

PA-01 Member of Congress Tracking Report - 08.09.20

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 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 from last report
Senator Bob Casey (D)	29.3%	no change
Senator Pat Toomey (R)	88.1%	no change
PA-01 Rep. Brian Fitzpatrick (R)	64.0%	no change

Nate Silver's [FiveThirtyEight website](#) assesses the voting records of our MoCs to provide this index, by comparing any bills where President Trump has stated a position, and comparing the vote of the legislator to that opinion. There were no votes scored this week.

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 Nation's Sages

August is National Women's Suffrage Month



"When you put your hand to the plow, you can't put it down until you get to the end of the row."
and

"I always feel the movement is a sort of mosaic. Each of us puts in one little stone, and then you get a great mosaic at the end."

— [Alice Paul](#), founder of the National Woman's Party, activist in support of the 19th Amendment, and original proposer of the Equal Rights Amendment

Votes of Interest

Bureaucratic Confirmation - Department of Energy

[Senate Confirmation Vote](#) on Mark Wesley Menezes to be Deputy Secretary of Energy

Mark Menezes has been working for the Trump Administration in the Department of Energy since 2017. Prior to that he was a lobbyist for Berkshire Hathaway Energy. He was serving as the undersecretary of energy when Rick Perry resigned. At that time, the then-second in command, Dan Brouillette was shifted in the lead role. And now Mark Menezes has moved into the position that was left vacant by Brouillette's promotion.

It is irregular for Senate Republicans to vote against Trump Administration nominees. In this case, the senators from Iowa were objecting to a particular Trump Administration policy that has severely damaged the biofuel industry in their state. An article in [Agripulse](#) explained the 'gap year' Small Refinery Exemptions:

The waivers – dubbed Small Refinery Exemptions and awarded to facilities that say complying with the Renewable Fuel Standard would cause them economic damage – have been a hot-button issue for several years after their use exploded following a court decision and the appointment of former EPA Administrator Scott Pruitt. The practice of awarding the waivers has continued under Wheeler's tenure, something the agency has defended as complying with that decision, which said the Obama administration was being too stingy in granting SREs.

But earlier this year, the 10th Circuit Court of Appeals found that the waivers must be issued on a continuous basis and cannot be extended after earlier, temporary exemptions have lapsed. In response, small refineries have applied for "gap year" SREs in recent months, a move that could simultaneously infuriate biofuel stakeholders and allow for the continued issuance of SREs.

Senators Grassley and Ernst issued a [joint statement](#) explaining their objections to the new number two at the Department of Energy. They said that "given the uncertainty with the 'gap year' small refinery waivers, the wasted time and resources to score the waivers again, the lack of transparency in the entire process, and most importantly, the toll this has taken on Iowa's farmers and biofuel producers, we could not in good faith support Mr. Menezes at this time."

Vote date: Tuesday, August 4, 2020

Vote Tally: 79-16

Party Breakdown: Fifty Republicans, twenty-eight Democrats and one Independent voted for this nominee. The No votes came from fourteen Democrats and two Republicans - Joni Ernst and Chuck Grassley of Iowa.

Additional Reading:

- ["Senate votes to confirm Energy's No. 2 official,"](#) from *The Hill*
- ["Senate approves Menezes as deputy secretary of energy,"](#) from *Daily Energy Insider*
- ["Mark Menezes Senate Confirmation for Deputy Secretary Role,"](#) from *ExecutiveGov*

Bob Casey voted YES and Pat Toomey voted YES.

Judicial Confirmation - New York

[Senate Confirmation Vote](#) on John Peter Cronan to be United States District Judge for the Southern District of New York

John Cronan has spent his entire professional career in public service. After graduating from Georgetown Law, he clerked for a pair of judges on the U.S. Court of Appeals for the Second Circuit. After that he went to work in the U.S. Attorney's Office for the Southern District of New York (sometimes referred to as the "sovereign district" because of their independence, and their ability to link almost any crime to their district by being the seat of Wall Street and the financial transactions of most of the world). In 2017 he moved to work for the main Department of Justice in Washington DC as Acting Assistant Attorney General and then Principal Deputy Assistant Attorney General.

The Vetting Room notes that Cronan has prosecuted several high-profile cases. While in New York he was on the case of Sulaiman Abu Ghayth, a close associate of Osama Bin Laden. And while with the main Department of Justice, he "led the pursuance of charges for precious metal market manipulation against HSBC, UBS, and Deutsche Bank."

Vote date: Thursday, August 6, 2020 **Vote Tally:** 55-42
Party Breakdown: All Republicans present voted YES. They were joined by four Democrats - Doug Jones of Alabama, Kyrsten Sinema of Arizona, John Tester of Montana and Joe Manchin of West Virginia. Forty Democrats and the two Independents voted NO.

Additional Reading:

Editor's note - there was next to nothing in the news about this confirmation. Any mentions of it were in conjunction with Senate Majority Leader Mitch McConnell letting the Senators go home for a three-day weekend after taking the confirmation vote.

- "[John Cronan – Nominee to the U.S. District Court for the Southern District of New York](#)," from *The Vetting Room*
- "[John Cronan \(New York\)](#)," from *Ballotpedia*
- "[On the Bench This Week](#)," from *The American Constitution Society*

Bob Casey voted NO and Pat Toomey voted YES.

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.384](#) - A bill to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States
- [S.2330](#) - Empowering Olympic, Paralympic, and Amateur Athletes Act
- [S.785](#) - Commander John Scott Hannon Veterans Mental Health Care Improvement Act
- [S.Res.658](#) - A resolution calling for a free, fair, and transparent presidential election in Belarus taking place on August 9, 2020, including the unimpeded participation of all presidential candidates
- [S.2299](#) - PIPES (Protecting our Infrastructure of Pipelines and Enhancing Safety) Act
- [S.3455](#) - No TikTok on Government Devices Act
- [S.3703](#) - Promoting Alzheimer's Awareness to Prevent Elder Abuse Act
- [S.Res.676](#) - A resolution to authorize the production of records by the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs

For those of you following the [story](#) of how Russian oligarchs have been using high-priced art to launder money, that last Senate resolution was passed in order to share the results of the

bipartisan congressional investigation on the laundered fund to the Department of Homeland Security.

MoC Twitter Action

Courtesy of Susan Vogel

Twitter Action - Coronavirus rescue legislation/expiring programs

● **Senator Bob Casey, @BobCasey, [08/05/20](#):**

"It's going to disappear. It's going to fade away. Totally harmless. I've always viewed it as very serious. It is what it is.

President Trump is more focused on his political standing than people who are impacted by this deadly virus." *tweeted with embedded video from the Axios interview*

● **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [08/03/20](#):**

"I am happy to see @BucksCountyIDA receive a \$2.4 million grant to help our businesses respond #COVID19. This CARES Act Recovery Assistance grant will provide capital and a much-needed boost to impacted businesses throughout our community." *tweeted with a link to a [Bucks Local News](#) article*

Twitter Action - MoCs on Legislation

● **Senator Bob Casey, @SenBobCasey, [08/09/20](#):**

"Michael Brown should be alive today. As we mark the solemn anniversary of his death, we must commit to usher in real, systemic reform and prevent the next tragedy. It's time to pass the Justice in Policing Act. #BlackLivesMatter"

● **Senator Pat Toomey, @SenToomey, [08/07/20](#):**

"The CCP has been systematically eroding the basic freedoms they promised to the people of #HongKong. Those responsible must be held accountable. Today's action is another important signal to the world that we #StandWithHongKong in its fight for freedom." *tweeted with a Reuters article titled "[U.S. imposes sanctions on Hong Kong's Lam, other officials over crackdown](#)"*

● **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [08/03/20](#):**

"My RESTAURANTS Act would provide independent restaurants across the country with immediate relief to help stay afloat and protect their local economies. @repblumenauer @IndpRestaurants" *tweeted with content from the [International Restaurants Coalition](#)*

Tweet of the Week

● **Senator Bob Casey, @BobCasey, [08/05/20](#):**

"Our diversity is our strength. The Latino community is a core part of our American community, but even before this pandemic, Joe Biden knows that many Latino families were

already struggling. Take a look at his new agenda to support the Latino community:" *tweeted with a link to Joe Biden content on [Medium](#)*

● **Senator Pat Toomey, @SenToomey, [08/07/20](#):**

"The Congressional Oversight Commission was established to monitor the COVID-19-related recovery efforts of the Fed and Treasury. Today is our first public hearing on these efforts.

Join

@RepShalala, @RepFrenchHill, @BharatRamamurti, and me at 10 AM. Watch:

<https://coc.senate.gov>"

● **PA-01's Rep. Brian Fitzpatrick, @RepBrianFitz, [08/04/20](#):**

"The Great American Outdoors Act is now law!

Our landmark bipartisan environmental legislation was supported by @USChamber, @Backcountry_H_A, @DucksUnlimited, and @LCVoters. I was proud to lead the House effort and I am thankful for the support we received along the way. #GAOA" *tweeted with embedded video*

Casey in the News

Courtesy of contributor Linda Houk

"I hope Senate Republicans will get serious and treat this with the urgency it deserves.

The last thing that we need is to have more uncertainty, more instability in the lives of so many families, so many communities across the state."

—from an article in the Times Online, titled "[Casey, Wolf call for renewal of additional \\$600 unemployment payment](#)"

"I am pleased that Pennsylvania will receive this \$35.5 million investment to help struggling small businesses and entrepreneurs that have been negatively affected by the coronavirus pandemic across Pennsylvania.

I supported EDA funding in the CARES Act and will continue to fight for Pennsylvania's small businesses, ensuring that minority-owned businesses receive funding and improving oversight so that these grants reach the truly small businesses that need it most."

—from an article in the Times Online, titled "[Casey announces millions in federal funding for businesses](#)"

"We cannot and should not accept cutting unemployment insurance benefits by two-thirds for workers who lost their jobs through no fault of their own... We shouldn't accept a proposal that does not provide funding for state and local governments, which is essential for our first responders, schools, public health departments and countless other essential services in our communities."

— from an article in the Carlisle Sentinel, titled "[Midstate kept double-digit unemployment in June, data shows, as Congress haggles on benefits](#)"

"I was moved and inspired by my conversation with Mae Krier this week... Mae is a true patriot, an original 'Rosie the Riveter' who is now serving her country during another crisis. I am humbled to lead the effort to award Mae and her fellow Rosies with the Congressional Gold Medal to recognize their contributions while they are still with us. I will continue to share Mae's story with my colleagues until we succeed in granting the Rosies the honor they deserve."

[—from an article in *the Doylestown Intelligencer*, titled “Casey pitching “Rosie” cause in Senate as Levittown’s Mae Krier receives 5,000th mask request”](#)

“When it comes to education, we know that the steps that [Mr. Biden has] outlined will be part of the policy he will implement to make sure our kids are safe and our educators are safe as well... Sometimes, states will have a more direct role, but this is going to be a local decision and teachers and parents and educators are going to make the right decision.”

[— from a *Pittsburgh Post-Gazette* article titled “Biden, Trump camps make pitches on reopening schools”](#)

In addition to this coverage, [Politifact](#) took on a recent statement from Senator Casey. In late July, when President Trump had threatened to send federal troops to Philadelphia as he had done to Portland, Senator Casey said that officers in Portland were “kidnapping and holding citizens without charges.” [Politifact](#) rated Senator Casey’s statement MOSTLY TRUE. This was their final assessment:

Casey said federal agents in Portland have been “kidnapping and holding citizens without charges.” It’s clear from Mosman’s ruling and from Cline’s remarks that the two detentions in question were unconstitutional or false, and it’s not in dispute that the two men were briefly held without charges. The circumstances of these two detentions fit many elements of the crime of kidnapping. This is true even if the crime is never charged or proved beyond a reasonable doubt. For these reasons, we rate Casey’s claim Mostly True.

Fitzpatrick in the News

Research courtesy of CC

“I am happy to see the Bucks County Industrial Development Authority receive this \$2.4 million grant to help our businesses respond to the ongoing COVID-19 pandemic. This CARES Act Recovery Assistance grant will provide another source of capital and much-needed boost to impacted businesses throughout my community. We are all united in this fight, and we are most effective when all levels of our government—federal, state, and local—are working together to help our community.”

[— from a *Bucks Local News* article titled “Bucks County Industrial Development Authority awarded \\$2.4M to help small businesses impacted by COVID-19”](#)

“We are writing to express deep concerns about operational changes at the U.S. Postal Service that could have negative impacts on service standards and cause significant delays in mail delivery. It is vital that the U.S. Postal Service does not reduce mail delivery hours, which could harm rural communities, seniors, small businesses, and millions of Americans who rely on the mail for critical letters and packages... We stand ready to work with you on improving the financial condition of the Postal Service, in a way that guarantees the American people’s continued access to critical postal services in a timely manner.

[— an excerpt from a \[letter\]\(#\) sent by 84 Congresspeople \(80 D, 4 R\) to the Postmaster General, as reported in a *Forbes* article titled “Postmaster General Accuses Congress Of ‘Sensationalizing’ Mail Delays As Bipartisan Outcry Grows”](#)

Toomey in the News

Courtesy of contributor Elayne Baker

“The main goal should be to make sure we’re facilitating the economic recovery. Let’s make sure people are able to get back to work and support their families... It’s hard to say where this ends up exactly,”

— from a [WENY](#) article titled “[July jobs report fuels debate over federal unemployment benefits](#)”

“Pennsylvania is still sitting on over \$1 billion, and large counties like Allegheny have spent a fraction of what was directly given to them by the federal government. Every dollar that was spent through the CARES Act was either borrowed or printed. Before Congress spends even more money it doesn’t actually have, states and counties should allocate their existing allotments so we can thoughtfully determine what needs remain.”

— from a [Pittsburgh Post-Gazette](#) article titled “[A roadblock on next relief bill? \\$200 million in unspent funds by Allegheny County](#)”

“More than two-thirds of all people who are unemployed are getting paid more not to work than they get paid to work. So, what we’re simply saying is look, that doesn’t make sense. That’s not a good policy.”

— from a [KITV](#) article titled “[Lawmakers, White House continue COVID-19 relief talks](#)”

Civics Class, current events edition - What’s going on with those lawsuits related to Pennsylvania’s Vote by Mail laws

Have you had trouble following all the fast-moving events related to the lawsuit that the Trump Campaign filed against the State of Pennsylvania for our new election law that introduced no-excuse mail-in voting? You are not alone! Below you will find a time-line of events along with what you should take away from this whole situation.

LATE JUNE - The Trump campaign lawsuit is filed with the National Republican party and four Pennsylvania Republican congresspeople signing on as co-litigants – PA-13’s John Joyce, PA-14’s Guy Reschenthaler, PA-15’s Glenn “GT” Thompson and PA-16’s Mike Kelly. They are contesting:

- The validity of drop off sites, where people can leave completed ballots at a collection site without sending them or handing them directly to county elections offices
- They want an order to prevent counting ballots that lack secrecy envelopes or that have certain marks on them
- They 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

[GOP talking point](#): “This is all a direct result of Defendants’ hazardous, hurried, and illegal implementation of unmonitored mail-in voting which provides fraudsters an easy opportunity to engage in ballot harvesting, manipulate or destroy ballots, manufacture duplicitous votes, and sow chaos.”

TWO WEEKS LATER – The state Democratic party and 15 Democratic politicians (mostly state lawmakers, the only congressperson was PA-03’s Dwight Evans) filed suit against Secretary of State Kathy Boockvar filed a countersuit. [They want to](#):

- Ensure ballots postmarked before the polls close get counted (right now they have to be in the election office by the close of polls)
- Require county election boards to contact voters whose mail-in ballots were submitted incorrectly, so they can fix them (this is called “curing a ballot”)
- Make the counties count ballots that do not arrive at the Board of Elections inside the secrecy envelope
- Allow for drop boxes
- Ensure poll watchers can only serve in their county of residence.

[Democrat talking point](#): ““Pennsylvania is a battleground state and therefore has drawn national attention. But there are many of us who represent diverse communities... [who] understand that it is our duty to stand up, to protect the rights of Pennsylvanians to vote. The Trump litigation seeks to suppress voting in a number of ways. ... This is particularly pernicious in black and brown communities where folks have for years across the country, there’s been a history of people coming in to intimidate voters. There’s been a history of people coming in from the outside to cause voters ... to be disenfranchised.”

LATER THAT WEEK – A collaboration of non-profits, including the ACLU, the League of Women Voters and the NAACP (among many others) petitioned the court to intervene as defendants in the Trump/GOP lawsuit.

[ACLU/NAACP Talking Point](#) - “Election officials in some counties have tried to make it easier for people to vote in the middle of a pandemic, and the Trump campaign is cynically trying to undercut that effort,” said Reggie Shuford, executive director of the ACLU of Pennsylvania. “No matter who people want to vote for, there should be as few hurdles as possible to exercise that right.”

[WHERE THINGS STAND TODAY](#) - A federal judge has agreed to fast-track the GOP lawsuit. He said he’s attempting to balance the need to expedite the case given the election is only 15 weeks away with counties’ “competing obligations to administer the upcoming general election.” Motions are just wrapping up, briefing is about to begin in an expedited fashion (meaning each side has only 7-14 days instead of the typical 30-45 days) and oral arguments will begin on Tuesday, September 22nd in Pittsburgh.

WHAT DOES THIS MEAN? Logistical issues will run down to the last minute in terms of drop boxes and due dates for items. Best Practices for RIGHT NOW are to tell people to request their mail-in ballot as soon as possible, and send it back in (or deliver it to their county board of elections if they are able to) at least two weeks before November 3rd.

Call to Action - Support the US Post Office

One of the many sticking points blocking an agreement on the next phase of coronavirus relief is the funding of the United States Postal Service. The USPS has struggled financially since the 2006 passage of [a bill](#) that forces them - unlike any other federal agency - to fund retirement costs for future employees. President Trump has put one of his cronies in charge of the agency, just this week the new Postmaster General has by [cut overtime](#) and [fired experienced bureaucrats](#) who have led the agency. There are serious concerns that these attacks on the agency are an attempt to damage the efficacy of Vote By Mail efforts prior to the November elections.

We need to support the US Postal Service. Senator Casey has [made it clear](#) that he sees what is going on and opposes efforts to Sabotage the USPS. Rep. Fitzpatrick has also joined onto a letter in support of the USPS... but he and Senator Toomey need to hear from their constituents, to let them know that we would like the funding of the USPS to be prioritized in the Phase Four

coronavirus relief package.

The script below was provided by the [American Postal Workers Union](#). Please use it when you call your MoCs:

The Postal Service is in a crisis, caused by the Coronavirus, and Congress needs to act, urgently.

The Coronavirus shutdown is plummeting postal revenues while increasing costs. The Postal Service could run out of money soon and the new Postmaster General is already using the crisis to slow down mail/package sorting and delivery. Rather than allowing our Postal Service to slow as service is cut service, Congress must provide support. Please support at least \$25 billion in stimulus funding for our public Postal Service.

Thank you for supporting the United States Postal Service!

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

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We are seeking additional assistance. Our Congresspeople are always busy and there is always more for us to cover — tasks big and small to fit any level of time commitment or experience. Can you help us out? Please email KierstynPZ@gmail.com and put "MoCTrack Help" in the subject. Thanks!