

Week ending 08/19/18 - PA-08 MoCTrack Report

Sorry for the longer than expected hiatus, and thank you for your patience!

Tracking Congress in the Age of Trump

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

Senator Bob Casey — **30.3%** (no change from last report)

Representative Brian Fitzpatrick — **83.3%** (no change from last report)

Senator Pat Toomey — **90.4%** (no change from last report)

Nate Silver's FiveThirtyEight website assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. No votes were scored this week. The last vote scored was from July 25, 2018.

Words From Our Founders

"Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

— [Thomas Jefferson](#), 1786

Votes of Interest -

S.Res. 607: A resolution reaffirming the vital and indispensable role the free press serves

<https://www.govtrack.us/congress/bills/115/sres607/text>

This is a resolution that was introduced in the Senate on August 16, 2018 by Sen. Brian Schatz (D-Hawaii). Majority Leader Mitch McConnell (R-Ky.) agreed to bring it to the floor the same day it was introduced, in concert with the hundreds of news outlets around the country who were making a united statement in support of the work they do, against the president's continuous attacks on the free press. The resolution states, in part:

"The Senate affirms that the press is not the enemy of the people; reaffirms the vital and indispensable role that the free press serves to inform the electorate, uncover the truth, act as a check on the inherent power of the government, further national discourse and debate, and otherwise advance the most basic and cherished democratic norms and freedoms of the United States; and condemns the attacks on the institution of the free press and views efforts to systematically undermine the credibility of the press as an attack on the democratic institutions of the United States...

...and it is the sense of the Senate that it is the sworn responsibility of all who serve the United States by taking the oath to support and defend the Constitution of the United States to uphold, cherish, and protect the entire Constitution, including the freedom of the press."

This resolution was voted upon on August 16, 2018 and it was approved unanimously, via voice vote. **Casey voted YES** and **Toomey voted YES**. After the passage of the resolution, Sen. Schatz, the sponsor, [observed](#), "We swore an oath to support and defend the Constitution, including the First Amendment. Today, every senator upheld that oath by sending a message that we support the First Amendment, and we support the freedom of the press in the face of these attacks." Please consider calling both of our Senators and thanking them for this vote.

H.R. 5515: John S. McCain National Defense Authorization Act for Fiscal Year 2019

<https://www.govtrack.us/congress/votes/115-2018/s181>

This is the 2019 Defense spending bill. It has come up for a vote several times previously, as the House and Senate each passed different versions and the bill had to go to conference. The House passed the conference version of the bill on July 26, 2018 and then it went back to the Senate for its second vote there.

The [Library of Congress](#) provided a brief recap of priorities in this hefty bill, including:

- (1) Procurement, including aircraft, missiles, weapons and tracked combat vehicles, ammunition, shipbuilding and conversion, and space procurement;
- (2) Research, Development, Test, and Evaluation;
- (3) Operation and Maintenance;
- (4) Working Capital Funds;
- (5) Chemical Agents and Munitions Destruction;
- (6) Drug Interdiction and Counter-Drug Activities;
- (7) the Defense Inspector General;
- (8) the Defense Health Program;
- (9) the Armed Forces Retirement Home;
- (10) Overseas Contingency Operations; and
- (11) Military Construction.

The conference committee created a [report of changes](#), which itself is over 650 pages long, and the new bill is over 2,500 pages. The conference-approved version of the bill has a \$716 billion price tag and includes a "...wave of significant Defense Department increases, including service members' pay and the number of troops, equipment and weapons for the upcoming fiscal year.... [and] a series of new reforms and policy efforts" according to [Military.com](#). The compromise bill came up for its second vote in the Senate on August 1, 2019, and it was agreed to in a final vote of 87-10. **Casey voted YES** and **Toomey voted YES**. The bill was signed into law by the President on August 13, 2018.

H.R. 6147: Interior, Environment, Financial Services, and General Government Appropriations Act, 2019

<https://www.govtrack.us/congress/votes/115-2018/s180>

This is a massive appropriations bill that will provide 2019 funding for the departments cited in the bill title, as well as the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, the U.S. Geological Survey, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, the Office of Surface Mining Reclamation and Enforcement, the Bureau of Indian Affairs, the Bureau of Indian Education, the Department of Agriculture for the Forest Service, the Department of Health and Human Services, and over a dozen other smaller agencies and programs. The tab for this bill is \$58.7 billion. Among the more upsetting parts of this bill are a \$100 million cut to the Environmental Protection Agency (EPA) budget, and a policy rider to repeal the EPA's Obama-era Clean Water Rule. Rep. Betty McCollum (D-Minn.) observed "these riders undermine clean water and clean air safeguards, jeopardize protection and recovery for vulnerable species, and even intercede in California water issues outside of the jurisdiction of the subcommittee," as reported in an article in *The Hill* titled "[House completes first half of 2019 spending bills](#)." The debate over this bill was also when the contentious [motion to recommit](#) occurred in the House, when the Democrats tried to return the bill to committee so that election funds that had been previously stripped from the bill could be reinstated. That motion had failed, and the bill passed in the House on July 19, 2018.

When this bill made it to the Senate, Vermont's Senator Patrick Leahy (D) introduced an amendment ([S. Amdt. 3164](#)) to again provide additional funding for election security. When he did so, he made the following [speech](#) on the floor of the Senate:

Our intelligence community unanimously agrees that Russia interfered in the 2016 elections and that there is an imminent threat to the 2018 elections. Our country, our democracy, is under attack, and we should respond. Let's heed the warnings of our intelligence agencies. The lights are blinking red. Let's listen to our State attorneys general and Secretaries of State.

My amendment does provide \$250 million for State election security grants to protect our upcoming election. It helps States improve election cyber security, replace outdated election equipment. We did provide, as the distinguished

Senator said, \$380 million in fiscal year 2018. That was the first new funding for election security in years, but more is needed.

The President is not going to act. The duty has fallen to us. Let's not, after an election, find out that this country was defenseless against attacks from Russia, and then say: Oh, gosh, we should have done something.

This is not a partisan issue. Republicans and Democrats have to be concerned. I urge an "aye" vote on my amendment to secure our elections.

Despite this impassioned plea, the amendment was rejected in a 50-47 vote. **Casey voted YES** and **Toomey voted NO**. The bill, in its final form (without the additional election security funds), was voted upon on August 1, 2018. It passed, 92-6. **Casey voted YES** and **Toomey voted NO**.

On the Nomination PN1808: Britt Cagle Grant, of Georgia, to be United States Circuit Judge for the Eleventh Circuit

<https://www.govtrack.us/congress/votes/115-2018/s174>

Another MoCTrack Report brings with it another Trump judicial nominee with dubious qualifications. In this case Britt Grant is particularly notable in that she has only twelve total years of legal experience (having graduated in 2007) and scarcely one year of judicial experience prior to this nomination. In their explanation of their opposition to Ms. Grant, the [Alliance for Justice](#) observed:

Like a vast majority of Trump's nominees, Grant is a member of the Federalist Society, where she serves on the Atlanta Chapter Executive Board. While Grant has just over one year of judicial experience on the Georgia Supreme Court, her record working at the Office of the Attorney General, including as Solicitor General of Georgia, shows evidence of a narrow-minded, elitist approach to cases that raises serious concerns about undermining critical rights and legal protections.

The Alliance's [letter](#) to the Senate Judiciary Committee goes on to point out that Ms. Grant wanted "to restrict women's reproductive health by expressing support for a 'fetal pain' law" and she "defended purposeful racial discrimination in jury selection." Another letter was sent to the Judiciary Committee from the [People for the American Way](#), a progressive advocacy group. In their letter they stated:

During her confirmation hearing, she failed to assuage our deep concerns about her record, her approach to interpreting the law, and her willingness and ability to prevent her personal ideological views from affecting her judicial decisions. Indeed, her responses to committee members' questions have raised new concerns... She has not demonstrated that she will be independent of partisan interests and that she will not use the bench to advance her clear ideological agenda. Grant has spent a significant portion of her career using her legal training and abilities to further a sharply conservative legal agenda.

Despite these voluminous and well-founded objections, Ms. Grant's nomination made it through the Senate Judiciary Committee and came to the floor of the Senate for a vote on July 31, 2018. She was confirmed in a vote of 52-46. Democrats John Tester (Mont.), Heidi Heitkamp (N.D.) and Joe Manchin (W.V.) joined the Republicans for this confirmation. **Casey voted NO** and **Toomey voted YES**.

MoC Twitter Action

Senator Bob Casey hot topics: The senator was more loquacious than his other PA colleagues, sharing more than two dozen tweets thus far in August. He started the month by retweeting the item that he has kept pinned to the top of his feed since March, "Mr. Mueller's lifetime of service reflects his commitment to serving the American people with honor, integrity and courage." He shared several tweets about the farm bill negotiations, and retweeted images and quotes from a healthcare round table event in Harrisburg (Including this [offering](#) from a 12 year old participant).

He shared his thoughts on the anniversary of Charlottesville (“As a nation we must reject these hateful groups and their ideology”), and ended this week with a number of tweets, links and shares related to Social Security and health care for people with disabilities.

Casey tweet of the week, 08/14/18: “Social Security has kept its promises to older Americans and Americans with disabilities for 83 years. We must protect it now more than ever #SocSec83”

— shared as a part of a much longer [thread](#) celebrating the 83rd anniversary of the Social Security program

Representative Brian Fitzpatrick hot topics: The representative has been very quiet since the start of the August recess, with only seven tweets, and three of those were retweets of the content of others. Of the four original Fitzpatrick offerings, one celebrated Purple Heart Day, another decried the Trump Administration’s decision to try and roll back car emissions standards, a third was a photo-op of him attending a citizenship swearing-in ceremony, and the last related to Israel.

Fitzpatrick tweet of the week, 08/19/18: “We stand with Israel. As a key national security partner, we must strongly support Israel’s right to defend itself. With the latest rocket attacks, Hamas continues to escalate conflict rather than seek peace.”

— shared in response to the August 8th Hamas attacks on Israeli targets. For more on that incident, please see this article in the *Jerusalem Post* titled “[Israel Pounds Hamas After 19 Injured in Rocket Barrage, One Critical](#)”

Senator Pat Toomey hot topics: The senator was similarly quiet on Twitter these last few weeks, with only five items since the start of the month. Two of his tweets were promotional updates of local PA locations he visited, one honored the passing of Gerry Lenfest, and another celebrated a baseball victory. The only tweet of any political significance was a share of a link to a newspaper profile of the senator.

Toomey tweet of the week, 08/15/18: “In case you missed it, @DCExaminer profiles my work to expand prosperity for all Pennsylvanians and my role in the biggest legislative issues of this Congress.”

— shared with a link to the *Washington Examiner* article titled “[Pat Toomey, the supply-siders' field marshal in the Senate](#)”

Honorable mention, lawmaker

From @MarkWarner, Senator from Virginia (D) on 08/17/18: “I will be introducing an amendment next week to block the President from punishing and intimidating his critics by arbitrarily revoking security clearances. Stay tuned.”

— shared in response to the news that President Trump has [pulled the security clearance](#) of former CIA Director John Brennan, and is in the process of doing the same to many of the people in the intelligence committee who can corroborate testimony related to the Mueller investigation.

Honorable mention, media

From @JakeTapper of CNN, 08/18/18: “ICYMI WaPo reports WH has ‘drafted documents revoking the security clearances of current and former officials whom President Trump has demanded be punished for criticizing him or playing a role in the investigation of Russian interference...Trump wants to sign most if not all of them, said one senior White House official’ ... communications aides including Sarah Sanders and Bill Shine ‘have discussed the optimum times to release them as a distraction during unfavorable news cycles.’ “

— shared with a link to the referenced [Washington Post](#) article titled [“White House drafts more clearance cancellations demanded by Trump”](#)

Honorable mention, constituent response

From @Isobrado on 08/15/18: “oh don't worry, we remember your role in the 1.5Trillion deficit busting tax cut that you still haven't paid for it, or has paid for itself. With wages decreasing after the tax cut while corporate profits hit records, PA will remember you. Now about that #retirementparty”

— tweeted in response to Senator Toomey's [share](#) of the [Washington Examiner](#) [profile](#) of his recent Senate efforts

Casey in the News

Courtesy of contributor Kathy Sites

“We should not have to be fighting to preserve protections that were put into law for Americans who have preexisting conditions. We have a group of right-wing Republican attorneys general, joined by this administration, that want to rip away the protections for pre-existing conditions. That's an insult. It's an abomination.”

— from Casey's opening remarks at a round-table discussion at the Squirrel Hill Health Center, as reported in a [Pittsburgh WTAE](#) article titled [“Pennsylvania Sen. Casey, challenger Barletta address coverage for pre-existing conditions and pending report on sexual abuse by clergy”](#)

“We're all one accident or illness away from joining the 133 million nonelderly Americans with a pre-existing condition. Any of us — all of us — are vulnerable when pre-existing condition protections are targeted. I will fight every day to ensure that every American, no matter where they live or what their health status is, has access to the health care they need,”

— quoted from a forum at Highlands Hospital in Connellsville, in the [Indiana Gazette](#) article titled [“Senate candidate makes stop near Blairsville”](#)

“It is unconscionable that safe, wholesome food is wasted in a country where people go hungry.”

— comment from a visit to Meadow Vista Dairy in Lancaster County in discussing the Pennsylvania farm to food bank program that he is attempting to replicate in both House and Senate versions of food assistance programs in the Farm Bill, in the [Lancaster Farming](#) article titled [“Casey Pushes Farm-to-Needy Program for Farm Bill”](#)

“The Senate Farm Bill has been a bipartisan effort that will provide a strong safety net for producers while advancing priorities such as conservation, research, nutrition and promotion programs. The bill also aims to address challenges of dairy farmers. Additionally, a farm to food bank program is included to incentivize farmers to donate directly to food banks, products that would otherwise be discarded.”

— quoted from a Penn State event, as reported in a [StateCollege.com](#) article titled [“Candidates, Officials Talk Future of Farming at Ag Progress Days”](#)

“3D-printed guns are untraceable, easily hidden and can bypass many of the security measures we have in place to prevent attacks in our communities. The fact that these weapons can be made at home by criminals and domestic abusers, bypassing our laws, is simply outrageous. There's been too much inaction on the part of the administration and congressional Republicans. Congress has a duty to present a solution and this legislation is just that.”

— from a [Reading Eagle](#) article titled “[Senator Bob Casey moves to ban 3D-printed guns](#)”

“I am pleased that we were able to work together across party lines on legislation that help ensure that all students and workers get the skills they need to compete for well-paying jobs today and in the future. This act will update education and job training to meet the needs of the local economies, ensuring students have the skills needed to remain competitive.”

— the senator celebrates the passage and signing of the Strengthening Career and Technical Education for the 21st Century Act, from a [Bucks County Courier Times](#) article titled “[Area Vocational-technical schools will continue getting major federal funding source](#)”

“It’s exciting that New Kensington isn’t just focusing on the future, but also on innovation, which is something Pennsylvania is known for. The focus on innovation, the focus on bringing the skills and the talent of this community and of this region, to one place or to a number of places here in New Kensington is really inspiring. I hope we can continue to work together.”

— from a [TribLIVE.com](#) article titled “[New Kensington pleased to share its revitalization efforts with Sen. Bob Casey](#)”

Fitzpatrick in the News

“It solidifies what I strive so hard to do each day: represent the working families of Bucks and Montgomery counties as an independent voice, concerned more for their welfare than partisan labels.”

— Fitzpatrick’s response to the AFL-CIO endorsement, as reported in a [Bloomberg](#) article titled “[GOP Candidates, Labor Unions Make Strange Bedfellows](#)”

“This new grant program allows state and local governments, universities, nonprofit organizations, and other partners to come together to protect our drinking water and tackle increasing problems with flooding. This program will help restore and protect critical habitat for the wildlife and fisheries that make the river and its tributaries a local and national treasure.”

— the representative comments on the launch of the \$4.3 million Delaware Watershed Conservation Fund, as reported in a [Ripon Advance](#) blog post titled “[Fitzpatrick praises home-state, regional watershed benefits of new conservation fund](#)”

“The United States represents less than 10 percent of the world’s population, and yet we consume over 70 percent of the world’s opioid supply. If that’s not a red flag for a problem, I don’t know what is. There’s so many different pieces to this puzzle. There are many different pressure points. But the good thing about being here — about having all stakeholders be at the table — is that this is where the problems get solved.”

— Fitzpatrick’s comments at a round table in Newton, NJ, as reported in the [Advertiser-News](#) article titled “[Congressmen lead panel on opioid abuse](#)”

“We must do everything we can to forcefully respond to egregious instances of stalking and cyberstalking, especially when committed against minors – the most vulnerable among us. The Combat Online Predators Act ensures that, not only are we increasing penalties for these crimes, but also requiring federal law enforcement officials to constantly evaluate and update practices to combat this digital harassment. There is still work to be done at the state level, but today’s passage shows we are serious about making these needed changes at the national level.”

— from a [Sunshine State News](#) article titled “[Bill Nelson, Pat Toomey Take Up Brian Fitzpatrick’s, Stephanie Murphy’s Bill Punishing Stalkers Targeting Minors](#)”

Toomey in the News

Courtesy of contributor Elayne Baker

"There is no mystery about what kind of a judge he will be. He wrote 307 decisions as an appellate judge. He has a huge volume of information. And I think it's interesting to note, that I see very little by the way of specific critique of his opinions. If he were not a good judge you would think his opponents would be citing chapter and verse of how he has proven he is not a good judge. In fact, they have no such evidence."

— [Senator Toomey expresses his strong support for Supreme Court nominee Brett Kavanaugh in a *Reading Eagle* article titled "Five takeaways from Pat Toomey's visit to the Reading Eagle"](#)

"I was quite impressed. It doesn't feel like a detention center at all. This does seem like a reasonable way to handle the situation. I think we need more facilities like this, probably."

— [the senator's comments about the Pennsylvania facility where immigrant detainees are being kept, from an article in the *Reading Eagle* titled "Toomey impressed with Berks County Residential Center"](#)

"I want them to know that if they were to meddle with our elections again, they will have to pay a very, very high price. In the hope that that knowledge will dissuade them from it."

— [from a *WHYY* article titled "Federal lawmakers call for warning Russians to stay out of U.S. elections"](#)

"We can't let a fixation on deficit predictions or arcane budget rules get in the way."

— [from a *Washington Examiner* article titled "Pat Toomey, the supply-siders' field marshal in the Senate"](#)

"My problem, Mr. President, is that it would be a worse NAFTA if you get your way."

— [the senator describes what he would say to President Trump about NAFTA negotiation in a *Sharon Herald* article titled "Sen. Pat Toomey participates in roundtable with local leaders as part of statewide tour"](#)

The tax reform really was designed to make it more affordable for businesses to invest new capital and that's exactly what you see happening here... I've very optimistic that this is an expansion of our economy, and that growth that is now occurring at a higher level can continue."

— [from an article in Erie's *WJET Fox 66* titled "Toomey calls Ellwood Group's \\$10 million investment a win for the Tax Cuts and Jobs Act"](#)

"I think in some cases senators have persuaded him not to do something that he probably was inclined to do. So though we're concerned with some of the developments arguably they could have been worse... It's my view the president invoking national security as the justification for imposing tariffs on steel and aluminum imported from places like Canada, Mexico and the European Union is a misuse of that. I think it's long past time for Congress to take that responsibility back."

— [from a *PennLive* article titled "U.S. Sen. Pat Toomey is looking for a change in direction in Trump's trade policies"](#)

Press Release Spotlight

Our Senators have been fairly quiet on their websites, but Rep. Brian Fitzpatrick has been posting a new item nearly every day. Most of the topics echo the themes of bipartisanship and cooperation that his election campaign has been hammering in all of his messaging. One press release, however, broke that mold, and it is fascinating in the message it promotes.

[Fitzpatrick Supports the FBI in Their Decision to Fire Peter Strzok](#)

Aug 13, 2018 Press Release

Langhorne, PA - Congressman Brian Fitzpatrick (PA-08), the only former FBI Special Agent in Congress, released a statement following the termination of Peter Strzok.

"While investigating and prosecuting cases as an FBI agent, the focus was always on facts and evidence. Peter Strzok let his personal politics taint an investigation. His actions compromised the integrity of his investigation and damaged the credibility of the Bureau. Strzok's termination is long overdue. The Department of Justice must ensure investigations are conducted without political bias. His actions severely damaged the public's trust in the FBI."

The FBI had been reviewing Strzok's employment after his politically charged text messages were discovered last year. Strzok worked on the early stages of the Russia investigation in 2016 and worked on the special counsel's team for a few months after Robert Mueller was appointed in May 2017. Strzok was also a lead investigator on the probe into Hillary Clinton's email server in 2016.

EDITOR'S ANALYSIS - If you are following the Mueller investigation, you are aware that President Trump and his team have been doing everything in their power to discredit any of the people who may be called by Mr. Mueller to testify against the president in the obstruction of justice portion of the investigation. This pattern of behavior goes back many [months](#). [Fox News](#) has been using Peter Strzok as a punching bag for some time, calling him "the personification of the deep state" and citing his texts as proof that the FBI was working against the President.

*Representative Fitzpatrick used his past as an FBI Agent to great effect during the 2016 congressional campaign season, and continued to cite his law enforcement background for many months after. However, in the polarized environment created by the President in response to the Mueller investigation, being a former FBI agent no longer has the cachet that it once did. In fact, for the FoxNews-watching portion of the GOP base, being a former agent makes one deeply suspect. So this press release is a declaration that Rep. Fitzpatrick is allying himself firmly on the side of the President and against the FBI and the Mueller investigation. He has clearly stated that he approved of the firing, which is thus a tacit approval of the President's tactic of pre-emptively discrediting Mueller witnesses. Fitzpatrick is making clear to his Trump-loving base that he is on **their* side, no matter his FBI background.**

This report brought to you by the PA-08 MoCTrack team...

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We are seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover — tasks big and small to fit any level of time commitment or experience. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!