

PA-01 Member of Congress Tracking Report - 07.05.20

This is a 100% volunteer effort brought to you by a handful of progressive Democrats and Independents who share a vision of a more 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.

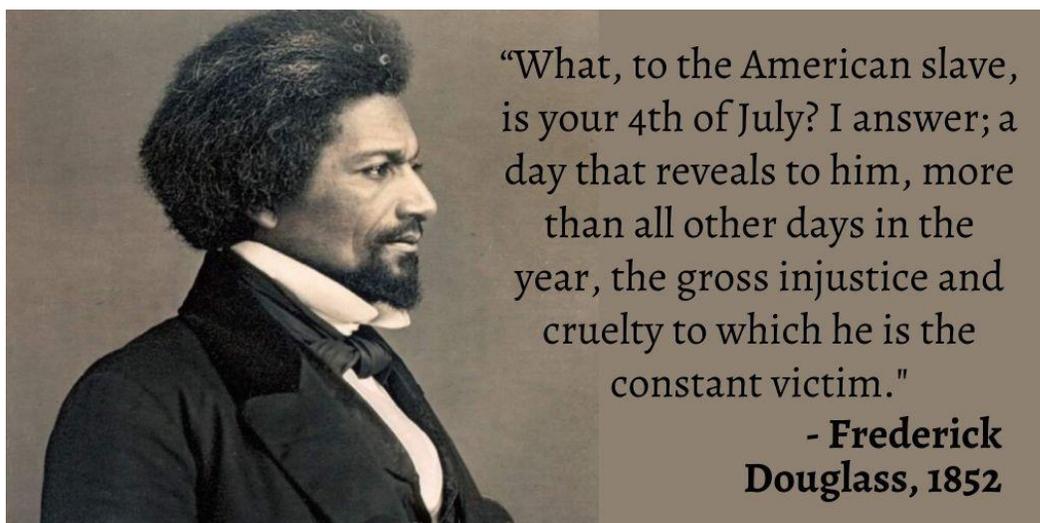
Member of Congress	This week's score	Change from last report
Senator Bob Casey (D)	29.5%	0.0%
Senator Pat Toomey (R)	88.0%	0.0%
PA-01 Rep. Brian Fitzpatrick (R)	64.4%	-0.1%

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. There were five scored House votes - on a bill expanding the ACA, an infrastructure act, and three financial bills (including housing assistance and credit reporting) to address needs imposed by the pandemic.

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 Nation's Sages

Regular readers of MoCTrack will have noticed that this segment has been on hiatus for a while. As much as we value the words from our nation's founders, the wisdom that has brought our country where it is today has not been exclusively white and male. And it is not only found in the eighteenth century. So, in honor of Independence Day, we adjust this segment to reflect ALL the perspectives that have built our nation.



“What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim.”

- Frederick Douglass, 1852

“What, to the American slave, is your 4th of July? I answer; a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To

him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sound of rejoicing are empty and heartless; your denunciation of tyrants brass fronted impudence; your shout of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanks-givings, with all your religious parade and solemnity, are to him, mere bombast, fraud, deception, impiety, and hypocrisy -- a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices more shocking and bloody than are the people of the United States, at this very hour."

— an excerpt from Frederick Douglass's "[The Meaning of July Fourth for the Negro](#)," a speech given on July 5, 1852 in Rochester, New York at an Independence Day commemoration

The House Votes to Expand the ACA

[House Vote](#) on [H.R. 1425](#): Patient Protection and Affordable Care Enhancement Act

In the same week that saw the Trump Administration's legal push to invalidate the entire Patient Protection and Affordable Care Act, the House voted for a bill to expand the ACA so that more Americans can access healthcare. This bill recap was provided by [Bloomberg Law](#).

[It] would expand Obamacare's insurance subsidies and encourage more states to extend eligibility for their public health insurance programs for the poor by reducing federal funds to those states for certain administrative services. The package would be paid for by legislation (H.R. 3) directing the government to demand lower drug prices for certain medications, another main tenet of the Democrats' health agenda.

The legislation also would support adding more Americans to Medicaid rolls by giving states the option to raise the maximum income for enrollees. It would expand eligibility for premium tax credits beyond the current limit of 400% of the federal poverty line, extending subsidized private insurance to more Americans.

It is impossible to imagine this bill going anywhere except to Mitch McConnell's graveyard, but it does allow lawmakers to draw the contrast in healthcare priorities between the Trump Administration and the House Democrats prior to the November elections.

Vote date: Monday, June 29, 2020

Vote Tally: 234-179

Party Breakdown: Most Democrats present voted YES, and they were joined by Republicans Jeff Van Drew of New Jersey and PA-01's Brian Fitzpatrick. All remaining Republicans voted NO, and they were joined by Libertarian Justin Amash and Democrat Collin Peterson of Minnesota.

Additional Reading:

- "[House Democrats push through first bill in a decade expanding Affordable Care Act](#)," from *The Washington Post*
- "[House Democrats approve health bill, seeking contrast with Trump's Obamacare assault](#)," from *Politico*
- "[House Democrats Move to Shore Up Obamacare Ahead of Election](#)," from *Bloomberg Government*

Representative Fitzpatrick voted YES.

Infrastructure Week in the House, Part One

[House Vote](#) on [H.R. 2](#): INVEST in America Act

The idea of “Infrastructure Week” has become something of a joke in Washington, DC, as many such planned weeks have been overtaken by Trump scandals. But there has been talk about Trump and the Democrats getting together to negotiate a massive infrastructure program. But in the absence of leadership from the President, the Democrats introduced and passed their own version of an infrastructure plan.

This \$1.5 trillion package, also referred to as the “Moving Forward” is founded on principles of sustainability. The bill’s sponsor, [Transportation and Infrastructure Committee Chair Peter DeFazio](#) (D-OR), stated:

With the Moving Forward Act, we make it clear that our infrastructure does not have to be a product of the past, with crumbling roads and bridges, unreliable transit and rail networks, inequitable outcomes, and little regard to our changing climate and our changing economy. I challenge my Senate colleagues to join the House in thinking big and being bold on long-overdue investments not only in our infrastructure, but also in the communities and the people we all represent.

These are highlights from the legislation (excerpted from the Transportation and Infrastructure Committee [fact sheet on H.R. 2](#)):

- \$300 billion for fixing tens of thousands of structurally deficient bridges
- \$100 billion for zero-emission buses and improved mass transit
- \$1.4 billion in alternative fuel charging infrastructure
- \$70 billion to transform our electric grid to accommodate more renewable energy
- Dredging and upkeep of American harbors, ports, and channels
- Tripling of Amtrak funding to expand passenger rail
- \$130 billion targeted at high-poverty schools
- Financing support for state and local government investments
- \$100 billion into our nation’s affordable housing infrastructure to
- create or preserve 1.8 million affordable homes
- \$100 billion to promote competition for broadband internet infrastructure
- \$25 billion in the Drinking Water State Revolving Fund
- \$40 billion in new wastewater infrastructure
- \$30 billion to upgrade hospitals to increase capacity and strengthen care
- \$25 billion to modernize postal infrastructure and operations, including a zero emissions postal vehicle fleet,

And, during the amendments process, Rep. Ilhan Omar (D-MN) introduced a provision to provide money to municipalities that need to replace lead pipes in their drinking water infrastructure. This [amendment](#) passed 240-181, with the support of all of PA’s Democrats and PA-01’s Rep. Fitzpatrick).

Unfortunately, this bill may work as messaging for the election, but it will not proceed legislatively. [The New York Times](#) reports that Mitch McConnell called this “multithousand page cousin of the Green New Deal, masquerading as a highway bill,” and added “this nonsense is not going anywhere in the Senate.”

Vote date: Wednesday, July 1, 2020

Vote Tally: 233-188

Party Breakdown: Two Democrats crossed party lines to vote NO with the majority of Republicans - Collin Peterson of Minnesota and Ben McAdams of Utah. Three Republicans voted YES with most of the Democrats - Jeff Van Drew and Chris Smith of New Jersey and PA-01’s Brian Fitzpatrick. Libertarian Justin Amash voted NO.

Additional Reading:

- [“House sends \\$1.5 trillion-plus infrastructure bill to reluctant Senate,”](#) from *MarketWatch*
- [“The House green infrastructure plan,”](#) from *Politico’s Morning Energy*
- [“House Passes \\$1.5 Trillion Infrastructure Package Amid Coronavirus Pandemic,”](#) from *The New York Times*
- [“White House threatens veto on Democrats’ \\$1.5 trillion infrastructure plan,”](#) from *The Hill*

Representative Fitzpatrick voted YES.

Infrastructure Week in the House, Part Two

[House Vote](#) on the [Motion to Recommit with Instructions H.R. 2](#): INVEST in America Act

The Republicans took the opportunity of the final step in the pre-vote legislative process - the Motion to Recommit - to add in a final amendment to the infrastructure bill. Rep. Rick Crawford (R-AR) introduced wording to the bill that would forbid any of the funding in the legislation to be used on products from China.

The interesting part is that nowhere in this new text is “China” referred to. But the measure states:

Buy America.--None of the funds authorized or made available by this Act, or the amendments made by this Act, may be used in awarding a contract, subcontract, grant, or loan to an entity that-- ... is listed pursuant to section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116-145)

So that makes it pretty clear that China is indeed the target.

Things got heated in the [debate](#) following the introduction of this motion to recommit. In his time supporting his motion, Rep. Crawford took the opportunity to attack China for multiple issues that have nothing to do with the infrastructure bill, including “choosing not to report the coronavirus outbreak for months.” And in response to that, Rep. DeFazio, who introduced the entire bill but opposed the motion to recommit, noted, “Madam Speaker, if only we had a President who would take meaningful action against China... we just recently found out that he begged Premier Xi Jinping to buy more farm products to help his reelection. And, by the way, he said he liked the prison camps, he thought they were a good idea. He actually said that.”

Ultimately, the motion to recommit passed with the support of a significant number of Democrats.

Vote date: Wednesday, July 1, 2020

Vote Tally: 224-193

Party Breakdown: All Republicans present voted YES, and they were joined by 39 Democrats. The remaining 192 Democrats voted NO along with Libertarian Justin Amash.

Additional Reading:

- [“Republicans score procedural victory on Democrats' infrastructure bill,”](#) from *The Hill*

Representative Fitzpatrick voted YES.

House GOP opposes Eviction and Foreclosure Moratorium

[House Vote](#) on [H.R. 7301](#): Emergency Housing Protections and Relief Act

This bill would provide renters and homeowners with a year-long moratorium on Evictions and foreclosures. It also includes, “\$100 billion for a rental assistance fund and \$75 billion for a homeowner’s assistance fund to cover rent, mortgage and utility expenses. \$100 billion for a rental assistance fund and \$75 billion for a homeowner’s assistance fund to cover rent, mortgage and utility expenses,” and “\$18 billion for other federal programs to ensure rent remains at an affordable level and creates a lending facility for mortgage services and rental property owners,” according to reporting by [Courthouse News Service](#).

Congresswoman Maxine Waters (D-CA), Chairwoman of the House Financial Services Committee, gave a [speech on the floor of the House](#) in support of this bill, which she introduced. She laid out the stakes of inaction in stark terms:

There are now only 25 days left before the federal eviction ban expires on July 25. When it does, many families who have been unable to pay their rent because of the COVID-19 pandemic will face eviction and the devastating consequences that evictions have on families, particularly children... I, for one, refuse to do nothing while families suffer. This is an emergency, and it calls for the emergency response provided by this legislation. We can't wait.

Not a single Republican voted in support of this foreclosure and eviction moratorium.

Vote date: Monday, June 29, 2020

Vote Tally: 232-180

Party Breakdown: This vote was one away from being along party lines. All of the Republicans present were joined by Libertarian Justin Amash and Democrat Kurt Schrader of Oregon in voting NO. All other Democrats voted YES.

Additional Reading:

- "[House passes bill to prevent homelessness crisis 'like we've never seen in our lifetimes'](#)," from *CNBC*
- "[House Passes Covid Relief Bill for Homeowners, Renters](#)," from *Courthouse News Service*
- "[The Urgent Need for Federal Investment in Public Housing Amid COVID-19](#)," from *US News World Report*

Representative Fitzpatrick voted NO.

The House approved new CFPB powers over credit reporting agencies

House Vote on [H.R. 5332](#): Protecting Your Credit Score Act

This legislation strengthens the oversight of the Consumer Financial Protection Bureau over credit reporting agencies. It allows the CFPB to:

- Create new administrative rules for credit agencies to follow in order to protect consumer data
- Require credit agencies to reveal to consumers what organizations or people they've sold a person's credit score or data to in the past two years
- Establish a no-cost portal where consumers can access some pieces of their credit information
- Improve the process for resolving disputes between consumers and credit agencies

Vote date: Monday, June 29, 2020

Vote Tally: 234-179

Party Breakdown: All Democrats present voted YES except Collin Peterson of Minnesota. They were joined by three Republicans - Brian Mast of Florida, Chris Smith of New Jersey and Tom Reed of New York. The 178 remaining Republicans voted NO along with Libertarian Justin Amash.

Additional Reading:

- "[U.S. House of Representatives Passes FCRA Amendment Bill](#)," from *ACA News*
- "[U.S. House passes major credit reporting reform](#)," from *ConnPIRG*
- "[Rep. Nadler Statement on This Week House Passage of Key Legislative Priorities](#)," from *Insurance News Net*

Representative Fitzpatrick voted NO.

The House overturns a Trump Administration Financial Rule

[House Vote](#) on [H.J.Res. 90](#): Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Comptroller of the Currency relating to "Community Reinvestment Act Regulations"

The Congressional Review Act (CRA) is a mechanism that can be used to overturn the rules of bureaucratic agencies. It allows Congress to have a say when a presidential administration is having bureaucratic agencies create rules that are not along the lines of what the Congress intended when they created the agency. If you would like to read more about how the CRA works, we covered in a past [MoCTrack Civics lesson](#). But this vote, a joint resolution, is the process the House must use to attempt to overturn a Trump Administration rule that got rid of protections for home-buyers of color.

Prior to the 1970s, the federal government “[red-lined](#)” real-estate, marking certain areas as risky investments for federal mortgage programs. This, in turn, was picked up by private lenders, making whole areas ineligible for mortgages, loans, insurance and other financial services. It will come as no surprise that re-lined areas were primarily inhabited by people of color, and it accounts for much of the economic disadvantages that they have faced on a generational level. In 1977 the Congress passed a bill designed to reverse and end red-lining procedures, called the Community Reinvestment Act.

The reporters from [The Hill](#) explained the next steps in this process:

The Office of the Comptroller of the Currency (OCC) released its long awaited [Community Reinvestment Act] overhaul on May 20, less than five months after first proposing the changes. The quick release of the new regulations came just a day before former Comptroller of the Currency Joseph Otting abruptly resigned, and without buy-in from the Federal Reserve Board and the Federal Deposit Insurance Corp. (FDIC) — the other two federal bank regulators that enforce the [Community Reinvestment Act].

While the House successfully overturned this return to red-lining by the OCC, the likelihood of this passing in the Senate is low.

Vote date: Monday, June 29, 2020

Vote Tally: 230-179

Party Breakdown: This was a party line vote, with Democrats voting YES, and the Republicans and Libertarian voting NO.

Additional Reading:

- [“House Votes to Reverse Community Reinvestment Act Rule,”](#) from the *M Report*
- [“Warren urges bank regulator to scrap anti-redlining rule rewrite,”](#) from *The Hill*
- [“House Passes Resolution to Overturn Anti-Redlining Rewrite,”](#) from *Bloomberg Law*

Representative Fitzpatrick voted NO.

Senate Legislative Action

S. 4049 (National Defense Authorization Act for Fiscal Year 2021)

For much of this week the Senate has been focused on the 2021 National Defense Authorization. They started work on the bill in June and have been pursuing many aspects of the bill (as reflected below in the additional reading links), including removal of confederate names from facilities and cybersecurity measures. This is a massive undertaking, and there have already been over 100 amendments considered.

The only other roll call vote related to this “must-pass” authorization pages was a [Rand Paul Amendment](#). The Libertarian Republican offered an [amendment](#) to “withdraw all United States Armed Forces from Afghanistan.” A motion was then made to table this amendment, or to discard it. So YES votes mean a senator wants to get rid of this amendment, and NO votes

mean that a senator support having a debate on the amendment.

The motion to table passed, 60-33, so the amendment was discarded.

Senator Casey voted NO and Senator Toomey voted YES.

Additional Reading:

- [“Senate measure would diminish Energy Department control of nuclear weapons,”](#) from *The Washington Post*
- [“Senate National Defense Authorization Act amendment would require state, federal cybersecurity coordinators,”](#) from *Homeland Preparedness News*
- [“Senators Introduce Deepfake-Focused Amendment to Defense Authorization Act,”](#) from *NextGov*
- [“Trump Vows To Veto Defense Bill If It Removes Confederate Names From Military Bases,”](#) from *NPR*

Unanimously passed legislation

The following bills were passed through unanimous consent or 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.

- [S.4091](#) - Emergency Aid for Returning Americans Affected by Coronavirus Act
- [S.123](#) - Ensuring Quality Care for Our Veterans Act
- [S.2864](#) - Sergeant Daniel Somers Veterans Network of Support Act
- [S.3758](#) - A bill to amend the Klamath Basin Water Supply Enhancement Act of 2000 to make certain technical corrections
- [S.4104](#) - Stopping Improper Payments to Deceased People Act
- [S.4116](#) - A bill to extend the authority for commitments for the paycheck protection program and separate amounts authorized for other loans under section 7(a) of the Small Business Act (passed both houses unanimously this week)
- [H.R.7440](#) - Hong Kong Autonomy Act (passed both houses unanimously this week)
- [S.4148](#) - A bill to extend the Chemical Facility Anti-Terrorism Standards Program of the Department of Homeland Security
- [S.1253](#) - Preventing Online Sales of E-Cigarettes to Children Act
- [S.4209](#) - A bill to amend title IX of the Social Security Act to improve emergency unemployment relief for governmental entities and nonprofit organizations
- [H.Res.1037](#) - Electing Members to certain standing committees of the House of Representatives and ranking a certain Member on a certain standing committee of the House of Representatives. *This was the replacement of Rep. Jim Jordan as the Ranking Member on the Oversight Committee. If you would like to read more about this, check out this [Politico article](#).*

Special topic - Four PA House members join Trump Vote by Mail lawsuit

President Trump has spent a lot of time in the past few months denigrating the concept of vote by mail. Tweets like [this](#) are commonplace from him:



Donald J. Trump @realDonaldTrump · May 26

There is NO WAY (ZERO!) that Mail-In Ballots will be anything less than substantially fraudulent. Mail boxes will be robbed, ballots will be forged & even illegally printed out & fraudulently signed. The Governor of California is sending Ballots to millions of people, anyone.....



[Get the facts about mail-in ballots](#)



44.1K



50.6K



131.2K



This week the Trump Administration, with the National Republican Party and the assistance of four Pennsylvania House members, has started a lawsuit against the Commonwealth of Pennsylvania for our new Vote by Mail laws. This is from [PennLive](#):

The lawsuit argues the new procedures were accompanied by some changes that were not legal, including in about 20 counties where the plaintiffs say voters could drop off completed ballots at collection sites without sending them or handing them directly to county elections offices.

The plaintiffs want an order to prevent counting ballots that lack secrecy envelopes or that have certain marks on them. They also want poll watchers to be able to monitor vote counting outside the counties where they live -- and to be able to observe counting of all mail-in ballots.

The lawsuit claims there was a "hazardous, hurried and illegal" roll-out of mail-in voting during the primary, saying the system now gives "fraudsters an easy opportunity to engage in ballot harvesting, manipulate or destroy ballots, manufacture duplicitous votes, and sow chaos."

These are the four GOP MoCs that joined the lawsuit:

- PA-13's Rep. John Joyce
- PA-14's Rep. Guy Reschenthaler
- PA-15's Rep. Glenn W. Thompson
- PA-16's Rep. Mike Kelly

Additional Reading:

- ["The Trump campaign is suing Pennsylvania over how to run the 2020 election,"](#) from *The Philadelphia Inquirer*
- ["Trump campaign sues Pa. over mail-in drop-off sites for ballots,"](#) from *PennLive*
- ["Trump and PA Republicans Sue Over Mail-In Voting,"](#) from *PoliticsPA*

MoC Twitter Action

Created with the assistance of contributor Susan Vogel

Twitter Action - Coronavirus and its effects

- **Senator Bob Casey, @SenBobCasey, [06/30/20](#):**
"WATCH LIVE: Senator Casey, colleagues take to the Senate floor to demand Congress does more to address the COVID-19 crisis unfolding in nursing homes, attempt to pass Casey's Nursing Home COVID-19 Protection and Prevention Act (S. 3768) with @SenWhitehouse" *tweeted with embedded video of the senator's floor speech*
- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [07/03/20](#)**
"During this pandemic, bad actors have been targeting our most vulnerable with scams. The #COVID19 SCAM Act would allow the @FTC to go after scammers and provide relief and security to seniors, consumers, and vulnerable populations across the US." *tweeted with a link to this [Insider NJ](#) reprinting of a congressional press release*

Twitter Action - MoCs on Legislation

- **Senator Bob Casey, @SenBobCasey, [07/02/20](#)**
"Exactly. Childcare is core to our Nation's economic infrastructure. We must treat it as such and pass Sen @PattyMurray's Child Care is Essential Act and my Child and Dependent Care Tax Credit Enhancement Act to make child care more accessible & affordable for working families." *tweeted in response to a [New York Times tweet](#) which reads "Let me say*

the quiet part loud: In the Covid-19 economy, you're allowed only a kid or a job," writes Deb Perelman. "Why isn't anyone talking about this?"

- **Senator Pat Toomey, @SenToomey, [07/02/20](#):**
"@ChrisVanHollen's and my bipartisan #HongKong Autonomy Act is now on its way to the president to be signed into law! With our bill, the CCP will learn there are ramifications for repressing Hongkongers' freedom. President Trump should sign this bill ASAP. We #StandWithHongKong."
- **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [07/02/20](#):**
"Yesterday, the House and Senate passed a much needed and welcome extension of the #PaycheckProtectionProgram. While our work is not done, I am pleased to see Congress coming together to deliver results and relief for the American people. #PPP #COVID19"

PAYCHECK PROTECTION PROGRAM

Visit sba.gov/coronavirus to apply



Tweet of the Week

- **Senator Bob Casey, @SenBobCasey, [07/02/20](#):**
"A few Republican members in the other chamber had some issues with my nursing homes report, but they seem to have mixed up their facts in the process. I fixed it for them."

Four Facts That Will Never Change:

1. CMS issued its first **limited** guidance regarding COVID in nursing homes on February 6 – **more than a month after the Trump Administration was notified of the virus, three weeks before the first outbreak in Kirkland, WA.**
2. CMS **failed to make sure workers caring for** ~~issued clear guidance on March 13 to avoid discharging~~ COVID-positive patients **had PPE and testing back to a leaving** nursing homes ~~that is unable to properly treat and quarantine them.~~
3. Despite that **early warning signs, the Trump Administration** ~~five-Governors~~ issued **delayed, chaotic** ~~lethal “must admit”~~ orders for **mandating** nursing homes, **putting** ~~accept possibly~~ contagious and untested residents **and workers at risk, discharged from a hospital.**
4. **Fearing legal** ~~With no regard for repercussions, the Trump Administration~~ **ignored** nursing homes **followed these orders and these orders and it** resulted in thousands of preventable deaths.

“Senate Democrats’ latest report about the administration’s nursing home response is incomplete, one-sided, and grossly misleading. The fact that Senators Casey and Peters put their names on something that fails to address their own governors’ failures shows just how unserious and partisan it is. The facts have not changed and they are obviously not on the Democrats’ side here: Five Democrat Governors mandated COVID-positive patients be forced back to their nursing homes.”

“If the tragedy in our nursing homes is the federal government’s fault, the numbers would be consistent between the five states who issued deadly ‘must admit’ orders and the 45 other states. They are not consistent. Anyone paying attention knows that five states failed their nursing home patients. Once again, the grieving families affected by these orders still deserve answers, and no amount of desperate blame-shifting will stop us from getting them.”

● Senator Pat Toomey, @SenToomey, [07/04/20](#):

244 years ago in the cradle of liberty, Philadelphia, our founders signed the Declaration of Independence, formally beginning mankind's greatest experiment in self-governance. America is still that shining city on a hill where freedom and liberty for all people is guaranteed.



● PA-01’s Rep. Brian Fitzpatrick, @RepBrianFitz, [07/01/20](#):

“As we continue to work with the @GLFOP to merge the proposals authored by @SenatorTimScott

(R-SC), which I am an original cosponsor of, and @RepKarenBass (D-CA), I will be playing a key role as a bipartisan bridge-builder, as the only FBI Agent in Congress, to craft a solution that protects individuals’ constitutional & civil liberties, and also protects our hero, police officers, from physical harm & potentially frivolous lawsuits.

Today I took to the House floor to talk about a key provision that I will insist be included in any final package that gets sent to the President’s desk: Reformed Qualified Immunity to protect our police officers’ ability to safely do their jobs.” *tweeted with embedded video of his floor speech, which got him into [a bit of trouble](#) with the National Fraternal Order of Police*

Casey in the News

Courtesy of contributor Linda Houk

“The order issued last evening (Friday) by Judge Dolly M. Gee to release migrant children held in U.S. custody is the right decision, but it shouldn’t have taken a pandemic to treat children with basic compassion.”

— from an article in the *Reading Eagle*, titled "[Foes of Berks immigrant detention center hope ruling shuts it down](#)"

"The problem is, that determination [to increase Medicaid dollars] becomes a question of how many votes you can line up... It just doesn't make sense to allow something as fundamental as Medicaid and the matching dollars to be at the whim of whoever is in power, as opposed to having a good program's benefits be triggered by economic trauma.

The lesson I learned from the Great Recession is you've got to go big to jump-start the economy and get it out of the ditch... The danger here is we compound the problem of a public health and jobs crisis by penny-pinching when it comes to a program like Medicaid. It will make every problem worse."

— from an article in the *Pittsburgh Post-Gazette*, titled "[Citing soaring unemployment, Casey calls for boost in Medicaid dollars based on economic factors](#)"

"Unfortunately for the nation, it is a chronicle of deadly delay, and a lack of urgency, and the lack of a strategy.

What we see in the way the administration handled this reflects the administration's failure in responding to the pandemic generally.

I'm not saying that government can wave a magic wand and eliminate the threat, because the context of a nursing home is challenging... there's no excuse for having this many deaths under any circumstances."

— from an article in the *Morning Call*, titled "[Bob Casey and Senate Dems blame Trump administration for COVID nursing home crisis](#)"

RECOMMENDED CASEY VIDEO and REPORT!!

Senator Casey held a [video town hall](#) this Wednesday along with Senator Ron Wyden of Oregon. The focus of the event was the nursing home crisis and the coronavirus pandemic. Senator Casey, who is also the ranking member of the Senate Committee on Aging, wrote this on Facebook:

To date, more than 40 percent of all COVID-19 deaths nationwide have been residents and workers in nursing homes and other long-term care settings. These are our grandparents, our teachers, our health care workers fighting on the front lines of this pandemic—and the Administration has failed to protect them. Watch live as I join Senator Wyden to discuss our new report detailing how the Administration's failure to prepare for and respond to this pandemic cost American lives.

The video is about 45 minutes long, and it is worth a watch if you have concerns about how the Trump Administration is handling disease transmission in nursing homes. As indicated above, one of the topics discussed at length is the report just released by Senators Casey and Wyden, titled "COVID-19 in Nursing Homes: How the Trump Administration Failed Residents and Workers." You can read the press release that accompanied the report [here](#), while the report itself is [here](#).

Fitzpatrick in the News

Research provided by contributor CC

"Chief Bartorilla has run an exceptional department that serves as a model in safeguarding the lives and property within their jurisdiction and as a model in police-community relations. By hiring these new officers, Chief Bartorilla will make our community safer while strengthening the already strong community relations his department has within Middletown Township."

— from a [Levittown Now](#) article titled “[Middletown Gets Federal Funds To Hire Two New Officers](#)”

“My constituents have a right to safe drinking water. This year’s NDAA provides an opportunity for bipartisan action on robust legislative provisions tackling the PFAS issue, which has directly led to contaminated water in my district.”

— from a [Patch](#) article titled “[Fitzpatrick Makes Another Push To Crack Down On Toxic PFAS Chemicals](#)”

“SNAP serves as the most effective anti-hunger program in the country, and according to the USDA, the COVID-19 pandemic has caused food insecurity to double among all homes and triple in homes with children.”

— from an article in [The Record Herald](#) titled “[Pa. urging USDA to extend SNAP waivers amid record numbers](#)”

“While the COVID-19 pandemic has turned many of our lives upside down, one of the groups that has largely been overlooked throughout this ordeal has been those suffering from opioid addiction. Just because the COVID-19 pandemic started did not mean that the opioid public health crisis ended.

“In fact, social distancing measures and concerns over the virus are adversely affecting how many people can be treated for SUD. Not only have treatment facilities and capabilities been challenged during this time, but those suffering from SUDs have faced many other difficulties. We must continue to work to help those in need during this difficult time.”

— from a blog post on the [Ripon Advance](#) titled “[Fitzpatrick leads Bipartisan Opioid Task Force review of pandemic’s impact on opioid crisis](#)”

In the wake of Brian Fitzpatrick’s inexplicable votes for both of the radically different Republican and Democratic versions of police reform legislation (and his changing stance took place within 39 minutes, at that!!), he has received criticism as well as kudos. Congressman Fitzpatrick took to the floor to explain his... nuanced... position on the contested subject of qualified immunity. What follows is the contents of that floor speech, as provided by his [official website](#).

“Madame Speaker, I rise today to talk about the important topic of police reform and qualified immunity.

Last week, I joined my colleagues on both sides of the aisle in voting in favor of the Justice in Policing Act--a bill that the National Fraternal Order of Police “believe, after good faith discussions, will create a law that will have a positive impact on law enforcement and policing in our country.” My Republican colleagues who voted in favor did so because we must move the legislative process and negotiations forward so we can begin to repair the social contract between police officers and the communities that they serve.

That being said, we believe that the qualified immunity provision in the bill, as it is currently drafted, must be fixed so that we ensure that we protect our hero police officers from physical harm and potentially frivolous lawsuits.

Qualified immunity is a judicially created doctrine that grants government officials who are performing discretionary functions immunity from civil suits, unless the plaintiff shows that the official violated clearly established statutory or constitutional rights that a reasonable person would have been aware of. To put it simply, qualified immunity states that if an officer acts in good faith and is doing what he or she believes is in line with their responsibilities of being a police officer, then they are protected from personal liability.

While I believe that qualified immunity is a very important doctrine, it can be reformed, but NOT abolished. There must be reforms that address personal responsibility, accountability, and transparency in law enforcement, no doubt. However, the Justice in Policing Act includes a provision on qualified immunity that must be amended in conference committee prior to final passage. I, for one, will be insisting on that prior to any bill being sent to the President's desk.

As it currently stands, this provision would specify that a defendant is not immune from lawsuits just because they were acting in a way they thought was reasonable or lawful at the time or because they were not violating a clearly established law.

The overwhelming majority of our police officers conduct themselves responsibly, appropriately, and within the confines of the law. We must reform qualified immunity to allow our police officers to act in a way they need to perform their jobs, while also removing protections that shield those who illegally deny citizens of the rights given to them by the Constitution.

Having served as a lifelong federal law enforcement agent and federal prosecutor, I will be playing an active role in bridging this gap, as will my Republican colleagues who voted in favor, as we move to conference committee. And I will insist that the final package be written in a way that both protects citizens' constitutional and civil rights and preserves the noble profession of law enforcement, the profession that I have dedicated the majority of my adult life to, the profession that my great uncle Phil sacrificed his life and paid the ultimate price for, having been killed in the line of duty as an NYPD officer.

Mr./Mdm. Speaker, this moment calls on all of us to come together and repair this social contract so that we as Americans can start to heal. I firmly believe that we are all capable of rising to this challenge because my own community in Bucks and Montgomery Counties has been a model when it comes to police-community relations.

We need to apply the community model of my amazing colleagues back home, always making improvements based on self-reflection, listening, understanding and learning, and show the rest of our country and the world that we are a country of law and order, a country that respects the rights, dignity, and equality of every individual, a country where police officers are one with the communities in which they serve.

We have a real chance at positive change, let's not miss the moment."

In the wake of that speech, the National FOP issued [a letter](#) to Representative Fitzpatrick in response to his speech. They were... not happy. Below are excerpts of the letter, which you can read in full at the link above.



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PATRICK YOES
NATIONAL PRESIDENT

JIM PASCO
EXECUTIVE DIRECTOR

The Honorable Brian K. Fitzpatrick
U.S. House of Representatives
Washington, D.C. 20515

2 July 2020

Dear Representative Fitzpatrick,

I am writing on behalf of the members of the National Fraternal Order of Police because it has come to my attention that you took to the House floor yesterday and made a statement that inaccurately characterized the FOP's position on H.R. 7120, the "Justice in Policing Act."

*The letter closes with the statement, "On behalf of the more than 351,000 members of the Fraternal Order of Police, we respectfully ask that you clarify your remarks on this point and set the record straight." And immediately after that, this **BOLD and large font** section appeared at the bottom of the Congressman's website post about his floor speech:*



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Fitzpatrick Floor Remarks on Police Reform and Qualified Immunity

To be clear, the quote mentioned above is not meant to imply that the National Fraternal Order of Police has taken any position with regards to Senator Tim Scott's legislation (JUSTICE Act) or Congresswoman Karen Bass' legislation (the Justice in Policing Act). The FOP has not taken a formal position on either bill.

###

Issues: [Congressional Issues](#)

Considering how much mileage representative Fitzpatrick gets out of hanging police endorsements all over PA-01 during the campaign season, it will be interesting to see what other steps he is willing to make to appease his law enforcement friends as we work through the issue of police reform legislation.

Toomey in the News

Courtesy of contributor Elayne Baker

“Given the many examples of egregiously bad behavior exhibited by Vladimir Putin and the Russian government, it would not be surprising to learn that Russian officials put bounties on American soldiers’ lives.

This does not make such actions less reprehensible or unacceptable. I have reviewed the classified information regarding bounties, upon which recent news reports are based. This information raises many questions and administration officials should come before the Senate and provide a classified briefing and answer questions from all members.

If it is concluded that Russia offered bounties to murder American soldiers, a firm American response is required in short order.”

— from a [MyChesCo](#) article titled [“Toomey Calls for Administration Officials to Brief Senate on Russian Bounties”](#)

"The naming of military installation is the responsibility of Congress and it is reasonable of us to consider from time to time whether the names should be changed, And I'm very sympathetic to the idea that we ought to take a look at assets named after Confederate figures. Those are people whose [sic] chose to go to war against the U.S. We need to look at those, and consider whether there are better people to name the bases after."

— from a [Pennsylvania Patch](#) article titled [“With Trump Veto Threat Looming, PA.'s Toomey Pushes For New Weapon In Fight Against Fentanyl!”](#)

“If a Chinese bank decides they value doing business with the oppressors more than they value access to the U.S. dollar ... then they can make that decision. For a Chinese bank that has little or no U.S. dollar business, they might make that decision, but the bigger banks are going to have a much harder decision to make if they are persistent offenders and therefore subject to the sanctions.”

— from a [Politico](#) article titled [“Senate sends Hong Kong sanctions bill to Trump”](#)

“With our bill, the [Chinese Communist Party] will learn there are ramifications for repressing Hong Kongers’ freedom.”

— from an article in [The Telegraph](#) titled [“Congress passes bill rebuking China over Hong Kong crackdown”](#)

“I think we’re going to get it over the goal line... I don’t want us to lose sight of the appalling consequences of the ravages of the opioid epidemic.”

— from a [PennLive](#) article titled [“Sen. Pat Toomey pushes bill to crack down on fentanyl imports from China and other countries”](#)

Civics Class - on the first celebration of Independence Day in Pennsylvania

This excerpt from an article in [Mental Floss](#) on Independence Day describes how the first Independence Day was celebrated in Philadelphia, on July 4, 1777:

The celebrations started just a year after the Declaration was ratified. A July 18, 1777 issue of the Virginia Gazette—but with the article dated July 5—describes the scene in Philadelphia, and it sounds awfully familiar:

"Yesterday the 4th of July, being the Anniversary of the Independence of the United States of America, was celebrated in this city with demonstration of joy and festivity. About noon all the armed ships and gallies in the river were drawn

up before the city, dressed in the gayest manner, with the colours of the United States and streamers displayed. At one o'clock, the yards being properly manned, they began the celebration of the day by a discharge of thirteen cannon from each of the ships, and one from each of the thirteen gallies, in honour of the Thirteen United States."

We might not employ cannons, or have 13 states anymore, but the "colours of the United States" should be on full display today. There were even fireworks, and a pretty good prediction for how we would feel 240 years later:

"The evening was closed with the ringing of bells, and at night there was a grand exhibition of fireworks, which began and concluded with thirteen rockets on the commons, and the city was beautifully illuminated. Every thing was conducted with the greatest order and decorum, and the face of joy and gladness was universal. Thus may the 4th of July, that glorious and ever memorable day, be celebrated through America, by the sons of freedom, from age to age till time shall be no more."

We at MoCTrack hope you had a safe and happy Independence Day!

Call to Action - Support this Bill!

S. 3768: Nursing Home COVID-19 Protection and Prevention Act

This is a bill introduced by our own Senator Bob Casey along with Senator Sheldon Whitehouse (D-RI) to provide \$20 billion to help states, nursing homes and intermediate care facilities contain the spread of COVID-19. The legislation would provide for additional testing, protective gear surge staffing, and assistance in creating facility separation to stop the spread of the disease.

The bill is supported by both the AARP and the Center for Advocacy for the Rights and Interests of the Elderly. Megan O'Reilly, Vice President of Government Affairs for AARP, made the following [statement](#) in support of this bill:

AARP supports the draft of the Nursing Home COVID-19 Protection and Prevention Act that would help protect the health and save the lives of people in nursing homes and other facilities by supporting testing, personal protective equipment, staffing and more. The proposal would also improve public transparency and help protect the rights of residents and their families. Congress should act immediately to stem the loss of life and slow the spread of the virus.

Knowing how deadly this disease is particularly amongst our vulnerable elderly population, it is imperative that the GOP stop using the nursing home crisis [as a talking point](#), and start getting onboard with solutions. Senator Toomey indicated an interest in early May in helping be a part of the solution, even co-authoring an [Op-Ed in the Allentown Morning Call](#) with Senator Casey, but since then he has not had much to say.

We ask that you call Senator Toomey and ask him to co-sponsor this bill and support this legislation. Here is a script you can use:

I am calling to ask Senator Toomey to support S. 3768: the Nursing Home COVID-19 Protection and Prevention Act. I know that Senator Toomey joined Senator Casey to present a united Pennsylvanian front in calling for changes that will help protect our vulnerable elderly population in nursing homes from this deadly coronavirus pandemic. Now I ask that he follow-up those words with action. Please tell Senator Toomey I would like him to join his state colleague in calling for a plan that provides for additional testing, protective gear surge staffing, and assistance in creating facility separation to stop the spread of the disease. I would like to see him join as a co-sponsor of S. 3768."

Thank you for reading, and we hope you had a Happy Independence Day!

Congress is scheduled to have home work weeks for the period of July 6th through July 17th. MoCTrack will be taking that time off, and we'll be back once the voting resumes in Congress!

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

CC

Elayne Baker

Gary Garb

Linda Houk

Kierstyn Piotrowski Zolfo

Susan Vogel

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!