma surgeons. But just because someone manages to cheat death in an operating room doesn't mean he or she won't face months or years of struggling to recover, to adapt to a new life full of physical and psychological disabilities that create significant needs.

This American problem affects more than 100,000 people every year, in rural areas and cities alike. But it's also an issue that hasn't been meaningfully studied. On Tuesday, U.S. Sen. Bob Casey and U.S. Rep. Dwight Evans cosponsored the Resources for Victims of Gun Violence Act, which promises to establish a federal advisory council to support victims of gun violence, and identify gaps in the myriad support systems.

This bill would establish an advisory committee made up of members of various bureaucratic agencies (like Health and Human Services, Social Security Administration and the Department of Justice among others), but more importantly, victims of gun violence who can bring their lived experiences, as well as social workers and medical professionals. This new advisory group would assess a variety of needs of victims of gun violence; according to [Representative Evans](#), that would include "medical, legal, financial, educational, workplace, housing, transportation, assistive technology and accessibility needs." From there, the new advisory group would have two mandates. First, they would make sure that information about currently available programs is more accessible to affected communities. Their second task is to provide to Congress a report on what additional programs need to be created to help victims of gun violence.

Senator Casey issued this [statement](#) in conjunction with the release of this legislation:

We can't stop pushing for the common-sense measures that will help prevent gun violence from happening. But we must also acknowledge the reality of our gun violence problem and make sure that survivors, families, friends and caregivers have the support they need to recover and manage their longer-term needs. That's what this bill is aiming to do, and I hope that Congress will take it up. There are millions of Americans who have been affected by gun violence and could benefit from this legislation.

Representative Evans echoed the senator's sentiments in his own [statement](#), adding, "This bill has nothing to do with gun rights and everything to do with helping victims of crime. This is something Americans across the political spectrum should be able to support. I thank Senator Casey for his leadership on this issue."

Please call **Senator Bob Casey** to thank him for introducing this legislation.

Please call Representative Fitzpatrick & Senator Toomey and ask them to support S. 1352/H.R. 2585 - Resources for Victims of Gun Violence Act. This is scripting you can use for them both:

There are hundreds of thousands of Americans who are dealing with the traumatic results of gun related injuries. Regardless of your position on common sense gun reform, we owe a duty to those who have been injured. The reality of their lives is a day-to-day struggle to navigate a confusing maze of state, federal, and local government bureaucracy as they try to stitch together enough aid for basic necessities, like functional wheelchairs and handicapped-accessible housing. By creating an advisory committee, more information about existing programs will be made available, and Congress will be advised of areas where there are additional needs. These are members of our community, and I would like you to step up and do what you can to help them by supporting this bill.

Common sense gun reform centered organizations have lined up behind this bill. The [March for our Lives](#) group released a [tweet](#) that reads, "MFOL proudly endorses The Resources For Victims of Gun Violence Act. Congress would be wise to do the same. This is not a conversation on rights, it's on the responsibility to care for our fellow Americans in their time of need. #MarchForOurLives" Moms Demand Action [tweeted](#) "As a nation of gun violence survivors, we must provide more support for those who endure the

devastating effects that follow. Our gratitude to @SenBobCasey & @RepDwightEvans for introducing legislation that would provide resources to gun violence victims.”.

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 - [www.patogether.org/congress.html](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...

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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!