

PA-01 Member of Congress Tracking Report - 03.15.20

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. We want to offer a big thank you to the Demcast and Pennsylvania Statewide Indivisible organizations who host our report and help us share it out to the residents of our Commonwealth!

Tracking Congress in the Age of Trump

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

| Member of Congress | This week's score | Change from last report |
|--|-------------------|-------------------------|
| Senator Bob Casey (D) | 28.6% | -0.2% |
| Senator Pat Toomey (R) | 87.7% | +0.1% |
| PA-01 Rep. Brian Fitzpatrick (R) | 64.2% | +0.2% |

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion expressed by the president. Two votes were scored this week: the House vote related to limiting the president's war-making in Iran, and the Senate vote overturns a rule about school loans implemented by Secretary of Education Betsy DeVos.

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.

Votes of Interest

A Far-reaching Coronavirus Response Package Passes the House

[House Vote](#) on [H.R. 6201](#): Families First Coronavirus Response Act

After several days of negotiations between the Speaker of the House Nancy Pelosi and the Trump Administration (in the person of Treasury Secretary Steve Mnuchin) the House introduced and passed the Families First legislative package to attempt to address the effects of the coronavirus pandemic. This new measure follows on a bill passed last week that included over \$8 billion in appropriations for supplies, research and testing. There are some indications that President Trump agreed to this second bill after seeing how the [stock markets plummeted](#) during his oval office address earlier this week.

[CBS News](#) provided this recap of the contents of the bill, which passed the House at 12:51 AM on Saturday morning:

- **Free coronavirus testing:** Federal health providers such as Medicare and Medicaid, and private health insurers, are required to provide free testing.
- **Expanded funding for food security programs:** The Special Supplemental Nutrition Program for Women Infants and Children, the Emergency Food Assistance Program and the Senior Nutrition Program will receive supplemental funding to assist Americans affected by the virus. The package also provides funding for state waivers to pay for meals for children who normally receive them at school.
- **Emergency family and sick leave:** Employees of companies with fewer than 500 employees and government staffers may take up to 12 weeks of protected family and medical leave, including two weeks at full pay, with any additional weeks taken with no less than two-thirds of the employee's usual pay, to either quarantine or seek preventative care. Small and mid-sized businesses would receive tax credits to pay for medical and family leave of up to 100% of the wages they pay out. Employers with fewer than 500 employees are required to provide two

weeks of sick leave at full pay for employees who are seeking treatment for the virus. Self-employed individuals would also receive tax credits to receive paid leave. Workers would be eligible for paid sick leave if they have a child whose school or childcare facility closes due to the coronavirus. These employees are required to receive not less than 2/3 of their regular pay.

- **Unemployment insurance:** States will receive additional funding to provide unemployment insurance should there be an increase in uninsured people.
- **Medicaid funding:** The bill would strip employment requirements for Medicaid and increase Medicaid funding through 2021.

There are reports that negotiations were held up over whether or not the Hyde Amendment, a federal rule that outlaws any money being used for abortion services, would be included in the final bill. Both sides blamed the other about this, and there is no clear indication (as of March 14, 2020) as to the truth of the matter. The venerable fact-checking site [Snopes](#) has an excellent article on what is known about this issue.

Despite the urgency of this issue, Senate Majority Leader Mitch McConnell sent his chamber home for the weekend, so this package will wait until at least Monday for consideration in the upper house. Please see this week's Call to Action at the end of this report for what you can do to ensure the swift passage of the Families First Coronavirus Response Act in the Senate.

Vote date: Saturday, March 14, 2020 (12:51 AM) **Vote Tally:** 363-40

Party Breakdown: All Democrats voted YES. Of those voting, 40 Republicans (22%) voted NO. Independent Justin Amash voted "present."

Additional Reading:

- ["House passes coronavirus relief bill after Trump announces his support,"](#) from *CNN Politics*
- ["House Passes Coronavirus Relief Bill,"](#) from *Slate*
- ["What's included in the coronavirus response bill passed by the House?,"](#) from *CBS News*

Fitzpatrick voted YES.

The Senate votes to Reverse an AWFUL Betsy DeVos Student Loan Rule

[Senate Vote](#) on [H.J.Res. 76](#): Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Borrower Defense Institutional Accountability"

This is a measure that uses the Congressional Review Act (CRA) to overturn a bureaucratic rule. For more on how the CRA works, we have an explainer in our Learning about Legislation this week. In this case the rule to be overturned is one implemented by Secretary of Education Betsy DeVos related to the student debt of defrauded individuals.

Under the Obama Administration, the Department of Education took on for-profit colleges that defrauded students before collapsing and going out of business. In many cases, those defrauded students were left without a degree, but with thousands of dollars of debt for an education they never received. A new regulation, known as borrower defense, was instituted to help make whole those individuals. It provided a path forward for people to show that they were defrauded, and forgave most, if not all, of the debt they accrued in those circumstances. Betsy DeVos and the Trump Administration rewrote the regulations in the borrower's defense. They made it incredibly hard to qualify, and then even those who passed that hurdle found that only portions of their debt were addressed. This CRA implementation vote would overturn these new rules that are harming already defrauded students.

It is possible that this measure will be vetoed. In February the White House released a ["statement of administration policy"](#) wherein it says "the Administration strongly opposes passage of H.J. Res. 76." But the *Inside Higher Ed* article linked to below notes that there are mounting numbers of organizations who support the overturning of this rule, including many powerful veterans groups. A number of the GOP votes that balked the Trump Administration came from senators with tough 2020 re-election races. And a

veto on this would keep the president's own scandal related to the defunct Trump University in the spotlight during the election season. Accordingly, the prospects of a veto are uncertain.

Vote date: Wednesday, March 11, 2020 **Vote Tally:** 53-42

Party Breakdown: All the Democrats and the one Independent present voted YES. Ten Republicans (19%) joined the Democrats, while the remaining 42 voted NO.

Additional Reading:

- "[DeVos rebuked in bipartisan Senate vote over limiting student debt relief](#)," from *Politico*
- "[Senate votes to reverse DeVos student loan rule](#)," from *The Hill*
- "[GOP-Led Senate Joins House in Rebuking DeVos on Loan Forgiveness](#)," from *Inside Higher Ed*

Casey voted YES and Toomey voted NO.

The House votes to block Trump's War Powers on Iran

[House Vote](#) on [S.J.Res. 68](#): A joint resolution to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress

This resolution, which would limit President Trump's ability to order hostilities against Iran in the absence of Congressional approval, [passed the Senate](#) in February with the support of all Democrats and Independents present along with 8 Republicans. This week it came before the House.

It feels important to point out that the Constitution puts all [war powers](#) on the Congress, so a vote on this content is simply reaffirming the manner in which our Founders divided responsibilities in our nation's core document. But Republicans have framed this measure as political posturing that unduly hampers the Commander in Chief's prerogatives and ability to keep the country safe (despite the *en vogue* conservative stance of an originalist view of the Constitution).

The White House has made it clear they plan to veto this bill, despite the bipartisan support in both Houses. And while the measure passed both houses with clear majorities, they are not close to veto-proof margins.

Vote date: Wednesday, March 11, 2020 **Vote Tally:** 227-186

Party Breakdown: Nearly all Democrats voted YES, with 6 lawmakers breaking ranks. And nearly all Republicans voted NO, also with 6 not going with their party. Independent Justin Amash joined the majority of Democrats in voting YES. All Pennsylvania MoCs voted along party lines.

Additional Reading:

- "[House passes Iran War Powers resolution opposed by Trump](#)," from *CNN Politics*
- "[Congress acts to limit Trump on military action in Iran](#)," from *PBS NewsHour*
- "[US Congress votes to limit Trump's war powers against Iran](#)," from *Al Jazeera*

Fitzpatrick voted NO.

A Compromise Version of a FISA Reform Bill Passes the House

[House Vote](#) on [H.R. 6172](#): USA FREEDOM Reauthorization Act

This is a bill that revamps some portion of the Foreign Intelligence Surveillance Act (FISA) and reauthorizes other portions. The recap is from [Lawfare](#):

- The bill would extend the three expiring tools—like the F.B.I.'s ability to get FISA court orders for business records deemed relevant to a national security investigation—while ending legal authority for an [expensive, dysfunctional and defunct N.S.A. system](#) that had allowed counterterrorism analysts to swiftly access logs of Americans' phone calls.
- The bill would also expand when FISA judges—who normally hear only from the government when deciding whether to grant a surveillance application—should appoint an outsider to critique

the government's position. Currently, judges are supposed to do so only when addressing a novel and significant question of interpreting surveillance law.

- Under the bill, the FISA court would also be directed to consider appointing a government critic when an application “presents exceptional concerns” about protecting the First Amendment rights of a surveillance subject—a formulation that could apply to investigations touching on political campaigns or religious activity.
- The bill would not make [a change that many civil liberties and privacy groups have advocated](#): letting defense lawyers read FISA applications if their clients are prosecuted on the basis of evidence derived from such wiretaps or searches, as defense lawyers are permitted to do in ordinary criminal cases.
- It would also expand criminal penalties issues surrounding misuse of FISA, raising from 5 to 8 years the prison sentence for engaging in electronic surveillance without following procedures.
- The bill would also outlaw the disclosure of the existence of an application or classified information contained in it, as well as knowingly making a false declaration before the FISA court. The move would be more symbolic than substantive because those were already illegal.
- And it would make clear that the government cannot use a business records order to collect information—like cellphone location data—that in a criminal investigation requires a search warrant, which has a higher legal standard.

As is detailed further below, this is not an issue where the vote bifurcation breaks on party lines. A nearly equal proportion of each party had reservations about this bill.

Vote date: Wednesday, March 11, 2020 **Vote Tally: 278-136**

Party Breakdown: The issue of FISA courts and their surveillance processes do not break down neatly on party lines. For the Democrats, 152 voted YES, 75 voted NO and 4 did not vote (66%-32%-2%). For the Republicans, 126 voted YES, 60 voted NO, and 11 did not vote (64%-30%-6%). That party bifurcation breakdown is shockingly similar... but it created an unprecedented result in the voting of our PA MoCs. This combination of lawmakers is unique

Additional Reading:

- [“What’s in H.R. 6172, the House’s Compromise FISA Reform Bill?”](#), from *Lawfare*
- [“House votes to reauthorize surveillance law after striking deal on reforms,”](#) from *CBS News*
- [“House Reaches Deal to Overhaul Surveillance Laws,”](#) from *The New York Times*

Fitzpatrick voted YES.

The House Approves Modest Operational Modernization Steps

[House Vote](#) on [H.Res. 756](#): Moving Our Democracy and Congressional Operations Towards Modernization Resolution

The start of the 116th Congress, under Nancy Pelosi, saw the creation of the [Select Committee on the Modernization of Congress](#), a group tasked to research and recommend changes to technology, ethics, staff retention and constituent accessibility in Congress. Pennsylvania has one member on the twelve-person committee, 🇵🇦 **PA-05’s Rep. Mary Gay Scanlon**. Their work across the last year culminated in the presentation and passage of this resolution, which includes 29 recommendations to modernize Congress. Those suggestions, from the [Library of Congress summary](#):

- a centralized human resources program
- revised orientation for Members-Elect
- reporting on actions to address technology issues
- reporting on the accessibility of legislative information
- updating the accessibility of U.S. Capitol buildings and ground

Meritalk, a publication focused on IT in government, has more to say about the technology recommendations, noting it includes:

...providing tech to improve constituent engagement, streamlining the approval process for technology vendors, enabling early adoption of new technology by House offices, leveraging bulk purchasing power for tech, and improving accessibility of House

websites. It also includes a complete overhaul of the House HR to create a centralized system and updated payroll mechanisms.

Groups as disparate as [R Street](#) (a GOP, free-market lobbying group), the [Bipartisan Policy Center](#) (a think tank founded by Democrat Tom Daschle and Republican Bob Dole), and the [Partnership for Public Service](#) (a non-profit, non-partisan efficiency-focused organization) have all championed this resolution. So, it is no surprise it passed with such broad support.

Vote date: Tuesday, March 10, 2020 **Vote Tally:** 395-13

Party Breakdown: All 13 NO votes were from Republicans.

Additional Reading:

- [“House votes to modernize itself, adopts 29 bipartisan recommendations,”](#) from *Roll Call*
- [“House Votes to Implement IT Modernization Resolution,”](#) from *Meritalk*
- [“Legislation to Reform Congress Passes House,”](#) from *Mason Web TV*

Fitzpatrick voted YES.

Bureaucratic Confirmation

[Senate Confirmation Vote](#) on James P. Danly to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2023

James Danly, the current general counsel for the Federal Energy Regulatory Commission (FERC), has been confirmed to fill a vacancy on the Commission. Prior to his work at FERC, Danly worked on the energy regulation and litigation group at the massive law firm of Skadden, Arps, Slate, Meagher and Flom. And before that he was a clerk on the 6th Circuit Court of Appeals and an army officer who served overseas.

Danly's nomination was not controversial because of his qualification or lack thereof (as is the case with so many Trump nominees), but instead because of the breach in procedural norms. It was been the practice prior to this administration for presidents to fill vacancies at the FERC in pairs, with one member of each party simultaneously thus maintaining an equilibrium on the commission. There are currently two vacancies, but the Trump Administration did not offer up a Democrat nominee along with Danly.

Vote date: Thursday, March 12, 2020 **Vote Tally:** 52-40

Party Breakdown: The Republicans were unanimous in supporting this nominee. They were joined by the trio of Democrats who frequently break from the party on confirmations - Doug Jones of Alabama, Kyrsten Sinema of Arizona and Joe Manchin of West Virginia.

Additional Reading:

- [“Trump nominates FERC lawyer James Danly to fill 1 of 2 open seats,”](#) from *S&P Global Market Intelligence*
- [“Senate confirms Trump pick for energy commission seat,”](#) from *The Hill*
- [“Senate Confirms James Danly to FERC,”](#) from *T&D World*

Casey voted NO and Toomey voted YES.

Unanimously passed legislation

The following bills were passed through a unanimous vote, unanimous consent or a voice vote (which presumes unanimity, as any member can object to the voice vote and ask for a roll call). This list excludes bills related to post offices, stamps, memorials, awareness weeks and other ceremonial activities.

- [H.R. 1771](#) - Divided Families Reunification Act
- [H.R. 2444](#) - Eastern European Security Act
- [H.R. 2877](#) - To add Ireland to the E-3 nonimmigrant visa program
- [H. Res. 410](#) - Encouraging reunions of divided Korean-American families

- [H. Res. 754](#) - Expressing the sense of the House of Representatives that the United States should continue to support the people of Nicaragua in their peaceful efforts to promote democracy and human rights...
- [H.R. 3598](#) - FREED (Federally Requiring Earned Education-debt Discharges) Vets Act, introduced by  **PA-17's Rep. Conor Lamb**
- [S. 227](#) - Savanna's Act, to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians
- [S. 760](#) - Support for Veterans in Effective Apprenticeships Act
- [S. 893](#) - Secure 5G and Beyond Act
- [S. 982](#) - Not Invisible Act, to increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians
- [H.R. 4920](#) - Department of Veterans Affairs Contracting Preference Consistency Act
- [H.R. 6160](#) - To extend the chemical facility anti-terrorism standards program of the Department of Homeland Security (*note, House clerk does not have text on this bill yet, passed 03/14/20*)

Our Senators' different concerns related to the coronavirus pandemic

One of our senators is simply re-issuing Trump Administration advice, while the other is addressing Trump Administration malfeasance that will disproportionately affect the economically disadvantaged and communities of color. MoCTrack is sure you can guess which is which even before you begin reading.

 **Senator Bob Casey, from his official website, [03/13/20](#):**

Casey, Brown Call on Administration to Use Authority to Allow States to Increase Coverage and Services Under Medicaid to Fight New Coronavirus - In Major Crises, Medicaid has been Expanded, Yet Trump Administration is Preventing States from Taking Action

Today, U.S. Senators Bob Casey (D-PA) and Sherrod Brown (D-OH) called on the Trump Administration to use its existing authority to allow states to temporarily expand coverage and services under Medicaid in an effort to fight the novel coronavirus, COVID-19. In previous national emergencies, such as hurricanes and the H1N1 outbreak, the federal government allowed states to flexibly use Medicaid to treat impacted individuals and stem the crisis. Thus far, the Trump Administration has refused to allow states to empower Medicaid in their effort to combat COVID-19.

In the letter, the senators wrote, "In a time of national crisis, public officials have a responsibility to do all they can to help the American people. There is no such thing as being over prepared in the face of a pandemic. We should not have to be asking our government to take these steps. The Trump Administration should be using every existing authority possible to ensure that Americans are protected from this virus."

During the H1N1 flu crisis, HHS granted waivers that allowed providers to quickly see patients. In response to the lead contamination crisis in Flint, Michigan, in 2016, President Obama declared a state of emergency, allowing Michigan to receive a five year waiver under Section 1115 to expand coverage for pregnant women and children up to age 21 and with incomes up to 400 percent of the federal poverty level (FPL). This action enabled women and children to access earlier interventions and help mitigate the impacts of lead exposure.

In the aftermath of the events of September 11, 2001, New York was able to offer coverage to impacted individuals for up to four months through a simplified one-page application. In 2005 when Hurricane Katrina wreaked havoc in Mississippi and Louisiana President George W. Bush used Medicaid authorities to allow states to provide coverage to individuals who had to be evacuated to other states for up to five months.

A copy of the letter can be found [here](#).

● **Senator Pat Toomey, from his official website, [03/12/20](#):**

U.S. Senator Pat Toomey (R-Pa.) issued the following statement regarding his office procedures in light of the developing COVID-19 situation:

"The COVID-19 virus poses a significant threat to public health. The Senate Sergeant at Arms made the tough, but right, decision to close Senate offices to the public. Out of an abundance of caution, most of my Washington D.C. staff will telework beginning tomorrow. My seven state offices will remain open, for the time being, but will not be accepting walk-in visitors or participating in large, public events.

"I will continue my efforts to help Pennsylvania hospitals, health care providers, and state and local officials expand our testing capacity and address other concerns. The state, Montgomery County, and Philadelphia governments have taken prudent steps that I hope will limit community spread.

"I urge all Pennsylvanians to follow the advice of the experts at the Centers for Disease Control and Prevention: wash your hands often, avoid close contact with people who are sick, stay home if you are sick, if you cough or sneeze, cover your nose and mouth with a tissue or the inside of your elbow, wear a facemask if you are sick or taking care of a sick person, and clean and disinfect frequently touched surfaces daily."

MoC Twitter Action

From contributor Helen a.k.a @ElastigirlVotes

Twitter Action - Social Safety Net/ ACA

● **Senator Bob Casey, @SenBobCasey, [03/10/20](#):**

"NEW REPORT: President Trump and Congressional Republicans' efforts to destroy, dismantle and defund the ACA and Medicaid expansion WILL lead to more illness and higher costs associated with the coronavirus.

President Trump is proving incapable of handling a public health emergency. While the coronavirus risks American lives, his efforts to sabotage affordable health care is making it HARDER for Americans to receive the preventative services and treatment they need.

To commit to protecting the health of American families during this public health emergency, the President MUST:

File a brief with SCOTUS supporting the ACA;

Establish a special enrollment period through <http://Healthcare.gov>;

Rescind his harmful budget proposal." *Tweet includes [link](#) to Casey's web site.*

Twitter Action - Corona Virus Response

● **Senator Bob Casey, @SenBobCasey, [03/12/20](#):**

"Providing free testing for COVID-19.

Paid family and sick leave.

Bolstering unemployment insurance and SNAP benefits.

These measures aren't an "ideological wish list." They're essential responses to this public health crisis."



Carl Quintanilla  @carlquintanilla · Mar 12

* U.S.. SENATE MAJORITY LEADER MCCONNELL CALLS HOUSE DEMOCRATS' CORONAVIRUS BILL 'IDEOLOGICAL WISH LIST'

* MCCONNELL SAYS HE SEEKS SMALLER, NON-CONTROVERSIAL CORONAVIRUS RESPONSE LEGISLATION

(via @reuters)

- **Senator Pat Toomey, @SenToomey, [03/12/20](#):**
“The problem is availability of test kits. We need more of them. I've been laser focused on this since the outbreak began. Continuing to push CDC and enabling hospitals to develop their own test kits. Good news is that greater testing capacity is beginning to come online.” *Tweet includes [link](#) to Philadelphia Inquirer article.*
- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [03/14/20](#):**
“Last night, the House passed the Families First Coronavirus Response Act, to provide emergency assistance to respond to Coronavirus #COVID—19. I was proud to vote for this bipartisan package that prioritizes the health and safety of every American.”

Twitter Action - MoCs on Legislation

- **Senator Bob Casey, @SenBobCasey, [03/13/20](#):**
“I commend the House of Representatives for passing the Families First Coronavirus Response Act. Majority Leader McConnell should never have sent the Senate home. Now, he should immediately call the Senate back into session so we can pass this bill.”
- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [03/13/20](#):**
“The FREED Vets Act will assist disabled veterans by requiring the Department of Education to erase their student loans, freeing them from crippling debt. I was proud to co-introduce this legislation with @RepConorLamb to serve those who have served us.” *Tweeted with a link to the [Ripon Advance](#)*

Tweet of the Week

- **Senator Bob Casey, @SenBobCasey, [03/13/20](#):**
“Right now in America, it is easier to get an AR-15 than a test kit for COVID-19.”
- **Senator Pat Toomey, @SenToomey, [03/12/20](#):**
“Out of an abundance of caution, most of my Washington D.C. staff will telework beginning tomorrow. My seven state offices will remain open, for the time being, but will not be accepting walk-in visitors or participating in large, public events.”
- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [03/13/20](#):**

“This week, the @ProbSolveCaucus hosted David Solomon, the CEO of Goldman Sachs. It was great to hear his thoughts on our financial sector and the impact of Coronavirus #COVID—19 on our economy.”



Casey in the News

Courtesy of contributor Linda Houk

“There’s more dollars to reimburse state and local governments. There’s more dollars in the emergency preparedness fund...it’s an existing fund, there’s just adding dollars to it. We don’t know the dollar amount Pennsylvania will get in these other categories yet.”

“That’s not true of most states, I don’t think most states have enough. So the president never should have said anyone who wants a test can get it, no question about. That was contradicted within an hour or two by the vice president.”

“When it comes to coronavirus information, I don’t think anyone should listen to the president because he keeps giving information that is either inaccurate or misleading, or both. So they should listen to the other folks who are trying very hard in our federal government,”

—from an article in [Newsradio 1070 WKOK](#) titled “[Sen. Casey: Mixed review of Pres., GOP coronavirus response](#)”

“Right now in America, it is easier to get an AR-15 than a test kit for COVID-19.”

—from an article in [the Washington Times](#) titled “[Democratic senator: It’s easier to get an AR-15 than a coronavirus test kit](#)”

“I will continue to press the Trump administration to ensure that communities in Pennsylvania have the resources and support they need.”

“This includes healthy food for all students who depend upon free or reduced meals. I will also push Congress to quickly pass legislation to aid workers and businesses impacted by these extreme, but necessary, measures. At this time, it’s vital that all of our communities listen to the guidance of public health experts and state and local officials to help limit the spread of this virus.”

—from an article in [the Daily Item](#) titled “[Valley school districts working out meal distribution for students during closure](#)”

“I commend Governor Wolf for his leadership in closing Pennsylvania’s schools today, and I stand in support of the state and local leaders and public health experts across our commonwealth who have taken similar decisive action to protect their communities from the novel coronavirus, COVID-19.”

"This is a difficult time for our state and our nation. In order to effectively combat this virus, we need the government, the private sector, health care providers and citizens all working together during the pandemic."

—from an article in *the Tribune-Democrat* titled "[Schools scramble to continue teaching, offering lunch programs after governor orders shutdown](#)"

"[We need] to quickly pass legislation to aid workers and businesses impacted by these extreme, but necessary, measures."

—from an article in *the Morning Call* titled "[Paid sick leave, free coronavirus testing: Pennsylvanians in Congress support economic assistance bill](#)"

Fitzpatrick in the News

Research provided by contributor CC

"Our veterans put their lives on the line for our country and they deserve all the help we can provide them. I believe that the least we can do is relieve them of their student loan debt."

— from an article in the *Ellwood City Ledger* titled "[Lamb bill canceling disabled vets' student loans passes House](#)"

"By promoting the collaboration between higher education and apprentice programs, this bill will help to prepare the next generation for good-paying jobs, while addressing our nation's current shortage of trained workers."

— from a *Levittown Now* article titled "[Congressman Introduces Bipartisan Student Apprenticeship Act](#)"

"Children born with congenital anomalies deserve to be covered by health insurance providers. "Rep. Peterson's bill will make sure that health insurance coverage extends to help provide treatment for these children, and I am happy to see that the Problem Solvers are endorsing this commonsense legislation."

— from a *WHCU* article titled "[Rep Reed and Problem Solvers Caucus endorse Ensuring Lasting Smiles Act](#)"

Toomey in the News

Courtesy of contributor Elayne Baker

"The Department of Commerce is willfully violating federal law by not making public its report on the supposed threat imported automobiles pose to American security. Commerce has left Congress few options but to support legal action compelling the release of this report. I am disappointed it has come to this, but I am grateful for the bipartisan support this amicus brief has garnered."

— from an article in the *Pennsylvania Business Report* titled "[Sen. Toomey leads amicus brief urging Commerce Dept release of 'national security' auto report](#)"

"I don't think that any sector-oriented bailouts are appropriate."

— from an article in *Politico* titled "[Oil industry push for Trump bailout draws political headwinds](#)"

"Get that food donated so that it's that much more food that goes to needy Americans... I think there's an opportunity for more institutions to give more food to the food banks, and the shelters, and the soup kitchens that serve needy people, rather than have that food end up in a landfill... It wouldn't be food that's gone bad. I mean, this is good, healthy, normal food. But sometimes in that context, there are legal issues."

— from a WAVY article titled [“New bill encourages Americans to donate food to help more needy people”](#)

“I don’t think we could be happier to be running on these accomplishments.”

— from an article in the *Allentown Morning Call* titled [“Trump is counting on strong economy and Pennsylvania voters, campaign strategist tells Lehigh Valley Republicans”](#) (*please note, despite the title of this article, the quote is indeed from Senator Toomey*)

Learning about Legislation - the Congressional Review Act

The Congressional Review Act (CRA) is a mechanism that can be used to overturn the rules of bureaucratic agencies. [Vox](#) explains that the CRA, which was introduced in the 1990s, “gives Congress extensive power to invalidate rules established by federal agencies and, in doing so, making it more difficult for any future administrations to resurrect the policies that lawmakers have struck down.”

The *Congressional Research Service*, MoCTrack’s favorite source of white papers on government rules, processes and procedures, produced a wonderfully informative *In Focus* single-page/double sided handout, clearly designed for new Members of Congress, that is particularly useful in understanding this process. [Check it out!](#)

From that handout:



The Congressional Review Act (CRA)

Overview

What is the CRA? The CRA (codified at 5 U.S.C. §§801-808) is a tool Congress can use to overturn certain federal agency actions. The CRA was enacted as part of the Small Business Regulatory Enforcement Fairness Act in 1996. The CRA requires agencies to report the issuance of “rules” to Congress and provides Congress with special procedures, in the form of a joint resolution of disapproval, under which to consider legislation to overturn rules. If a CRA joint resolution of disapproval is approved by both houses of Congress and signed by the President, or if Congress successfully overrides a presidential veto, the rule at issue cannot go into effect or continue in effect.

Until recently, the CRA was only used infrequently. Realistically, it can only be implemented when the presidency changes hands, if the new Congress is the opposite party of the departing president. Administrative rules are put into place under the direction of the presidential administration and would presumably reflect the values of that president’s party. But even in the situation when the Congress changes hands under a president (which often happens after midterm elections), it is unlikely that a new Congress would use the CRA, because the President would simply veto it. This explains why prior to 2017, the CRA had only been successfully invoked once (in 2001, after the presidency passed from Bill Clinton to George W. Bush).

With the 2016 election passing the presidency to Donald Trump and the election of the GOP majority in the 115th Congress, the CRA came into **frequent** use. The 115th Congress used the CRA to invalidate 16 Obama-era rules, like when the majority GOP Congress repealed a rule that made it harder for

severely mentally ill people to get guns ([H.J. Res. 40](#) - 115th)... or when they repealed a rule that, according to [NBC News](#), “prohibited from shooting or trapping wolves while at their dens with cubs, using airplanes to scout for potential grizzly bear targets, trapping bears with wire snares and luring bears with food to get a point-blank kill” ([H.J. Res. 69](#) - 115th)... or when they repealed a rule that forbade internet service providers from selling your browser history to third parties ([S.J. Res. 34](#) - 115th). For us Pennsylvanians it is worth knowing that another instance of CRA usage was championed by our own [Senator Toomey](#), with the specific goal of neutering the Consumer Financial Protection Bureau.

This term, the Senate Democrats began to use the CRA in a brand new way. There are provisions in the CRA that allow the Senate to fast track votes on CRA issues under certain circumstances. That *Congressional Research Service* [handout](#) describes it further:

Are there expedited procedures for a CRA joint resolution of disapproval in the Senate? Yes. When a CRA joint disapproval resolution meets certain criteria, it cannot be filibustered in the Senate. To be eligible for these “fast track” procedures, the Senate must act on a disapproval resolution during a 60-days-of-Senate-session period, which begins on the date the rule has been submitted to Congress and published in the *Federal Register* (if applicable).

In three memorable circumstances, Senate Minority Leader Chuck Schumer forced CRA votes this past autumn. He did so not because he thought he could get the GOP-led Senate to overturn these Trump Administration rules, but instead to get the GOP senators on the record as supporting these deeply divisive and unpopular rules.

In mid-October 2019, Schumer used that expediting process to force a bill to the floor to object to President Trump’s efforts to weaken power plant emissions regulations. [E&E News](#), an excellent source for information related to energy and the environment, explains that the Trump Administration released the Affordable Clean Energy (ACE) Plan to replace the Obama-era Clean Power Plan. ACE “repealed the statewide emissions caps of the Clean Power Plan and replaced it with a less stringent regulation focused on upgrades at individual power plants.” [E&E News](#) also reports that “in some cases, the ACE rule’s focus on heat-rate efficiency improvements could lead coal-fired power plants to run more frequently, thus increasing pollution, according to EPA’s analysis.” Schumer’s use of the CRA put GOP senators on the record as affirmative approving of a plan that increases pollution.

Then, on October 23, 2019, the Senate Democrats went after an IRS rule aimed at predominantly Democrat-governed states that came out of the 2017 GOP Tax Bill. Clearly, they didn’t believe they had enough votes to overturn this rule, but their efforts to force votes on these awful policies highlight the damaging moves made by President Trump’s administration and the GOP-led Senate.

Then, on October 30, 2019, the Senate Democrats took on a rule designed to weaken Affordable Care Act protections for people with pre-existing conditions. [Vox](#) has the best explainer of the regulation in question:

Democrats sought to overturn one of the administration’s most recent attempts to undermine the health care legislation: a rule that would give states more flexibility in the types of plans they could use ACA subsidies to purchase.

Under the administration’s rule, states could request a 1332 waiver, which would enable them to buy and offer plans that Democrats see as low-quality options, including plans

that could discriminate against patients with preexisting conditions — rolling back one of the key accomplishments of the ACA.

There is no doubt that Senate Minority leader Schumer's usage of the CRA to highlight GOP positions on the environment, tax policy and healthcare WILL be used in 2020 campaign messaging against the most vulnerable GOP incumbent senators.

This week the Senate successfully deployed the CRA to get rid of a Betsy DeVos/Trump Administration rule that hurts people with student debt who were defrauded by their now defunct for profit schools. This usage is more in line with its original intent of allowing Congress to overturn a bureaucratic rule that does not conform with the manner in which they feel an agency should be run. But the past three years have shown how a previously ignored law can have massive, unforeseen effects... and be used in new and interesting ways.

Call to Action - Support this Bill!

H.R. 6201: Families First Coronavirus Response Act

This week's call to action is quite simple. Call Senator Toomey and tell him you want him to vote for the Families First Coronavirus Response Act. While the House stayed in Washington and worked hard to collaborate and pass this measure around 1AM on Saturday, Senate Majority Leader Mitch McConnell sent his chamber home for the weekend. When Senator Toomey goes back to work on Monday, we want him facing a deluge of constituent contacts DEMANDING the passage of this bill.

Toomey is a particularly important target, not just for Pennsylvania, but nationally. He is a debt hawk and has voted down many popular appropriations bills. We at MoCTrack often cite this [statement](#) he shared after a compromise budget, where he voted no over the objections of most of his party. At that time he stated, "our country is on an unsustainable fiscal path and this budget deal only makes matters worse for taxpayers...until Congress is willing to make tough spending choices, the national debt will continue to rise and trillion dollar deficits will be the norm." He has used that talking point regularly across his tenure in office. We CANNOT let him use that same excuse now, when there are - literally - the lives of millions of Americans on the line.

When contacting the Senator, use the framework provided by our [Speaker of the House, Nancy Pelosi](#) (*italicized phrases below are transitions from quoted parts of Speaker Pelosi's speech, to convert it from a press statement into a Call to Action script - words in normal text are direct from her statement*) :

We must have free coronavirus testing for everyone who needs a test, including the uninsured. We cannot fight coronavirus effectively unless everyone in our country who needs to be tested can get their test free of charge.

This legislation *that passed the House this weekend* takes additional smart, strategic and science-based measures to put Families First. *It has provisions to protect* families' economic security, families' food security, and families' health security.

Senator Toomey, vote for this bill so that we may begin to protect the health, economic security and well-being of the American people!

Senator Toomey can be reached by these methods:

Option ONE: CALL

TOLL FREE - (855) 552-1831
Erie - (814) 453-3010
Johnstown - (814) 266-5970
Pittsburgh - (412) 803-3501

Allentown - (610) 434-1444
Harrisburg - (717) 782-3951
Philadelphia - (215) 241-1090
Washington - (202) 224-4254

Wilkes Barre - (570) 820-4088

Option TWO: RESISTBOT

Text RESIST to 50409 or on Twitter, direct message "Resist" to @Resistbot
Then follow their directions. It takes about one to two minutes to complete a full letter

Option THREE: FAX

Send a free FAX straight to Toomey

https://faxzero.com/fax_senate/T000461

Option FOUR: TWEET

Use the Hashtags #FamiliesFirst, #COVID19, and #CoronaVirus
Or search for those hashtags, and like/retweet content people have already composed to amplify their messaging.

Option FIVE: Senator Toomey's Website Contact Form

Use this site - <https://www.toomey.senate.gov/?p=contact> - to send an email to the Senator. He will prompt you to choose a topic, and "impeachment" is not on the list. Instead, choose "Judiciary issues."

Contact Senator Toomey as often as you can, starting as early as you can, on Monday, March 16th! Continue until you hear about the Senate passage of the Families First Act!

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

CC

Elayne Baker

Gary Garb

Helen aka @ElastigirlVotes

Linda Houk

Kierstyn Piotrowski Zolfo

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!