

PA-01 Member of Congress Tracking Report - 09/15/19

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 before recess
Senator Bob Casey (D)	29.2%	0.0%
Senator Pat Toomey (R)	88.2%	0.0%
PA-01 Rep. Brian Fitzpatrick (R)	68.8%	-1.0%

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by reviewing any bills where President Trump has stated a position, and comparing the vote of our legislators to that opinion. Only two votes were scored this week, both from the House and both banning offshore drilling, a move the president opposes.

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

"I see with pleasure every evidence of the attachment of my fellow citizens to elective government, calculated to promote their happiness, peculiarly adapted to their genius, habits & situation, and the best peaceable corrective of the errors or abuses of those entrusted with power."

—[Thomas Jefferson](#), 1801

Votes of Interest -

The House votes to protect the Arctic from energy exploitation

[House Vote](#) on [H.R. 1146](#) - The Arctic Cultural and Coastal Plain Protection Act

Much of the action in the House this week centered around environmental votes, and this one was the most high profile offering. One of the provisions tucked inside the massive 2017 GOP tax bill was a line item that opened up portions of the Arctic National Wildlife Reserve (ANWR) to drilling and all of the associated development that accompanies energy extraction (road-building, infrastructure, pipelines). This bill, introduced by Jared Huffman (D-Calif.), the chair of the House Committee on Natural Resources' subcommittee on Water, Oceans, and Wildlife, would stop the Bureau of Land Management from administering oil and gas leasing in the Coastal Plain of the Arctic National Wildlife Refuge in Alaska.

The race to pass this measure was prompted by action to commence the leasing process by the Trump Administration. [Inside Climate News](#) reports that the Administration "...issued a key environmental report on the lease plan Thursday afternoon, starting a 30-day comment period, after which it can formally offer up the region for oil and gas leasing. Environmental groups were just beginning to study the environmental impact statement but expected to sue."

The vote on this legislation took place on Thursday, September 12, 2019, and it passed 225-193. This was not a pure party line vote, as 5 Democrats voted NO with the GOP; and 4 Republicans voted YES with the Democrats. Rep. Fitzpatrick was the only GOP co-sponsor of the bill, and he **voted YES**.

The House passes a good government bill to stop wasting energy

[House Vote](#) on [H.R. 1420](#) - The Energy Efficient Government Technology Act

This is a bill that was introduced by Rep. Anna Eshoo (D-Calif.) to outline new best practices for government information technology management and the interagency cooperation needed to implement it.

[Daily Energy Insider](#) explains:

The bill would require the Office of Management and Budget to work with other federal agencies on the maintenance, purchase, and use of energy efficient and energy saving information and communication technologies and practices, such as advanced metering infrastructure, new data center strategies and updates to information technology asset utilization levels. Such improvements could affect all of the federal government's nearly 2,000 data centers.

This legislation came up for a vote on Monday, September 9, 2019 under a suspension of the rules (meaning it needs a 2/3 super-majority to pass). And pass it did, with a vote of 384-23. Those NO votes came from members of the Freedom Caucus, and from Independent Rep. Amash. **Fitzpatrick voted YES.**

The House votes to reduce diesel engine pollution

[House Vote](#) on [H.R. 1786](#) - The Diesel Emissions Reduction Act

This legislation is a reauthorization of an existing, successful program. The bill was introduced by Rep. Doris Matsui (D-Calif.) of the House Energy and Commerce Committee, and it had bipartisan co-sponsors (7D, 4R) including PA-08's Rep. Cartwright. [Transportation Today](#) has a brief explanation of the bill, along with some informative statistics about the program's effectiveness:

The Diesel Emissions Reduction Act (DERA)...would empower the Environmental Protection Agency (EPA) to provide grants to communities to aid the reduction of harmful diesel emissions and improve air quality. The program has been standard for years, with grants administered on a competitive basis to maximize public health and environmental benefits. A recent EPA report to Congress noted that, since 2008, the DERA program has awarded \$629 million and, through them, helped retrofit 67,300 engines, realized \$19 billion in public health savings, remove 61,500 tons of carbon monoxide from the atmosphere, saved 454 million gallons of fuel and, through all of this, prevented as many as 2,300 premature deaths.

The vote on DERA was taken on September 9, 2019 under a suspension of the rules. The reauthorization passed, 295-114. One Democrat voted NO (Rep. Collin Peterson of Minn.); 76 Republicans voted YES. **Fitzpatrick voted YES.**

The House extends the moratorium on Coastal leasing/drilling

[House Vote](#) on [H.R. 205](#) - The Protecting and Securing Florida's Coastline Act

[House Vote](#) on [H.R. 1941](#) - The Coastal and Marine Economies Protection Act

These two bills are being recapped together because while they cover different geographic areas, their content is nearly identical. Each bill would ban offshore drilling, blocking a 2017 Trump executive order to start a five-year development plan for coastal energy exploitation. The Florida bill protects Gulf of Mexico waters, and was introduced by Rep. Francis Rooney (R-Fla.). That measure has equally distributed bipartisan co-sponsors (9D, 9R). The Coastal bill covers wide stretches of outer continental shelf waters on both the Atlantic and Pacific coasts. That bill was introduced by Rep. Joe Cunningham (D-S.C.), and while it has 51 co-sponsors, Florida's Rep. Francis Rooney is the sole GOP MoC on that list.

The White House issued the following statement in response to these two bills, per [CNBC](#):

Prohibiting energy development in new federal areas would hinder future administrations' efforts to make up for revenue lost as production declines from leases in aging energy fields. Such restrictions will tie the hands of future administrations and reduce their ability to enhance energy security through strong domestic energy production and to ensure affordable energy for American families.

The votes on both bills took place on Wednesday, September 11, 2019. The Florida bill passed 248-180, with 22 GOP MoCs joining the Democrats in voting YES; and 5 Democrats joined the Republicans in voting NO. The Coastal bill passed 238-189. The same 5 Democrats joined with the GOP, but only 12 GOP MoCs crossed party lines on this legislation. **Fitzpatrick voted YES on both bills.**

Senate Bureaucratic confirmation #1

[Senate Vote](#) on Elizabeth Darling to be Commissioner on Children, Youth, and Families, Department of Health and Human Services

Elizabeth Darling is the Trump Administration's nominee to oversee and administer federally funded adoption and foster care programs. The nominee's background, according to [The Chronicle of Social Change](#), has centered on leading non-profit agencies. They reported, "Darling has been CEO of the OneStar Foundation, a philanthropic entity that works to improve the capacity and performance of nonprofits in Texas. Before that, she was the chief operating officer of the Corporation for National and Community Services, which oversees the federal AmeriCorps service learning project."

The crux of the objections to this nominee centered less around her qualifications and more on discriminatory policies in South Carolina. [The NonProfit Times](#) explains:

The administration granted a waiver of federal rules to Miracle Hill Ministries, a Greenville, S.C., agency. The federal rules cited as discrimination denies a placement based on religion, sexual orientation of the potential foster parents. The situation reportedly came about when the organization denied the application of a Jewish woman who wanted to foster a child from Miracle Hill, a Christian organization.

Ms. Darling refused to say that she would reverse this policy of discrimination, causing [Family Equality](#), an advocacy group, to call on senators to vote against her nomination. They wrote:

Family Equality opposes the nomination because, to date, Darling has not affirmed that she would reverse discriminatory HHS child welfare policies and that she is committed to protecting vulnerable youth from discrimination in the child welfare system... The Commissioner oversees the Children's Bureau at HHS, which carries out, funds, and oversees federally-funded adoption and foster care services. Recently under the Trump Administration, HHS has taken horrific actions that harm religious minority, LGBTQ+, and tribal youth, adults, and families.

The vote took place on Wednesday, September 11, 2019, and Ms. Darling was confirmed 57-37. Five Democrats joined a united GOP to achieve that vote. **Casey voted NO and Toomey voted YES.**

Senate Bureaucratic confirmation #2

[Senate Vote](#) on Dale Cabaniss to be Director of the Office of Personnel Management

The Office of Personnel Management plays the role of the Human Resources Department for the federal government. Ms. Cabaniss, though she has experience in the field, having chaired the Federal Labor Relations Authority, was nonetheless a controversial pick. [Government Executive](#) explains that her nomination...:

...turned heads among those who once worked at the FLRA, the independent agency tasked with handling labor-management disputes. Former officials at the agency were puzzled that the White House would nominate someone to the government's top HR position whose previous executive branch leadership experience was marked by an exodus of employees and ballooning case backlog. Morale at the agency, as measured by governmentwide employee survey data, was the lowest in government by the time Cabaniss left the top job there... Workforce data show that while she was chairwoman, Cabaniss oversaw declines in both the size of its workforce and its ability to serve as an independent arbiter of workplace disputes.

Because of this history, the [American Federation of Government Employees](#) (AFGE) urged senators to oppose the nomination of Ms. Cabaniss. They wrote:

The Trump administration is in the process of trying to dismantle OPM, sending its operations to the General Services Administration (GSA), the Department of Defense, and the Executive Office of the President. AFGE is working to defend OPM and to prevent this reckless action from going forward, but if some or all of the administration's plan is carried out, to forestall a worst-case-scenario outcome, it will be important to have a director of OPM who appreciates the merit system and the civil service... it's no surprise that President Trump has nominated someone to lead the agency who has such an abysmal management record.

This was another confirmation vote scheduled on Wednesday, September 11, 2019. Ms. Cabaniss was confirmed, 54-38. Three Democrats voted with the GOP. **Casey voted NO** and **Toomey voted YES**.

Senate Bureaucratic confirmation #3

[Senate Vote](#) on Michelle Bowman to be a Member of the Board of Governors of the Federal Reserve. The Federal Reserve Board oversees the Federal Reserve Banks and implements monetary policy for our country. There are supposed to be one chairperson and six governors (though there are currently two vacancies, in line with many other offices that require Trump Administration nominees). Governors serve a term of 14 years.

This nominee, Michelle Bowman, was already confirmed by the Senate last year to serve out the remainder of a vacant term, just over a year. This new nomination will put her on the Fed for an additional 14 years. [Market Watch](#) provides a summary of her previous experience, which includes work as a "former state bank commissioner for Kansas and [she] holds the seat on the central bank's board earmarked for a community banking expert. Bowman was also a former aide to Sen. Bob Dole and an executive at her family's Kansas bank."

The vote on this nomination took place on Thursday, September 12, 2019. Ms. Bowman was confirmed 60-31. Sen. Rand Paul of Kentucky was the only Republican to vote NO, along with 29 Democrats and one Independent. **Casey voted NO** and **Toomey voted YES**.

Senate Judicial confirmation #1

[Senate Vote](#) on Ada Brown to the US District Court in Texas

Judge Ada Brown is an experienced jurist with 14 years of experience on the bench in Texas. She is only the second African American woman nominated by the Trump Administration to serve in the federal judiciary. [The Vetting Room](#) reports that after getting her law degree she worked in the Dallas County District Attorney's Office, first as a Family Violence Advocate and then as an Assistant District Attorney.

Judge Brown is filling a seat that has been vacant since 2013. The Obama Administration attempted to fill it, but Senate Majority Leader Mitch McConnell never let that nominee's confirmation come to the floor of the Senate. Judge Brown was easily confirmed in a 80-13 vote on Wednesday, September 11, 2019.

Casey voted YES and **Toomey voted YES**.

Senate Judicial confirmation #2

[Senate Vote](#) on Steven Grimberg to the US District Court in Georgia

Steven Grimberg is an experienced attorney who worked in both the public and private sectors. He is also a member of the Federalist Society, as is typical for Trump Administration judicial nominees. The [Atlanta Journal Constitution](#) reports that he "prosecuted white-collar, cyber and economic crimes for the U.S. Attorney's Office in Atlanta and was a trial attorney for the Justice Department's tax division." The [Vetting Room](#) provided extra details on his work experience, noting that during his tenure in the U.S. Attorney's office he reported to Sally Yates. And during his experience in the private sector he worked for three different law firms before becoming the general counsel at a global investigations firm. The [Vetting Room](#) also provided this fascinating tidbit:

In 2018, Grimberg co-authored a paper with former FBI Agent Mark Ray discussing cybersecurity measures that should be taken by corporations.[10] The article suggested

that corporations should conduct a cybersecurity assessment to determine their level of vulnerability to a data breach and then implement and test incident response plans to respond to such data breaches.

The vote on Mr. Grimsberg's nomination took place on Wednesday, September 11, 2019. He was confirmed 75-18. All 18 of the opposing votes came from Democrats. **Casey voted YES** and **Toomey voted YES**.

Senate Judicial confirmation #3

[Senate Vote](#) on Stephanie L. Haines to the US District Court in Pennsylvania

Let's close out the confirmations on a rare positive note. On Wednesday, September 11, 2019 the Senate **unanimously confirmed** Stephanie Haines to fill a federal court vacancy here in Pennsylvania. *The Pittsburgh Post-Gazette* turned to a law professor at the University of Richmond, Carl Tobias, for his commentary. "No senator seemed to have any questions or doubts about her, and so they all favored the nominee. This is unusual for many Trump nominees, but is a testament to the respect the Senate has for Haines and is a great way to begin her career on the federal bench."

Senators Casey and Toomey issued an equally rare [joint statement](#) in response to her confirmation.



Washington, D.C. - Following the confirmation of Stephanie Haines to United States District Court for the Western District of Pennsylvania, U.S. Senators Pat Toomey (R-Pa.) and Bob Casey (D-Pa.) released the following statements:

"I am glad the Senate confirmed Stephanie Haines to fill a vacancy on the federal bench in Johnstown," **said Senator Toomey**. "She has the experience, intelligence, and integrity to excel as a district court judge."

"I am pleased that the Senate has confirmed Stephanie Haines to the federal bench," **said Senator Casey**. "Her nearly two decades of experience as a federal prosecutor leave her well-prepared to serve on the District Court for the Western District of Pennsylvania. I am confident that the people of the Commonwealth will be well-served by her temperament, intellect, and independence."

Since 2011, Senators Toomey and Casey have worked together, in a bipartisan fashion, to fill vacancies on the federal bench in Pennsylvania. Together they have now vetted, recommended, and confirmed 23 Federal District Court Judges for Pennsylvania. Only two states - New York and Texas - have had more district court judges confirmed to their federal benches during this time.

Casey in the News

Courtesy of contributor Linda Houk

"I am committed to promoting democracy, human rights and self-determination for the people of Jammu and Kashmir. Accordingly, both India and Pakistan should refrain from incendiary actions that undermine security and human rights in the region."

"The Trump administration's failure to appoint a U.S. Ambassador to Pakistan or an Assistant Secretary of State for South and Central Asian Affairs has left the United States unprepared and ill-equipped to engage meaningfully to ensure the rights and safety of the people of Jammu and Kashmir"

—from an article in *The Hindu* titled "[U.S. lawmakers urge Trump to press India to lift telecom blackout in Kashmir](#)"

"I am pleased that the Senate has confirmed Stephanie Haines to the federal bench ... Her nearly two decades of experience as a federal prosecutor leave her well-prepared to serve on the District Court for the Western District of Pennsylvania. I am confident that the people of the commonwealth will be well served by her temperament, intellect and independence."

— from an article in the *Tribune Democrat* titled "[Senate confirms Johnstown candidate Haines as U.S. District Court judge](#)"

Fitzpatrick in the News

"I'm proud to stand with my colleagues here. I am not afraid of the political consequences because this is about right and wrong."

— from an article in the *Pittsburgh Post-Gazette* titled "[In Washington, Peduto leads U.S. mayors' push for Congress to pass gun laws](#)"

"Working students should not lose financial aid for simply trying to cover their basic needs, nor should dire hardship lead to an exhaustion of Pell Grant eligibility. Congress must seek solutions to the student debt crisis facing our country, and this bipartisan legislation is a step in the right direction."

— from an article in *Alaska Native News* titled "[Young Cosponsors Bipartisan Legislation to Strengthen Financial Aid and Support](#)"

Additionally a MoCTrack helper was kind enough to transcribe an interview that Rep., Fitzpatrick did with *WNPV*, a radio station in Lansdale. The full audio is available [here](#), but here are the quotes from our Congressman:

In response to question in aftermath of Odessa shooting (around 03:15):

Rep. Fitzpatrick: "I think the start has to be universal background checks. We passed two bills out of the House this year that have not even been taken up by the Senate and I think they should be taken up by the Senate. These are very, very basic steps and we're going to learn more about what happened in Odessa. My understanding is that he attempted to make a purchase, failed a background check yet still managed to get his hands on these weapons.

But, for example, the situation in Charleston, the current state of the law, which is a broken state of the law that we have to fix, is that after 72 hours, if a background check comes back neither in the affirmative or the negative, an FFL, a firearms licensed dealer is allowed to proceed with the sale. For example, if there's a digit transposed in an address or a letter transposed in a name, if the FBI can't make heads or tails of the request and they don't come back with a granting or a denial at 72 hours, the tie goes to the runner and the sale's allowed to proceed and that's what happened in Charleston and we all saw what happened there.

I think we have to be able to have the courage to take steps to fix these things. There's no reason not to."

In response to the question 'What makes sense to you in terms of gun ownership?' (around 5:00)

Rep. Fitzpatrick: "I think that self protection... and the ability for sportsmen to engage in their hunting and fishing, that's what I think we should be protecting. But I think we also need to have the courage, and it's everybody — gun owners, hunters, and everybody — ought to be on board with taking steps that we can to keep our communities safe. And I think that these are obviously very, very sensitive topics, tough conversations to have, but we have to have the courage to have them, because good people of all stripes need to come to the table and do what we should all want, which is protecting peoples' ability to keep their family safe in their homes and also our community's desire to keep our community safe from gun violence. And that should be the goal of everybody. As people come together, I think we can get that done."

Toomey in the News

Courtesy of contributor Elayne Baker

"I am not interested in supporting anything that would infringe on the 2nd Amendment rights of law-abiding citizens. But a background check does not infringe on anybody's rights."

— from an article on the *KITV* website titled "[Senators await Trump's decision on gun proposals](#)"

"I believe that expanding background checks in some fashion is still on the table. I do believe that to be true."

— from an article on Allentown's *WFMZ* website titled "[Sen. Toomey pushing for what he calls a compromise on gun background checks](#)"

"I'm hoping that the president will embrace our proposal. The American public very much wants something done in this space if you ask me."

— from a *PA Homepage.com* article titled "[Senators meet with President Trump on gun background checks](#)"

"For me, this is all about trying to keep guns out of the hands of people who shouldn't have guns in the first place, that is to say violent criminals and people who are dangerously mentally ill... There is no one thing we can do, but if we can make it harder for dangerous people to get firearms in the first place, maybe we'll save some lives."

— from an article on *Fox News* titled "[Sen. Toomey details progress of bipartisan gun reform push, talks with President Trump](#)"

"The September 11th National Memorial Trail serves as another tribute and remembrance of that fateful day and it's fitting that the Senate came together to unanimously approve this measure."

— from a *TRIBLive* article titled "[Senate support of 9/11 trail could unlock funding for Pennsylvania segment](#)"

"The constitution is not ambiguous, it assigns to Congress the responsibility to regulate trade with other countries... NAFTA is a free trade agreement between three countries ... this is mutual, reciprocal free trade with no tariffs. That, in my view, is the optimal arrangement because it maximizes trade."

— from an article in the *Doylestown Intelligencer* titled "[Toomey talks tariffs and recession skepticism at Quakertown meeting](#)"

Committee Corner

The biggest committee story [in the news](#) this week was about the House Judiciary Committee's vote on a [resolution](#) defining the terms and rules of their impeachment inquiry. It was a party line vote, which means that of the three Pennsylvanians on the Judiciary Committee □ **PA-04's Rep. Madeleine Dean** and □ **PA-05's Rep. Mary Gay Scanlon** voted YES, while □ **PA-14's Rep. Guy Reschenthaler** voted NO. But since that was covered so extensively, we're going to take a look at some hearings that were eclipsed by the Judiciary news. Below you'll find a snippet from some of the week's more interesting hearings, with

some of the best (or worst) moments from our Pennsylvania MoCs. Time markers and links are provided, so that you can see and hear the full exchanges from which these quotes are pulled, at your convenience. Please note, MoCTrack transcribes these from hearing video to the best of our ability, but our accuracy is dependent on the clarity of the speaker.

Unfortunately none of the hearings this week featured any appearances from Rep. Fitzpatrick, even those in committees where he sits. We are leaving in some of the hearing coverage nonetheless, as the supporting documents from these hearings are GREAT data sources for letters to the editor on a quartet of topics (white supremacist violence, student loan debt, voter discrimination and clean energy).

The House Homeland Security Committee hearing titled “Global Terrorism: Threats to the Homeland, Part One” - September 10, 2019. The hearing video and all witness statements are available [here](#). Of particular note was the [testimony of Professor Brian Levin](#), the Director of the Center for the Study of Hate and Extremism at California State University. The statistics provided in his testimony about white supremacy motivated violence are particularly chilling. We did not have any Pennsylvanians speak at this hearing, but the documents associated with this hearing were too critical to leave out of this report

The House Committee on Financial Services hearing titled “A \$1.5 Trillion Crisis: Protecting Student Borrowers and Holding Student Loan Servicers Accountable” - September 10, 2019. This hearing was held as part of fact-finding relating to a list of [nine bills](#), including [H.R. 3511](#), the “Transform Student Debt to Home Equity Act” and [H.R. 2833](#), the “CFPB Student Loan Integrity & Transparency Act.” The introductory memo with an overview of the contents of the hearing is available [here](#), and the full video is [here](#).

□ **PA-04’s Rep. Madeleine Dean** - “I was for 10 years a university professor in Philadelphia, at LaSalle University before I got into public service, so I met with students regularly who were were worried about, who were closed out of their own education based on debt and the interest on that debt. I worry about the chilling effect that has on students coming up. I met with students at my area high school, Norristown Area High School, shortly after I was sworn in this year and they are bright, they are engaged, they are inquisitive, and I asked them ‘what are you doing next, you seniors what are you doing next.’ And many of them said ‘I can not imagine taking on burdens of debt that college would require. I see my own parents still struggling with their student loan debt.’” (quote starts around [3:33:20](#))

The House Judiciary Committee hearing titled “Evidence of Current and Ongoing Voting Discrimination” - September 10, 2019. The hearing video and witness lists are available [here](#). Of particular interest outside the quotes from our MoCs are the [statement from Derrick Johnson](#), the President and CEO, NAACP; and the [statement from Vanita Gupta](#), President and CEO, Leadership Conference on Civil and Human Rights.

□ **PA-05’s Rep. Mary Gay Scanlon** - “The ranking member suggested in his opening remarks that evidence of disparate impact is not proof of discrimination and I have to differ based on our experience in the Commonwealth of Pennsylvania. Almost a decade ago Pennsylvania’s Republican-controlled legislature and executive passed a number of voter suppression measures which have since been struck down, including a strict Voter ID law, and some wildly gerrymandered electoral maps. Now this legislation was facially neutral, but it had a disparate impact upon voters who were poor, elderly, women, residents of cities, people of color - in other words, voters who were overwhelmingly Democrats. I would submit that the disparate impact was evidence of identity politics of the most pernicious kind, which is trying to suppress the votes of citizens on the basis of their political identity.” (quote begins at [1:57:50](#))

□ **PA-04’s Rep. Madeleine Dean** - “How can the people truly right a wrong when their electoral rights are attacked, are weakened, are thwarted in many ways. <directs question to witness> You mention several common tactics we’ve seen since the Shelby decision - barriers to voter registration, cuts to early voting, purges of voters rolls, strict photo identification, last minute polling place closures or consolidations - can you tell us of the frequency of some of these implementations? I’m thinking, if we reflect back on 2018, and also your concerns for 2020.”(quote begins at [2:09:25](#))

The House Committee on Small Business hearing titled “Growing the Clean Energy Economy” - September 10, 2019. The memo outlining the contents of the hearing is available [here](#), while the video is available on [Youtube](#).

□ **PA-13’s Rep. John Joyce** - “Pennsylvania has been able to maintain its position as a national leader in the energy economy. Thanks to the amounts of natural resources, Pennsylvania maintains its position as the second largest net supplier of energy to all other states. In recent years we have made impressive advancements to minimize the environmental impact of our energy production. Pennsylvania is home to over 700 active wind turbines, many of which you’ll find within my district, the 13th district. We rank second in the nation in nuclear power generating capacity, and we continue to see that Pennsylvania’s private businesses expand their use of solar energy. Pennsylvania is second only to Texas in expanding natural gas reserves which have more than tripled from 2011 to 2017. And thanks to the development in the Marcellus shale industry, that has successfully occurred. The development of natural gas in Pennsylvania not only is expanding economic opportunities, but it’s also helping to drive declining CO2 emissions in the US power sector.” (comments begin at [6:40](#))

Learning about Legislation - a closer look at Senator Toomey’s crusade against ethanol

For some time MoCTrack has included quotes from Senator Toomey raging against the rules that force the inclusion of ethanol in our fuel mix. We often portrayed it as evidence of his pro-business/ anti-environmental stance. But when he introduced a bill this year to change the renewable fuel standard in partnership with Democrats, the technical aspects of this issue seemed ripe for a closer look. So MoCTrack turned to Andrea Wittchen, Partner at [iSpring](#) and our environmental contributor, to walk us through the details surrounding ethanol and Sen. Toomey’s bill. It is fascinating, complex, and maybe Sen. Toomey wasn’t as wrong (on this issue, anyway) as we thought!

[S. 2298](#) – Restore Environmental Sustainability to Our Renewable Energy (RESTORE) Act

Contributed by Andrea Wittchen, Partner, [iSpring](#)

This bill, co-sponsored by Pat Toomey (R-PA), Dianne Feinstein (D-CA) and Susan Collins (R-ME), is a straight-forward amendment to the Renewable Fuel Standard (RFS) that would abolish the corn ethanol mandate in the RFS. It would not affect the mandates for advanced biofuels. In order to understand the effects of this amendment, it’s useful to consider some background and some science. The bill is pending in the Senate Environment and Public Works Committee.

Background

Ethanol, a clear, colorless alcohol, has been used as a fuel for a long time. In the 1850s, it was a major lighting fuel. However, it was taxed during the Civil War as alcohol, raising the price significantly above that of its competitor fuel, kerosene. It came back into use in 1906 when the tax was repealed, only to be banned again as alcohol during the Prohibition period from 1919-1933. During WWII it was sometimes used as an alternative fuel when gasoline was in short supply. Beginning with the fuel shortages in the 1970s, ethanol came into more regular use as a gasoline substitute or additive and has been used continuously since then. Fun Fact: the first Model T was designed to run on either gasoline or ethanol or a combination of the two.

In 2005, in response to growing concern about the carbon emissions associated with transportation, Congress created the Renewable Fuel Standard (RFS) which was then revised in 2007(RFS2). The RFS required that a renewable biofuel be added to regular gasoline in order to reduce carbon emissions. A renewable biofuel was defined as a fuel made from biomass that produced at least a 20% reduction in lifecycle greenhouse gas (GHG) emissions versus the “standard” gasoline of 2005. The majority of biofuel was and still is made from cornstarch – about 95%.

The standard specifies the number of gallons of renewable biofuel that must be used each year with the number increasing through 2022. Of that number (which is 30 billion gallons for 2020), a specific portion of it must be ethanol. For 2020, that amount is 15 billion gallons and it will remain at that level through 2022. The remainder can be of any other kind of renewable biofuel such as advanced biofuels that must have at least a 50% reduction in lifecycle GHG emissions over the 2005 baseline. This can include cellulosic ethanol which is made from plant fibers – trees, grasses and waste and must deliver at least 60% reduction in lifecycle GHG emissions. Practically, this has worked out that ethanol accounts for about 10% of each gallon of gasoline, hence the E10 designation (ethanol = 10%). There is also E15 fuel (15% ethanol) and E85 (85% ethanol) that can only be used in flex fuel-designed cars.

The Science

Here's where things get a little tricky. At first blush, ethanol looked like a good idea. It burns cleaner and at higher octane levels than gasoline, so that was good. But it also has more evaporative emissions that contribute to smog and ground-level ozone. That was bad. Also although ethanol does create GHG emissions when burned, the corn used to create it also absorbs CO₂ as it grows so the general supposition was that ethanol was carbon-neutral. However, the corn has to be fermented which requires a large amount of heat. Depending on how the electricity to create that heat is generated (oil, natural gas, coal, solar, wind), that can knock the ethanol to either side of the carbon-neutral line.

In addition, ethanol/gas mixtures deliver lower mileage rates than 100% gasoline, requiring more gas to go the same amount of miles. They also damage small engines. The complicated process of creating ethanol from cornstarch is also a more expensive process than gasoline refining.

There are now competing scientific views on the environmental impact of ethanol in gasoline. Most conservation groups and their scientists now argue that there is no discernible value to the environment to blending ethanol into gasoline and in fact that it does more harm than good. Farm groups and their scientists claim there is still an environmental advantage to ethanol. It's hard to discern what the correct answer is.

Unintended Consequences

The institution of ethanol subsidies distorted the corn industry. More and more corn production was directed toward ethanol production rather than towards food. Most of our corn crop is used to feed livestock, not humans. Farmers turned more fields into cornfields and also expanded the amount of corn that they planted, tilling previously unused grasslands and meadowlands to produce more corn. Today about 40% of the U.S. corn crop is used to produce ethanol. This artificially inflates food and feed prices by creating an artificial shortage of corn because of diversion to ethanol.

In addition, the carbon neutrality of corn as a fuel became distorted as the cost of turning untilled land into cornfields was calculated into the carbon cost of the corn. Those fields had served as carbon sinks and carbon storage. Once they were tilled, that value was lost. Also, since many of those fields were of inferior quality for corn production, they required more fertilization and irrigation, adding more to the carbon cost.

As automobile mileage standards have improved dramatically since 2005, cars are using less gasoline overall. The requirement that a fixed number of gallons of ethanol be added to gasoline each year becomes increasingly difficult to accomplish as the ethanol would now comprise more than 10% of the gasoline consumption. This is what is called the "blend wall". Above 10%, ethanol can cause damage to standard automobile engines.

The Politics

The farmers who produce the corn that makes the ethanol are a powerful political force, particularly in mid-western states like Iowa and Nebraska. They have seen a substantial boon from the subsidies that encourage them to plant more and more corn. Previous bills to eliminate the ethanol mandate have been introduced in both the House and the Senate as far back as 2013, some by Senator Toomey. None of them have progressed very far in either chamber.

The force of the farm lobby on this issue can be seen in the outcry that arose out of the recent decision by the current administration to grant waivers to certain refineries this year to not have to include ethanol in their gasoline mixtures. Apparently the fossil fuel lobby has more clout than the farmers. It seems unlikely that this new bill from Senators Toomey, Feinstein and Collins will have much more success than previous ones.

The Bottom Line

This has been a consistent position that Senator Toomey has espoused for quite some time. A case can be made that the ethanol mandate has outlived its usefulness, especially because of the unintended consequences that have warped the corn market, increased prices and had negative environmental impacts. Certainly a strong case can be made that those subsidy funds could be better directed to developing a more economically viable cellulosic ethanol which definitely has a lower impact on the environment and can be made from self-renewing biomass (rapidly growing trees and grasses as well as waste products). With the escalation in corn ethanol production, research and innovation on making economically viable cellulosic ethanol has lagged.

The bill is well-intentioned and can be scientifically and economically justified. In the current anti-environmental climate in the Senate and the administration, it is unlikely to develop much traction.

Call to Action - November 5, 2019 preparations

This space is usually devoted to a bill to support, but since we are less than 8 weeks away from our next election, MoCTrack is going to ask you to take four steps that should take less than five minutes of your time:

1. **Check on your voter registration status.** No matter where you live in the United States, this link will work to check on your registration. <https://votesaveamerica.com/verify>. If you have not yet registered in Pennsylvania, you must do so by October 7th. And if you may need an absentee ballot, you can use [this site](#) to be directed to your county's Board of Elections to request one.
2. **Use this tool to confirm your Polling Place.** This website is good for Pennsylvania voters to determine where to go to vote - <https://www.pavoterservices.pa.gov/Pages/PollingPlaceInfo.aspx>
3. **Add an Election Day voting appointment to the calendar on your phone**, along with your polling location and the phone number 1-877-VOTESPA (1-877-868-3772 - more on that in a moment)
4. **Familiarize yourself with your rights as a voter.** Our nation is facing increasing reports of voter intimidation and electoral violations. Learn what is allowed and what is illegal on this [Pennsylvania's resource](#) and the [ACLU website](#). By knowing your rights and the rights of others, you can be prepared to report a violation if you see one. You can use the number you just plugged into your phone to report any sketchiness you may encounter on Election Day.

Now is the time to start preparing to vote! Even if this year is all about municipal and county elections, those are the ones that have the greatest chance of affecting your daily life.

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 Or you can head over to Twitter and search for #MoCTrack and retweet what you see there.

This report brought to you by the Pennsylvania MoCTrack team...

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Gary Garb
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Linda Houk
Kierstyn Piotrowski Zolfo

Are you an introvert activist looking for ways to help a progressive effort that don't involve phone calls, door knocking, or leaving your house? We are always seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover — tasks big (example - what traditional media is saying about your MoC) and small (example - what's your MoC tweeting about) to fit any level of time commitment or experience. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!