

Week ending 10/07/18 - 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 **30.8%** — (-0.4% from last report)

Representative Brian Fitzpatrick — **83.9%** (no change from last report)

Senator Pat Toomey — **90.7%** (+0.2% 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. The only vote scored this week was the Kavanaugh confirmation to the Supreme Court.

Words From Our Founders

"...it is better to offer no excuse than a bad one, if at any time you should happen to fall into an error."
— [George Washington](#), to his niece Harriot, from 1791

Votes of Interest

EDITOR'S NOTE - Press coverage of the Kavanaugh nomination/confirmation process has been wall to wall for weeks now, which obviates the need to spill more ink on recapping the details and the controversy here. Instead, this will just focus on the procedural detail and voting results. If you are interested in reviewing the details of this whole, drawn-out process, THE HILL has put together a useful piece titled "[Timeline: Brett Kavanaugh's nomination to the Supreme Court.](#)" And for a procedural overview of the typical Supreme Court nomination process, please see our [Learning About Legislation explainer](#) from this summer.

Motion to Invoke Cloture Re: Brett M. Kavanaugh to be an Associate Justice of the Supreme Court of the United States

<https://www.govtrack.us/congress/votes/115-2018/s222>

This is the vote in the Senate that closes floor debate, and moves the body to a final vote. Prior to April 2017, it took a 60 vote [supermajority](#) to achieve cloture on a Supreme Court nomination, so deeply partisan nominees were not offered up by the President. But with the "nuclear option" of changing the Senate rules to require only a simple majority on cloture for a SCOTUS nomination, the door to the kind of partisan rancor and controversial nominees was opened. The cloture vote was held on Friday, October 5, 2018. Cloture was achieved with a 51-49 vote. That was not a strictly party line result, as Sen. Joe Manchin (D-W.V.) voted for cloture, and Sen. Lisa Murkowski (R-Alaska) votes against. **Casey voted NO** and **Toomey voted YES.**

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On the Nomination PN2259: Brett M. Kavanaugh, of Maryland, to be an Associate Justice of the Supreme Court of the United States

<https://www.govtrack.us/congress/votes/115-2018/s223>

This was the final vote for confirmation. It was held on Saturday, October 6, 2018. With cloture having been achieved, this confirmation was a foregone conclusion. Even so, the vote tally was slightly different. Sen. Joe Manchin was still the only Democrat to vote for confirmation. But the Republican numbers changed slightly. Sen. Lisa Murkowski changed her vote from cloture, this time simply voting "present." And Sen. Steve Daines (R-Mont.) did not place a vote, as he was in his home state for his daughter's wedding. The final vote was 50-48. **Casey voted NO** and **Toomey voted YES.**

H.R. 6: SUPPORT for Patients and Communities Act/H.Res. 1099: Providing for the concurrence by the House in the Senate amendment to H.R. 6, with an amendment
<https://www.govtrack.us/congress/votes/115-2018/h415>

The full title for this legislative package is the “Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment” of Patients and Communities Act. This is a collection of bills that the House had passed individually back in June. The Senate then merged a number of those into this effort, and passed it in mid-September. Because they amended the bill, even if only to add materials already passed by the House, the bill still needed to return there to be voted upon once again, to endorse the changes.

The summary of the legislation itself is quite lengthy, but can be found [here](#). The shortest possible description is that this “includes Medicaid, Medicare, and public health reforms to combat the opioid crisis by advancing treatment and recovery initiatives, improving prevention, protecting communities, and bolstering efforts to combat illicit synthetic drugs like fentanyl.” There had been some [concerns](#) that a bailout for pharmaceutical corporations would be introduced into this bill when the House took it up. This appears to have NOT occurred. The House invoked a [suspension of the rules](#), whereby they avoided debate on the bill. In a vote on September 28, 2018 the bill passed, 393-8. **Fitzpatrick voted YES.**

The bill then returned to the Senate, where a minor change introduced in the House was agreed to. The final vote, taken on October 3, 2018, was 98-1. **Casey voted YES and Toomey voted YES.** The bill just awaits the president’s signature before becoming law.

Special Section: The confirmation of Judge Brett Kavanaugh to the Supreme Court, our senators respond

Senator Bob Casey, via [WTAE Pittsburgh](#), on 10/05/18:

(EDITOR’S NOTE: because we are within the final 60 days prior to the election, Senator Casey cannot post new statements to his website.)

“Judge Kavanaugh’s record indicates that he would further stack the court in favor of corporate interests to the detriment of workers and middle class families. These fundamental concerns led me to announce my opposition to his nomination this summer. These concerns were compounded by Dr. Ford’s credible and persuasive testimony. I believed her and still do. There are also serious questions about the Administration constraining and meddling with the FBI’s background investigation. I will vote against final confirmation tomorrow.”

Senator Pat Toomey, via his [website](#), on 10/05/18:

"I will be voting to confirm Judge Brett Kavanaugh to the Supreme Court of the United States. His sterling academic credentials and outstanding legal record, which includes twelve years of exemplary service as a judge on the second highest court in the nation, make him exceptionally well qualified to serve as the Supreme Court's next Associate Justice.

"Judge Kavanaugh's long career of public service displays a remarkable fidelity to the Constitution and understanding of the proper role of a judge. He is an impartial jurist who treats everyone fairly and decides cases neutrally on the basis of the law and not a preferred policy or outcome. Further, Judge Kavanaugh understands that changes to the law must be made by the American people, acting through the democratic process, and not by unelected judges. His record gives me great confidence that he will discharge his duties on the Supreme Court intelligently and faithfully.

"I have long held that when considering judicial nominees, objective qualifications are more important than partisan politics. For example, although I knew I would disagree with many

decisions made by then-Judge Sonia Sotomayor, her intellect, experience, and integrity clearly qualified her for the Supreme Court so I supported her nomination by President Obama. Unfortunately, during Judge Kavanaugh's nomination process, some abandoned this sensible standard. Today, the worst possible claims about a nominee are considered disqualifying by some, despite the absence of any corroborating evidence, because they disagree with the nominee's judicial philosophy.

"Sexual assault is a terrible crime that is sadly far too prevalent in our society. We need to take seriously allegations of sexual assault, while at the same time providing due process to those who are accused of misconduct.

"As this confirmation process concludes, my sincere hope is that all of my colleagues will seek to do the important work of restoring trust and civility in politics. The advice and consent role of the Senate for nominees would be a good place to start."

MoC Twitter Action

Senator Bob Casey hot topics: Most of the senator's content this week revolved around the Kavanaugh nomination. He expressed his desire for the FBI to pursue their investigation unimpeded by directives from the White House. He reiterated his belief in, and firm support for, Dr. Blasey Ford by sharing a link to his [opinion piece](#) in the *Philadelphia Inquirer* on that topic. The senator also scolded the president for mocking Dr. Blasey Ford at a rally. There were two non-confirmation topics that got the senator's attention this week - he discussed the #IgniteMyFuture program to promote STEM learning, and he discussed the Trump Administration policy of detaining migrant children..

Casey tweet of the week, 10/01/18: "This Administration continues to fail migrant children by carrying out cruel policies that will do long-term damage to them, their families and our nation."

— shared with a [New York Times](#) article titled "[Migrant Children Moved Under Cover of Darkness to a Texas Tent City](#)"

Representative Brian Fitzpatrick hot topics: The representative tweeted four times this week. Two took credit for the lower unemployment numbers, attributing them passage of the GOP Tax Plan. One item was a retweet of a Nature Conservancy share of an editorial he co-authored (see the Fitzpatrick in the News section for a link to that piece). His final tweet was an announcement of his tax transparency bill, which he dropped after the House had left Washington for the season.

Fitzpatrick tweet of the week, 10/05/18: "Armed with a competitive tax code, bold reforms to regulations, and encouraging news on trade, our economy is booming. We will never stop working to ensure America remains the best place in the world for workers and small businesses."

— shared with an article from the [Wall Street Journal](#) (warning, paywall) titled "[U.S. Unemployment Rate Falls to Lowest Level Since 1969](#)"

Senator Pat Toomey hot topics: The senator was atypically chatty on Twitter this week. He shared the full contents of his statement on the Kavanaugh confirmation via a trio of memes. He shared an image of himself with a young pocket-square entrepreneur, and celebrated the contributions of small business-owners. The senator celebrated the low unemployment rate, and promoted the passage of the opioid crisis package.

Toomey tweet of the week, 10/05/18: "The last time U.S. unemployment was this low – Neil Armstrong walked on the moon, & the Beatles & Elvis had 5/10 pop songs of the year 1969. The policies & reforms we've passed this Congress are putting more money back in your pocket, & more Americans back to work."

— shared as a retweet of an Associated Press tweet that read ["BREAKING: US unemployment rate fell in September to 49-year low of 3.7 percent amid steady hiring"](#)

Honorable mention, lawmaker

From @tedlieu, Rep. Ted Lieu (D-Ca.) on 10/07/18:

"There will, in fact, be lots of broken glass from the many women candidates who will be shattering glass ceilings on November 6. #SundayMotivation"

— shared in response to a [tweet](#) from *National Review* contributor Jay Nordlinger

Honorable mention, media

From @Amy_Siskind, author of *The List: A Week-by-Week Reckoning of Trump's First Year*, and host of *The Weekly List* podcast, on 10/07/18:

"This Nov 2016 article by Masha Gessen, on of the "experts in authoritarianism" who inspired me to start the list, presciently predicted what happened in our SC this week, and gives good advice on what to do to combat autocracy. Worth the read!"

— shared with a link the Masha Gessen's [article "Autocracy: Rules for Survival"](#)

Honorable mention, constituent response

From @edmundcourt on 10/05/18:

"Unemployment is low, but so are wages. Most Pennsylvanians work 2+ jobs to make ends meet. Can't wait to vote for Bob Casey again, and can't wait to vote Toomey out."

— tweeted in response to Sen. Toomey's [tweet of the week](#), celebrating the low unemployment rate

Casey in the News

Courtesy of contributor Kathy Sites

"I thought Dr. Ford's testimony was both credible and persuasive and I believed her testimony. There should be an FBI investigation before there is a vote to confirm judge Kavanaugh. When you have these questions that are presented it's certainly important there be an FBI report done just to be a continuation and further development of the background check that was done."

— from the *PAHomePage* article titled ["Casey/Barletta React to Kavanaugh Developments"](#)

"It was just this dodge, 'Well, it's not my call,' it's ridiculous."

— the senator's comments on Judge Kavanaugh's unwillingness to agree to an FBI investigation during his hearing last week, in a *Citizen's Voice* article titled ["Casey, Toomey haven't changed their minds on Kavanaugh"](#)

"Despite a drop in the unemployment rate in Pennsylvania, voters still want good paying jobs and quality, low-cost health care. I see a lot of families who have a lot of economic anxiety. The need for jobs and affordable health care are part and parcel. They are no longer separate issues. Wages have not grown much in recent years. The recent tax cut gave more to the top 1% and not enough to the middle class. We have to give the middle class a bigger tax break. These

days, a tax cut is equal to a wage increase. Additionally, Congress has to ratchet down the cost of prescription drugs and child care.”

— the senator’s comments from a meeting with the editorial board of the *Wilkes Barre Times Leader*, from their article [“Casey, Toomey split on Kavanaugh and Ford”](#)

“One of the reasons I opposed the tax cut last December is it was a huge missed opportunity for the middle class. Republicans boast the tax cut spurred the economy, but wealthy people who didn’t need it benefited the most. A massive corporate (tax) cut boosted the nation’s long-term debt by \$1 trillion over the next decade and set the table for Republicans’ planned \$5 trillion in spending cuts, including \$2.1 trillion of healthcare cuts that will include Medicare and Medicaid. This shouldn’t surprise anyone. This is the Ryan budget cuts for years now.”

— the senator’s comments from a meeting with the editorial board of the *Scranton Times Shamrock* as reported in a *Citizen’s Voice* article titled [“Casey eyes minimum wage, health coverage”](#)

“I am pleased to introduce this legislation to help address unexpected deaths in infants and children, including sleep-related deaths. Additionally, I wanted to honor the memory of a little girl named Scarlett, who was lost to Sudden Unexplained Death in Childhood. We must make sure that the federal government is taking all possible steps to ensure that no family will have to suffer the death of a child, whether it is from a preventable cause like an unsafe sleeping environment or from a cause that we cannot yet identify.”

— from the senator’s statement on the introduction of the bipartisan Scarlett’s Sunshine on Sudden Unexplained Death Act which will establish federal grants, as reported in the *Digital Journal* post titled [“Cribs for Kids National Safe Sleep Initiative Endorses Bill that Will Help in the Fight to Eradicate Sudden Unexplained Infant Death”](#)

Fitzpatrick in the News

“If you want to ever question why a piece of legislation moves or doesn’t move, you go to leadership. The fact that this has 236 cosponsors in the House but is not moving forward, they [the leadership] ought to be asked those questions.”

— the representative deflects blame for the expiration of a major environmental program, in the *Outdoor Life* article titled [“Congress Lets the Land and Water Conservation Fund Expire, but Still Has a Chance at Redemption”](#)

“As communities across Bucks and Montgomery County continue to deal with the crisis of opioid abuse and addictions, we are targeting key facts of the opioid epidemic to boost our prevention efforts, protect our communities, expand access to treatment and recovery services, and crack down on illicit imports of drugs like fentanyl.”

— from the *Ripon Advance* blog post titled [“Two Fitzpatrick-supported bills make it into House anti-opioid consensus legislation”](#)

“As our nation continues to combat the threat of terrorism, it is crucial that air travel frameworks are enhanced to keep our nation safe. Protecting the cockpits in our nation’s airplanes is critical in preventing commercial airliners from hijacking and deterring malicious actors around the globe. This agreement is a major victory for airline safety.”

— the representative’s statement on the news that his air safety bill (which puts into law precautions that the FAA has been already doing since 2002) has been included in the FAA reauthorization package, from the *Transportation News Today*

article titled [“Legislation seeking extended pilot protection advances House”](#)

“We have to end this Hatfield-and-McCoy brand of politics where the pendulum keeps rapidly swinging one way and another every 4 years in midterms. At some point, the pendulum has to stop in the middle. As long as we keep allowing emotion to guide our decisions rather than facts, logic, and thoughtfulness, then the Hatfield-and-McCoy brand is going to perpetuate.”

— from an article in *The Centurion* (the Bucks County Student College community newspaper) titled [“A Sit-Down with Republican Candidate Brian Fitzpatrick”](#)

The representative also co-authored an opinion piece in *PennLive* titled [“Paris Meets Philly: The economic and environmental benefits of a carbon swap for Pa. families.”](#)

Toomey in the News

Courtesy of contributor Elayne Baker

“Congress has taken another important step forward in fighting the horrendous opioid crisis by providing significant assistance to aid treatment, prevention, and law enforcement. Notably, this bill plugs a glaring hole in the Medicare program by ensuring doctors are actually notified if their patient has previously overdosed before writing them another opioid prescription.”

— from *The Bradford Era* article titled [“Pennsylvania’s senators have measures in sweeping opioid bill”](#)

“I have some concerns. I’m looking forward to meeting with her.”

— the senator’s comments on the economist and Federal Reserve Board of Governors nominee Nellie Liang, from *The Intercept* article titled [“Senate Republicans have found a Trump nominee they’re not so sure about”](#)

“I am concerned about the weakening of protections for U.S. investors; new arbitrary wage mandates on auto imports; side deals establishing quotas on automobile and automobile parts imported from Mexico and Canada; and a failure to eliminate (Section 232 national security) tariffs on steel and aluminum.”

— the senator’s comments on the new trade deal that replaces NAFTA, from the UK outlet *The Market Oracle* article titled [“U.S.- Mexico - Canada Trade Agreement”](#)

“It seems to me a modest step backwards from the point of view of a free trader...I don’t like the government mandating wage rates, and putting quotas on imported vehicles... [the] biggest changes are actually changes that diminish the free trade that NAFTA has permitted.”

— excerpts from the senator’s interview on *CNBC’s SquawkBox*, as report in an article titled [“GOP Sen. Pat Toomey: Congress may be able to fix the ‘flaws’ in Trump’s new NAFTA deal”](#)

“I had assumed, quite reasonably, given some of the things that were told to us, that the 232 tariffs would be eliminated as part of a renegotiated NAFTA.”

— more from the senator on his issues with the new USMCA trade plan, from an *E&E Daily* article titled [“Senators irked over tariffs in new NAFTA”](#)

EDITOR’S NOTE - Learning About Legislation has been on hiatus for a few weeks. The Legislation of Interest segment is joining it until after the election . Since the House is home,

campaigning, it is unlikely that any major legislation has any chance of being introduced or making an progress in the next month. Also, this will allow our MoCTrack team more time to volunteer for our candidates of choice in the final month of the campaign season. Thanks for your understanding - we promise to be back with recaps of new bills of interest after campaign season is over!

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!