

## Week ending 09/09/18 - PA-08 MoCTrack Report

### 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. There were no votes scored in either house this week.

### Words From Our Founders

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

— John Hancock, from the [Boston Massacre Oration](#), March 5, 1774 (delivered on the fourth anniversary of the massacre)

### Votes of Interest

#### H.R. 4606: Ensuring Small Scale LNG Certainty and Access Act

<https://www.govtrack.us/congress/votes/115-2018/h392>

This bill is a key vote to note whether a legislator values the primacy of the economy, or the importance of shifting to carbon neutral energy production. The stated purpose of this bill is to hasten the process of approvals for the import and export of natural gas. An opinion piece in [The Hill](#) outlines the logic used by the supporters of the bill, noting that "emerging markets within the Caribbean, Central America, and South America are looking to U.S. natural gas to help meet their growing energy needs, and this legislation will help ensure our domestic producers and exporters are able to meet that demand." When the bill was marked up in the House Energy and Commerce Committee, Rep. Frank Pallone (D-N.J.) made the following [objections](#):

"[The Department of Energy's] process for reviewing and approving gas export applications is working efficiently and effectively, so I fail to see a reason to alter it, let alone do away with it completely as proposed by this bill...unfettered exports could be even worse for climate change. The policy incentivizes widespread fossil fuel extraction with virtually no environmental protections, adds more fossil fuels to the electricity mix rather than replacing dirtier sources, and artificially props up the coal industry...It speaks volumes that this bill has even fewer environmental safeguards than a Trump Administration proposal. The bill also fails to prevent applicants from using this new process to evade the public interest determinations required for large-scale exports..."

Put more simply, those voting for this bill want to increase fossil fuel extraction and trade, while those voting against it are prioritizing the protection of the environment. In a vote that occurred on September 6, 2018, the bill passed 260-146. Thirty-seven Democrats joined all but 3 of the Republicans to pass this bill. **Fitzpatrick voted YES.**

#### H.R. 6691: Community Safety and Security Act of 2018

<https://www.govtrack.us/congress/votes/115-2018/h393>

This bill may have been prompted by the results of a recent Supreme Court case, but once drafted it becomes clear that it is the kind of law that a complacent GOP-run legislature, eager to appease their law-and-order president creates. In the case *Dimaya v. Sessions*, the court found that a portion of the criminal code was "unconstitutionally vague." To solve that problem, this bill changes the US Criminal Code to expand the term "crime of violence" to encompass twenty two

specific types of crime. In their long letter of objection to the Congress, the Human Rights Watch outlines a number of ways this bill is exceedingly problematic (please see the [letter in full](#) for a lengthier description of each of their bullet points):

- The bill is overbroad and includes in its list of crimes of violence a number of offenses that have no element of violence at all.
- The bill dangerously expands the definition of violent crime which fuels overcriminalization.
- A new definition of crime of violence is unnecessary.
- H.R. 6691 could have significant exclusionary effects on federal criminal justice laws and legislation.

In an [essay](#) published on *Medium*, Senate candidate and current House member Beto O'Rourke does an even better job of explaining a wider array of problems with this bill, not just its content, but also the process by which it was created:

"Today, the House considered H.R. 6691, the Community Safety and Security Act of 2018. I voted no. The Supreme Court recently ruled in *Dimaya v. Sessions* that our understanding of a "crime of violence" is "unconstitutionally vague." It is necessary that Congress work on a more clear definition, and I want to be part of that open dialogue and bipartisan discussion.

But this bill was introduced only seven days ago with no committee consideration, no experts, no testimony, no discussion. That makes it only the most recent piece of legislation in a long line of American criminal justice policy that was rushed through Congress without understanding the full consequences. Without understanding the decades-long ramifications. It's how we ended up with the world's largest prison population, disproportionately comprised of people of color. It's how we ended up putting more non-violent offenders into prisons with mandatory minimums. Those prisons too often run by corporations who want more heads in more beds to feed their bottom line.

H.R. 6691 could continue the trend... expanding the definition of violent crimes to include crimes that don't involve the use of force or threat of force. That don't involve violence. It could allow those convicted of nonviolent offenses to face the same severe consequences and mandatory minimums as criminals that did use or threaten force. It could expand the number of teenagers who are prosecuted as adults. And it could increase prison sentencing.

We need true criminal justice reform, not more policies rushed through Congress that will put more people behind bars for non-violent crimes."

The vote for this bill took place on September 7, 2018, and the bill passed 247-152. Twenty-nine Democrats joined all but 4 of the Republicans to pass this bill. **Fitzpatrick voted YES.**

## **Special Section - The Supreme Court confirmation hearings for Brett Kavanaugh and our Senators' positions**

Much of the political atmosphere this week was taken up by the confirmation hearings of SCOTUS nominee Brett Kavanaugh. Neither of our senators were much in the reported news, as neither sit on the Judiciary Committee where the hearings are held. In case you need a reminder of their positions, these are their past public statements on the matter.

**Senator Bob Casey's statements on the SCOTUS vacancy and nomination June 27, 2018**, after the Kennedy retirement announcement but before the nomination of Kavanaugh, via his [website](#):

"Majority Leader McConnell once said that "the American people should have a voice in the selection of their next Supreme Court justice," so he should ensure that's the case and follow his own rule. The Senate should only consider this nomination when a new Senate is seated in January.

"Thus far, the Trump Administration has nominated many far-right judges that put the interests of big corporations ahead of justice and fairness for all Americans. If an individual from the list provided to candidate Donald Trump by far-right organizations like the Heritage Foundation and the Federalist Society is nominated, then I am highly unlikely to support that nominee. Justices who sit on the most important court in the world, should not be selected by corporate interests and extreme right organizations.

"Over and over again, the current Supreme Court majority has only represented the interests of extreme right-wing ideologues and big corporations. In this term, the Supreme Court has issued rulings that would decimate labor unions, deny many Americans their right to vote and allow partisan gerrymandering to continue. This nation deserves a Supreme Court Justice who will be guided by the principle of equal justice under the law for all Americans."

**July 9, 2018**, just prior to the President's nomination announcement, via his [website](#):

"In a nation with over 700 sitting federal judges, many of whom were appointed by Republican presidents, it is outrageous that President Trump will nominate from a list of just 25 dictated to him by the Heritage Foundation. This list is the bidding of corporate special interests hell-bent on handing health care over to insurance companies, crushing unions that represent working men and women, and promoting policies that will leave the middle-class further behind. Any judge on this list is fruit of a corrupt process straight from the D.C. swamp.

Heritage, which is an extreme Right organization, just released a new proposal to end protections for people with pre-existing conditions and gut Medicaid for seniors, people with disabilities, and children. They recently hosted a press conference for Republican attorneys general who are trying to eliminate those protections through the courts. In Pennsylvania, there are more than 5.3 million people (including 643,000 children) who have pre-existing conditions.

Heritage has also called labor unions – who helped build the middle class – "cartels." From the formation of the first permanent Pennsylvanian local labor union in Philadelphia in 1792, through the Lattimer massacre in Northeastern Pennsylvania, to the Homestead Strike in Western Pennsylvania to today's struggle to protect the right to organize, Pennsylvania workers have led the way to ensure that working people have basic rights, good wages, and benefits, like health care. The last thing working men and women in Pennsylvania need is another corporate justice on an increasingly corporate court.

I was elected to represent all Pennsylvanians. I was not elected to genuflect to the hard Right, who are funded by corporate America.

President Lincoln called on our nation to work to ensure "... that government of the people, by the people, for the people, shall not perish from the earth." Instead, Congressional Republicans in Washington and the Administration are determined to pack the Supreme Court with a government of, by, and for extreme Right corporate interests.

I will oppose the nomination the President will make tonight because it represents a corrupt bargain with the far Right, big corporations, and Washington special interests."

**September 4, 2018**, at the start of the Judiciary Committee hearings, via [Twitter](#):

"The Senate Judiciary Committee is holding a hearing on the Kavanaugh nomination even though millions of pages of documents from his White House tenure have not been released. The Judiciary Committee is conducting a hearing without knowing basic facts about the nominee's record. Having these documents is vital. It is even more important for Kavanaugh, whose record indicates a disturbing and expansive views on presidential power.

His writings speak for themselves: "Congress should give back to the President the full power to act when he believes that a particular independent counsel is 'out to get him.'" - Judge Kavanaugh

"[T]he President should have absolute discretion (necessarily influenced, of course, by congressional and public opinion) whether and when to appoint an independent counsel." - Judge Kavanaugh

"It makes no sense at all to have an independent counsel looking at the conduct of the President." - Judge Kavanaugh

"The indictment and trial of a sitting President, moreover, would cripple the federal government, rendering it unable to function with credibility in either the international or domestic arenas." - Judge Kavanaugh

Individuals close to the President are under active investigation. His campaign manager has been convicted on eight counts. His personal attorney has pleaded guilty. If he were confirmed to the Supreme Court, Judge Kavanaugh could find himself ruling on critical issues of presidential power and executive privilege. Under these circumstances, it is even more important to have these documents."

**September 6, 2018**, during the Judiciary hearings, via [Twitter](#):

"The Administration and Senate Republicans are hiding basic documents about Judge Kavanaugh from the American people. I applaud @SenBooker, @MazieHirono and @SenatorLeahy for releasing these materials. Instead of following the historical standard of allowing the nonpartisan National Archives to determine what documents are released, Republicans have outsourced this process to a Republican lawyer who represents officials in the Trump Administration. This is a lifetime appointment that will impact the lives of all Americans. We deserve to have Judge Kavanaugh's full record available."

## **Senator Pat Toomey's statements on the SCOTUS vacancy and nomination**

**June 27, 2018**, after the Kennedy retirement announcement but before the nomination of Kavanaugh, via his [website](#):

"Justice Anthony Kennedy has admirably served our nation for the past 30 years as a Supreme Court Justice. He will be remembered as a thoughtful and fair jurist. I thank Justice Kennedy for his service and wish him nothing but the best in the future.

"In the coming weeks, President Trump will announce a nominee to fill this vacancy on the Supreme Court. This person should be committed to the rule of law and ensuring everyone is treated fairly under it. Moreover, whoever is nominated should understand the proper role of a judge is to apply the law, including the U.S. Constitution, as written. I look forward to meeting with the President's choice in the coming weeks."

**July 10, 2018**, after the Kavanaugh nomination was announced:

"I was pleased to see President Trump nominate Judge Brett Kavanaugh to a seat on the Supreme Court of the United States. Based on his reputation and resume, Judge

Kavanaugh appears to have the intellect and experience necessary to serve on our nation's highest court.

"Judicial nominees, including those for the Supreme Court, should understand that the proper role of a judge is to apply the law, including the U.S. Constitution, as written. I plan to apply this standard while reviewing Judge Kavanaugh's record and I hope my colleagues will do the same so that Republicans and Democrats can work together to confirm highly qualified jurists. Considering a Supreme Court nominee is one of the greatest responsibilities a Senator has and I look forward to following the Senate Judiciary Committee's confirmation hearing and meeting Judge Kavanaugh in person soon."

**July 26, 2018**, after meeting with Judge Kavanaugh, via his [website](#):

"I was very pleased to meet with Judge Kavanaugh this morning. Based on my review of his record and our conversation, it is clear to me that Judge Kavanaugh has the character, intellect, experience, and judicial philosophy to be an outstanding Supreme Court Justice.

"Judge Kavanaugh understands that the proper role of a judge is to apply neutrally the law, including the U.S. Constitution, as written, and not to decide cases based on personal or partisan policy preferences."

"I hope my colleagues on both sides of the aisle will give Judge Kavanaugh fair consideration so that Republicans and Democrats can work together to confirm this highly qualified jurist. I look forward to following Judge Kavanaugh's confirmation hearing and I intend to support his nomination when it comes to the Senate floor."

## MoC Twitter Action

**Senator Bob Casey hot topics:** The senator started the week with a Labor Day message, then moved on to an extended thread on the start of the Kavanaugh hearings and the lack of documents for review of the nominee's full record (thread quoted in full above, in the review of Casey's comments on the SCOTUS confirmation proceedings). Then he shared a press release from his office about his bill related to the Children's Hospital Graduate Medical Education program that passed the Senate and is moving to the president for enactment. He remarked upon the situation of an airplane with ill passengers landing in Philadelphia, and noted that his staff was in contact with the Center for Disease Control. The week ended with additional comments from the Senator about the Kavanaugh hearing. In addition to the materials quoted above, he shared tweets from The Leadership Council, who live tweeted the final day of events.

**Casey tweet of the week, 09/07/18:** "@JacksonCorbin\_: I might be a kid, but I am still an American. The decisions you are making today will affect my generation's ability to have access to affordable health care. We must have Justices who will save the ACA, safeguard pre-existing conditions, and protect our care."

— a [tweet](#) shared from [The Leadership Council](#), citing the [Senate testimony of Jackson Corbin, a thirteen year old Noonan Syndrome patient and health care advocate](#)

**Representative Brian Fitzpatrick hot topics:** Like his colleagues, the representative started the week off with a Labor Day message and shared an image of himself assembling snack packs for service members at the USO. He went on to retweet a trio of posts from the outlet *The Hill*, who were covering an event called "Partnerships & Progress: Driving Climate Solutions" where the representative gave a talk. Fitzpatrick shared an article from *CNBC* about the jobs report, and

closed out the week with a clip of himself conducting the coin toss at a local high school football game.

***Fitzpatrick tweet of the week, 09/07/18:*** “With over 200,000 jobs created in August alone, today’s report from the Bureau of Labor Statistics shows the largest increase in wage growth since 2009. Our economy is ready to break out of its decade-long slumber.”  
— shared with a [CNBC article titled “Economy adds more jobs than expected in August, and wage growth hits post-recession high”](#)

**Senator Pat Toomey hot topics:** The senator has only tweeted twice this week, once in celebration of Labor Day, and another to praise a judicial nominee.

***Toomey tweet of the week, 09/07/18:*** “Judge Horan’s intellect, experience, & character make her well-suited to serve as a U.S. District Judge for the Western District of PA. I am pleased that Judge Horan was confirmed by the Senate & am confident she will serve the people of Pennsylvania well.”  
— shared with a link to a [Butler Eagle article titled “Judge Horan confirmed”](#)

#### **Honorable mention, lawmaker**

From @CoryBooker, Democratic Senator of N.J. on 09/07/18:

“Weds—I broke committee rules by reading from "committee confidential" docs.  
Thurs—Cornyn threatened me with expulsion.  
He then changed his story & backtracked. Now he's back at it threatening an ethics investigation b/c we exposed this sham process.”  
— shared with a [tweet from Sen. Cornyn threatening an ethics investigation](#)

#### **Honorable mention, media**

From @dankennedy\_nu, Dan Kennedy, contributor to WGBH News, on 09/08/18:

“Local news is not dying. It’s being murdered.”  
— responding to a tweet from Mark Munro of Brookings Institute, who [noted](#) “Local news is dying, and that’s hurting small town America (and smaller cities, and medium-sized cities, and even many big cities)” and shared an article about the topic from [Bloomberg](#)

#### **Honorable mention, constituent response**

From @PhillyResistNow on 09/03/18 (originally posted as a thread of seven [tweets](#)):

“OK @SenToomey, since you bring it up, let’s talk about what you’ve done to America’s workforce:  
-- Your tax scam (which you wrote and pushed through congress) has stolen wealth from workers to give to billionaire business owners, increasing profits and decreasing wages.  
-- Your efforts to destroy our access to affordable healthcare means that workers are sicker, poorer and more scared.  
-- Your attacks on unions mean that workers will have much less power, resulting in more dangerous working conditions, sinking wages, reduced benefits.  
-- Your support of Trump has allowed him to freeze the cost-of-living-adjustment wages of federal workers based on the increased deficit (the deficit caused by your tax scam).  
-- Your vote for Betsy DeVos has allowed her to destroy protections for people with student loans, meaning they will be in usurious debt for decades, reducing their ability to make good decisions for themselves and their families.

-- Your support the rightwing agenda to ignore the wage gap for women and POC, you know the vast majority of "America's workforce."  
-- Your support of the disgusting tactics of ICE means that a huge portion of our workforce is afraid to stand up for their rights.  
I could go on, @SenToomey, the list of the ways you stand with billionaires against America's workforce is nearly endless. So take the words "Labor Day" out of your mouth. You don't deserve to talk to those of us who do the real work in this country to support and love each other"

— shared in response to Senator Toomey's Labor Day [message](#)

## Notice!

We are unlikely to see additional statements and website updates/press releases from Senator Casey from now through the election. His traditional media presence and Twitter feed should remain uninterrupted. The following [statement](#) was posted to the "Newsroom" section of his website:

### General Election Moratorium

"Pursuant to Senate Policy, petitions, opinion polls and unsolicited mass electronic communications cannot be initiated by this office for the 60-day period immediately before the date of a primary or general election."

## Casey in the News

*Courtesy of contributor Kathy Sites*

"It's gonna be a critical week. The big issue out of the box is not even a review of his views – that will come obviously as part of the hearing. But the big issue now is the access to information and documents. This individual coming onto the court is a human being, with a point of view, with predispositions like we all have, and their life experience, and the things they have said and done – it's all relevant, I think. What if there are memos that clearly state his political opinion about the major issues of the day that might still be relevant today? Especially if he strongly expressed a view, then, that he is contradicting now."

— excerpted from an interview with 90.5 WESA regarding the Judiciary Committee's lack of access to records, titled "[Casey: A 'Critical Week' Ahead On Kavanaugh Nomination](#)"

"Congress has taken a step forward in passing this common-sense bipartisan legislation. Reauthorization of the Children's Hospital Graduate Medical Education program will ensure that we can help grow the specialized workforce needed to adequately care for our nation's children. I urge President Trump to swiftly sign this measure into law."

— from a [MyChesCo.com](#) article titled "[Casey's Bipartisan Children's Hospital Legislation Headed to President's Desk to Become Law](#)"

"We write to follow up on our March 21st letter requesting a hearing on the causes of and remedies for mass shootings, including school shootings. Such a hearing is now especially critical in the wake of new reports that the Department of Education (ED) may propose allowing States and local school districts to use Title IV-A Student Support and Academic Enrichment (SSAE) grants to purchase firearms or provide firearms training in schools. If finalized, this proposal would be a significant departure from Congressional intent, a dramatic overstep of the Department's authority, and most importantly, could make students, teachers, and other school staff less safe. As senators, we have an obligation to address gun violence and keep schools safe for all students. While the Judiciary Committee maintains jurisdiction over most gun safety

issues—the key component to school safety—it is essential for this committee to understand ED’s reported proposal, and its effect on children, staff, and communities.”

— an excerpt from a letter co-authored by Senator Casey and other members of the Senate Health, Education, Labor, and Pensions (HELP) Committee requesting that Secretary of Education Betsy DeVos testify about reports that the U.S. Department of Education is considering allowing school districts to use federal funds to purchase firearms for teachers, as reported in the *New Hampshire Labor News* article titled [“Senator Hassan Joins in Calling for Secretary DeVos to Testify on Proposal to Arm Teachers with Guns”](#)

## **Fitzpatrick in the News**

“Absolutely this may extend to the manufacturers, we need to identify the cause of this problem and hold those people accountable... (The residents) did not cause this problem, and yet they’re being forced to live with the problem. We want to hear everyone’s stories to get a complete rounding of the facts.”

— the representative’s comments on PFAS water contamination, from a *Bucks County Courier Times* article titled [“Rep. Brian Fitzpatrick plans water contamination task force”](#)

“As our economy continues to expand and with more revenue is coming into government, modernizing our transportation system and infrastructure has to be a priority. It’s going to be my job to make sure as many of those dollars come back here to Bucks County as possible. And we need it here. When you look at this station here - the lighting improvements, the ADA accessibility improvements, the expanded platform - these are not just needed to improve efficiency, it’s also critical for safety as well.”

— from a *Bucks Local News* article titled [“SEPTA joins state, county and local officials in cutting the ribbon on \\$5M Yardley Station Improvement Project”](#)

## **Toomey in the News**

*Courtesy of contributor Elayne Baker*

“[The program is] largely funded through corporate giving. Treasury took a step in the right direction today by clarifying that these types of donations to the EITC [Educational Improvement Tax Credit] can still be deducted as a trade or business expense.”

— from a *Politico* article titled [“School choice supporters flood IRS with criticism”](#)

“What the administration submitted to Congress in setting up the opportunity to use [trade promotion authority] (TPA), and the expedited process that TPA allows, contemplated a revision to a tri-party agreement. So it’s my understanding that this has to be a tri-party agreement.”

— the senator explains why the President’s plan to make a trade agreement solely with Mexico would not get the same expedited Congressional treatment as one that also includes Canada, in an article from *the Weekly Standard* titled [“Brady Stays Quiet on Legal Questions Raised By Trump’s NAFTA Strategy”](#)

“To use Trade Promotion Authority’s ‘fast-track’ procedures, the administration must also reach an agreement with Canada. Conversion into a bilateral agreement would not qualify for TPA’s ‘fast track’ procedures and would therefore require 60 votes in the Senate.”



— more from the senator on the trade promotion authority, from a *Wall Street Journal* article titled [“Trump Says ‘Canada Will Be Out’ Without ‘Fair Deal’ on Nafta”](#)

“...without this change, the company would not have been able to import the required steel products due to the quotas, leading to construction delays and threatening high-paying jobs..I appreciate the Trump administration removing import quotas for some companies engaged in large scale infrastructure projects. This decision will preserve good jobs not only in Beaver County, but across the country.”

— from an *Ellwood City Ledger* article titled [“Trump eases restrictions on steel imports after Shell request”](#)

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](mailto:KierstynPZ@gmail.com) and put "MoCTrack Help" in the subject. Thanks!