

Pennsylvania Member of Congress Tracking Report - 08.15.21

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. Thank you to the Demcast and Pennsylvania Indivisible organizations who host our report and help us share it with Commonwealth residents!

Indivisible Scorecard

The Indivisible movement is focused on four key principles - **equality, justice, compassion and inclusion**. Accordingly, we score legislation that reflects those values:

- Ballot access, voting rights, campaign finance and ethics
- Civil rights, equality under the law and addressing systemic inequities
- Reinforcing and strengthening democratic norms, processes, and oversight
- Addressing economic inequality

This week we scored the Senate on their infrastructure budget reconciliation vote.

Lawmaker	Score	Change from last score
● Senator Bob Casey	100.0%	No change
● Senator Pat Toomey	29.4%	-6.3%
● PA-01's Rep. Brian Fitzpatrick	54.9%	No change
● PA-02's Rep. Brendan Boyle	100.0%	No change
● PA-03's Rep. Dwight Evans	100.0%	No change
● PA-04's Rep. Madeleine Dean	100.0%	No change
● PA-05's Rep. Mary Gay Scanlon	100.0%	No change
● PA-06's Rep. Chrissy Houlahan	100.0%	No change
● PA-07's Rep. Susan Wild	100.0%	No change
● PA-08's Rep. Matt Cartwright	100.0%	No change
● PA-09's Rep. Dan Meuser	4.1%	No change
● PA-10's Rep. Scott Perry	0.0%	No change
● PA-11's Rep. Lloyd Smucker	9.8%	No change
● PA-12's Rep. Fred Keller	3.9%	No change
● PA-13's Rep. John Joyce	3.9%	No change
● PA-14's Rep. Guy Reschenthaler	3.9%	No change

● PA-15's Rep. Glenn W. Thompson	10.2%	No change
● PA-16's Rep. Mike Kelly	3.9%	No change
● PA-17's Rep. Conor Lamb	100.0%	No change
● PA-18's Rep. Mike Doyle	100.0%	No change

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Votes of Interest

The Bipartisan Infrastructure Bill Passes the Senate

[Senate Vote](#) on [H.R. 3684](#): INVEST (Investing in a New Vision for the Environment and Surface Transportation) in America Act

The bipartisan infrastructure negotiations, led by Republican Rob Portman of Ohio and Democrat Kyrsten Sinema of Arizona, resulted in 69 senators supporting a \$1 trillion package that includes, per [NPR](#):

- "Roads, bridges, major projects: \$110 billion
- Passenger and freight rail: \$66 billion
- Public transit: \$39 billion
- Airports: \$25 billion
- Port infrastructure: \$17 billion
- Transportation safety programs: \$11 billion
- Electric vehicles: \$7.5 billion
- Zero and low-emission buses and ferries: \$7.5 billion
- Revitalization of communities: \$1 billion
- Broadband: \$65 billion
- Power infrastructure: \$73 billion
- Clean drinking water: \$55 billion
- Resilience and Western water storage: \$50 billion
- Removal of pollution from water and soil: \$21 billion"

The bulk of President Biden's Build Back Better plan is NOT included in this bill and will instead go into the reconciliation budget package. But of more interest to us here at MoCTrack is the amendment process, which is often significantly more revealing than the actual bill contents... and it is rarely covered

in traditional media. The proposal of amendments shows us all our lawmakers' priorities more than any vote ever can.

There were 539 amendments offered by senators to this package. That's a bit much even for us. So we are going to take a look at all the bills for which there was a recorded roll call vote. For each of the amendments below, you will find: 1) a link to the congressional website's info on the amendment, 2) the lawmaker who submitted it, 3) a short recap, 4) the final vote in the form of a link to the roll call vote on the Senate website, and 5) how our Pennsylvania senators voted on the amendment.

Amendments that passed:

Assume that both **Senators Casey and Toomey voted YES** unless it indicates otherwise. These amendments are listed chronologically, in the order they were taken up by the Senate.

- [S.Amdt.2133](#) from Sen. Alex Padilla (D-CA) - "To amend the Indian Health Care Improvement Act to expand the funding authority for renovating, constructing, and expanding certain facilities," [passed 90-7](#).
- [S.Amdt.2162](#) from Sen. John Thune (R-SD) - "To address the workforce needs of the telecommunications industry," [passed 95-1](#).
- [S.Amdt.2181](#) from Sen. Cynthia Lummis (R-WY) - "To require the Secretary of Transportation to carry out a highway cost allocation study," [passed 95-3](#).
- [S.Amdt.2354](#) from Sen. Chris Van Hollen (D-MD) - "To include a payment and performance security requirement for infrastructure funding," [passed 97-0](#).
- [S.Amdt.2464](#) from Sen. Gary Peters (D-MI) - "To modify certain provisions relating to cybersecurity," [passed 96-2](#).
- [S.Amdt.2164](#) from Sen. Deb Fischer (R-NE) - "To promote transparency by requiring the establishment of an online interactive map displaying the locations of broadband deployment projects that are funded by the Federal Government," [passed 95-0](#). **Casey voted YES** and **Toomey did not vote**.
- [S.Amdt.2570](#) from Sen. Chuck Schumer (D-NY) - "To establish safety standards for certain limousines.," [passed 58-39](#). **Casey voted YES** and **Toomey voted NO**.

Amendments that failed:

Assume that **Senator Casey voted NO** and **Senator Toomey voted YES** unless it indicates otherwise.

These amendments are listed chronologically, in the order they were taken up by the Senate.

- [S.Amdt.2180](#) from Sen. John Barrasso (R-WY) - This amendment would prohibit the funds in the bill from being used to direct renewable energy usage in new construction, or, in the [words](#) of the amendment sponsor, "you can't also use money to compel the adoption of modern building energy codes," [failed 45-48](#).
- [S.Amdt.2255](#) from Sen. Mike Lee (R-UT) - This amendment would have wiped out a large section of the bill text, and replaced with Senator Lee's reduced funding transportation plan, [failed 20-78](#). **Casey and Toomey voted NO**.
- [S.Amdt.2140](#) from Sen. Tammy Duckworth (D-IL) - "To require recipients of all stations accessibility grants to adopt plans to pursue public transportation accessibility projects that provide accessibility for individuals with disabilities," [failed 48-50](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.2245](#) from Sen. Ron Johnson (R-WI) - This amendment would have stopped the Biden Administration from cancelling the building of Trump's wall "and other border security measures" on our southern border, [failed 48-49](#).
- [S.Amdt.2146](#) from Sen. Roger Wicker (R-KS) - "To provide that the Administrative Procedures Act shall apply to actions taken by the Assistant Secretary of Commerce for Communications and Information in carrying out the Broadband Equity, Access, and Deployment Program," [failed 43-55](#).
- [S.Amdt.2210](#) from Sen. John Kennedy (R-LA) - "To provide emergency assistance for disaster response and recovery, and for other expenses, directly related to Hurricanes Laura, Delta, and Zeta," [failed 19-79](#). **Casey and Toomey voted NO**.
- [S.Amdt.2233](#) from Sen. James Lankford - "To prohibit Federal funding for any entity that fails to enroll in and comply with the E-Verify Program," [failed 53-45](#).

- [S.Amdt.2449](#) from Sen. Steve Daines (R-MT) - "To provide additional funds for post-fire restoration activities and restoration activities carried out using good neighbor agreements," [failed 48-50](#).
- [S.Amdt.2338](#) from Sen. Rick Scott (R-FL) - This amendment would provide unrealistic constraints on funding if it were determined by the CBO that such spending would "result in an increase in inflation." [Failed 42-55](#).
- [S.Amdt.2279](#) from Sen. Mike Lee (R-UT) - "To establish a project delivery program under the National Environmental Policy Act of 1969 for water storage infrastructure projects," [failed 47-50](#).

Now this bill goes to the House for a vote. As of press time, it is still unclear when this bill will be scheduled for a vote. The entire Progressive Caucus in the House (95 members) has indicated they [will not support this package](#) until the Senate has also passed the full reconciliation budget with its expansive human infrastructure components. But then the Problem Solver Caucus Democratic co-chair Rep. Josh Gottheimer (D-NJ) created a problem by announcing that he and eight other so-called "[problem solvers](#)" [said they wouldn't agree to vote for the reconciliation resolution](#) (see next section) unless House Speaker Pelosi schedules a vote on this package immediately. House Speaker Nancy Pelosi needs to find a way to thread this needle.

Vote date: Tuesday, August 10, 2021

Vote Tally: 69-30

Party Breakdown: All Democrats and Independents voted YES, and they were joined by 19 Republicans, including Senate Minority Leader Mitch McConnell. The other 30 Republicans present, including ● **Senator Pat Toomey**, voted NO. One Republican senator, Mike Rounds of South Dakota, was not present for the vote.

Senator Bob Casey voted YES

Senator Pat Toomey voted NO

Additional Reading:

- "[The Senate Approves The \\$1 Trillion Bipartisan Infrastructure Bill in A Historic Vote](#)," from *NPR*
- "[Big win for \\$1T infrastructure bill: Dems, GOP come together](#)," from the *Associated Press*
- "[Here are the 19 Republican senators who voted for the bipartisan infrastructure bill](#)," from *CNN Politics*

The Bulk of Biden's Build Back Better plan gets moving through Reconciliation

[Senate Vote](#) on [S.Con.Res. 14](#): A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2022 and setting forth the appropriate budgetary levels for fiscal years 2023 through 2031.

The Senate has passed the budget framework for their infrastructure reconciliation package. This contains the bulk of Biden's Build Back Better program. The 50-50 nature of the current Senate is why this measure is using the reconciliation process. In the 1970s a new process was created to allow bills related to finance and spending (like budgets and debt limit bills) to pass via a simple majority, without giving the opposition party any ability to filibuster them. The limit on this process is that the parliamentarian decides whether the bill is indeed strictly spending related, or if it contains prohibited policy content.

Based on those same reconciliation rules, the Senate will have until September 15th to pass this bill. The framework that was passed will have to go down to the House for a vote, and then it will come back to the Senate to have the full budget fleshed out, before another Senate vote, and then another House vote.

The good folks at [Roll Call](#) provided this summary of the [118 page budget](#):

Senate Democrats gave their biggest budget target to Health, Education, Labor and Pensions: \$726.4 billion. That figure assumes the panel will provide funding for universal pre-kindergarten subsidies, free community college tuition, workforce development programs, community health centers and more.

Banking, Housing and Urban Affairs would receive the second-largest allocation, \$332 billion. Within that figure, the panel is expected to draft legislation to grow the supply of affordable housing and provide rental and down payment subsidies, among other provisions.

Energy and Natural Resources would get \$198 billion, including funds to establish a "Clean Electricity Payment Program" to try to incentivize businesses to reduce emissions and hit the Biden administration's carbon reduction targets.

Other Senate panels' deficit-increase targets are below:

- Agriculture — \$135 billion.
- Judiciary — \$107.5 billion.
- Commerce — \$83.076 billion.
- Environment and Public Works — \$67.264 billion.
- Homeland Security — \$37 billion.
- Small Business — \$25 billion.
- Indian Affairs — \$20.5 billion.
- Veterans' Affairs — \$18 billion.

But, much as with the bipartisan infrastructure bill, at MoCTrack we are far more interested in the voting on amendments - the VOTE-O-RAMA! This was an open opportunity for senators to spend hours telling us all about their priorities, and we get to see how they feel about each of those issues.

There were 1,166 amendments offered to this budget framework, but we are not nearly so ambitious to review them all. We'll be providing info on all of the bills that received a roll call vote. For each of the amendments below, you will find: 1) a link to the congressional website's info on the amendment, 2) the lawmaker who submitted it, 3) a short recap, 4) the final vote in the form of a link to the roll call vote on the Senate website, and 5) how our Pennsylvania senators voted on the amendment.

Amendments that passed:

Assume that both **Senators Casey and Toomey voted YES** unless it indicates otherwise. These amendments are listed chronologically, in the order they were taken up by the Senate.

- [S.Amdt.3055](#) from Sen. John Barrasso (R-WY) - "To prohibit enactment of the Green New Deal," [passed 99-0](#).
- [S.Amdt.3330](#) from Sen. Thomas Carper (D-DE) - "To establish a reserve fund relating to addressing the crisis of climate change," [passed 51-48](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.3106](#) from Sen. John Thune (R-SD) - (as excerpted from the senator's speech on the floor from the [Congressional Record](#)) "the Tax Code has allowed family-run businesses to be handed down without imposing capital gains taxes on the appreciation in value from the prior generation... my amendment would provide permanent relief by preserving step-up in basis for all family-owned businesses, farms, and ranches," [passed 51-48](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.3365](#) from Sen. Ron Wyden (D-OR) - "To establish a reserve fund relating to protecting the privacy of American taxpayer and small business tax information while only reporting large financial account balances to the Internal Revenue Service, to ensure those evading the tax system pay what they owe," [passed 50-49](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.3105](#) from Sen. Kevin Cramer (R-ND) - this amendment would prevent the EPA or other federal environmental authorities from creating "rules or guidance that bans hydraulic fracturing," [passed 57-42](#).
- [S.Amdt.3113](#) from Sen. Tommy Tuberville (R-AL) - "To establish a deficit-neutral reserve fund relating to decreasing Federal funding for local jurisdictions that defund the police," [passed 99-0](#).
- [S.Amdt.3731](#) from Sen. Amy Klobuchar (D-MN) - "To establish a reserve fund relating to honoring the United States Capitol Police, the District of Columbia Metropolitan Police, and all other first responders, who fought and died protecting Congress and the United States Capitol on January 6, 2021," [passed 99-0](#).

- [S.Amdt.3103](#) from Sen. John Boozman (R-AZ) - an amendment that prohibits the Department of Agriculture from making fossil fuel plants ineligible for federal financing, and it [passed 53-46](#). **Casey voted NO** and **Toomey voted YES**.
- [S.Amdt.3114](#) from Sen. Mike Braun (R-IN) - "To establish a deficit-neutral reserve fund relating to removing the prohibition on States and territories against lowering their taxes," [passed 86-13](#).
- [S.Amdt.3128](#) from Sen. Deb Fischer (R-NE) - "To means-test electric vehicle tax credits to ensure high-income individuals do not get government subsidies to buy expensive luxury cars," [passed 51-48](#). **Casey voted NO** and **Toomey voted YES**. Senators Manchin, Kelly and Sinema crossed party lines to pass this measure.
- [S.Amdt. 3115](#) from Sen. Joni Ernst (R-IA) - this amendment would prohibit the Clean Air Act from being used to require ranchers or farmers to get methane emissions permits, and it [passed 66-33](#). **Casey voted NO** and **Toomey voted YES**.
- [S.Amdt.3383](#) from Sen. Rick Scott (R-FL) - "to ensure that United States tax dollars do not benefit terrorist organizations such as Hamas or the Palestinian Islamic Jihad," [passed 99-0](#).
- [S.Amdt.3444](#) from Sen. Tod Young (R-IN) - "To prevent tax increases that would violate President Biden's repeated promise to not impose a single penny in tax increases on people making less than \$400,000 per year," [passed 98-1](#).
- [S.Amdt.3792](#) from Sen. James Lankford (R-OK) - "To establish a deficit-neutral reserve fund relating to abortion funding," which is revealed in the [Congressional Record](#) to be a reimposition of the Hyde rule, and it [passed 50-49](#). **Casey voted NO** and **Toomey voted YES**. Sen. Manchin was the Democrat who crossed party lines to pass this.
- [S.Amdt.3627](#) from Sen. Dan Sullivan (R-AK) - this amendment creates a rule "prohibiting renewable energy projects receiving Federal funds and subsidies from purchasing materials, technology, and critical minerals produced in China," and it [passed 90-9](#). **Casey voted YES** and **Toomey voted NO**
- [S.Amdt.3648](#) from Sen. Tammy Baldwin (D-WI) - "To establish a reserve fund relating to Great Lakes ice breaking operational improvements," [passed 85-13](#).
- [S.Amdt.3795](#) from Sen. Jerry Moran (R-KS) - "To establish a deficit-neutral reserve fund relating to immigration enforcement and addressing the humanitarian crisis at the southern border," [passed 76-23](#).
- [S.Amdt.3680](#) from Sen. Tom Cotton (R-AR) - this amendment would prohibit "the teaching of critical race theory in prekindergarten programs and elementary and secondary schools," and it [passed 50-49](#). **Casey voted NO** and **Toomey voted YES**. Sen. Manchin was the Democrat who crossed party lines to pass this.
- [S.Amdt.2734](#) from Sen. Josh Hawley (R-MO) - this amendment directs the hiring of "100,000 new police officers nationwide to combat the crime wave in the United States," and it [passed 95-3](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.3243](#) from Sen. John Hoeven (R-ND) - "To establish a deficit-neutral reserve fund relating to preventing electricity blackouts and improving electricity reliability" via coal energy plants and other fossil fuel power plants, [passed 52-47](#). **Casey voted NO** and **Toomey voted YES**. Senators Manchin, Kelly and Sinema crossed party lines to pass this measure.
- [S.Amdt.3797](#) from Sen. Roger Marshall (R-KS) - "To establish a deficit-neutral reserve fund relating to protecting migrants and local communities against COVID-19," [passed 88-11](#).
- [S.Amdt.3141](#) from Sen. Mike Lee (R-UT) - "To establish a deficit-neutral reserve fund relating to studying and providing for tax equivalency under the payments in lieu of taxes program," [passed 51-48](#). **Casey voted NO** and **Toomey voted YES**.
- [S.Amdt.3742](#) from Sen. Bill Hagerty (R-TN) - this amendment would provide "sufficient resources to detain and deport a higher number of illegal aliens who have been convicted of a crime," and it [passed 53-46](#). **Casey voted NO** and **Toomey voted YES**.

Amendments that failed:

Assume that **Senator Casey voted NO** and **Senator Toomey voted YES** unless it indicates otherwise.

These amendments are listed chronologically, in the order they were taken up by the Senate.

- [S.Amdt.3317](#) from Sen. Catherine Cortes-Masto (D-NM) - this amendment is similar to the one above from Sen. Thune (3106), except instead of exempting all farms from capital gains taxes, it

would have excluded the wealthiest 1% from the exemption. It [failed, 49-50](#) with Arizona

Democrat Kyrsten Sinema crossing party lines. **Casey voted YES** and **Toomey voted NO**.

- [S.Amdt.3104](#) from Sen. Cynthia Lummis (R-WY) - "To cancel the Biden Administration's ban on oil and gas leasing on Federal land to help lower gasoline prices and reduce energy dependence on the Organization of Petroleum Exporting Countries," [failed 49-50](#).
- [S.Amdt.3099](#) from Sen. Mike Crapo (R-ID) - to prevent "the monitoring and reporting of sensitive American taxpayer information to the Internal Revenue Service by financial institutions about deposits and withdrawals made by any individual or business in savings, checking, or other accounts of as little as \$600," [failed 49-50](#).
- [S.Amdt.3073](#) from Sen. Tim Scott (R-SC) - this amendment would set funds aside for students, but also mandated that all schools should be open for in person learning (regardless of the state of the pandemic), and it [failed 49-50](#).
- [S.Amdt.3293](#) from Sen. Richard Shelby (R-AL) - this amendment would add \$50.2 billion to improve military infrastructure, and it [failed 46-53](#).
- [S.Amdt.3251](#) from Sen. Chuck Grassley (R-IA) - this amendment would prevent any changes to the SALT deductions (which was changed to hurt blue state property owners in the GOP Tax plan of 2017), and it [failed 48-51](#).
- [S.Amdt.3569](#) from Sen. Ron Wyden - "To establish a reserve fund relating to increasing the progressivity of the tax code," [failed 47-51](#). **Casey voted YES** and **Toomey voted NO**.
- [S.Amdt.3150](#) from Sen. Rand Paul (R-KY) - this amendment would have struck a lot of the budget resolution text and replaced it with Rand Paul's radically sliced down budget, and it [failed 28-71](#).
- [S.Amdt.3652](#) from Sen. Mitt Romney (R-UT) - "To prevent reconciliation legislation from including trillions of dollars in job-killing tax hikes," [failed 49-50](#).
- [S.Amdt.3062](#) from Sen. Marsha Blackburn (R-TN) - this amendment would end the budget reconciliation process, and it [failed 49-50](#).
- [S.Amdt.3781](#) from Sen. Ted Cruz (R-TX) - this amendment would force the Department of Homeland Security to keep enforcing title 42, which keeps asylum seekers out of the country during the pandemic, and it [failed 49-50](#).
- [S.Amdt. 3758](#) from Sen. John Kennedy (R-LA) - this amendment would establish penalties for doctors who provide abortions when the fetus (working in the amendment is "unborn child") is over 20 weeks, and it [failed 48-51](#).
- [S.Amdt.3331](#) from Sen. Jim Inhofe (R-OK) - this amendment would prohibit "funding for abortions of unborn children with Down syndrome or other chromosomal conditions," and it [failed 49-50](#).
- [S.Amdt.3568](#) from Sen. Cindy Hyde-Smith (R-MS) - this amendment would stop cities and municipalities that enact sanctuary city provisions from getting federal grants, and it [failed 47-52](#).
- [S.Amdt.3650](#) from Sen. Chuck Grassley (R-IA) - "To establish a deficit-neutral reserve fund relating to prohibiting illegal aliens with criminal records from receiving conditional or lawful permanent resident status," [failed 49-50](#).
- [S.Amdt.3626](#) from Sen. Dan Sullivan (R-AK) - this amendment would restrict funding for international organizations (like the United Nations Human Rights Council) "until the Department of State certifies that no members of the organization are state sponsors of terrorism," and it [failed 49-50](#).
- [S.Amdt.3815](#) from Sen. Mike Lee (R-UT) - "To create a point of order against legislation that would cause a net increase in outlays unless the Director of the Congressional Budget Office certifies that inflation is below 3 percent," [failed 49-50](#).

Vote date: Wednesday, August 11, 2021

Vote Tally: 50-49

Party Breakdown: This was a party line vote. All Republicans voted NO, and all Democrats and Independents voted YES. Vice President Harris was not needed to break a tie because South Dakota senator Mike Rounds was not in the chamber for the vote.

Senator Bob Casey voted YES

Senator Pat Toomey voted NO

Additional Reading:

- ["Democrats unveil blueprint for \\$3.5T budget reconciliation bill,"](#) from *Roll Call*
- ["Senate adopts budget that paves way for \\$3.5T spending plan,"](#) from *Politico*

- [“Senate Democrats approve \\$3.5 trillion budget resolution in key step toward passing major economic package without GOP votes,”](#) from *CNN Politics*
- [“Senate approves framework of \\$3.5 trillion budget plan that would expand Medicare, tax credits and climate initiatives,”](#) from *CNBC*

Schumer tees up Voting Rights again.... After August Recess

[Senate Vote](#) on the Motion to Discharge [S. 1: For the People Act](#)

"Voting rights, voting rights, will be the first matter of legislative business when the Senate returns to session in September. Our democracy demands no less," said Senate Majority Leader Chuck Schumer.

The Senate took a vote to discharge the For the People Act from committee, much as they have done for a handful of stalled nominations in the past several months. This action puts the bill at the top of the legislative agenda when the Senate returns to Washington in September. In the meantime a number of Senate Democrats, led by Senate Rules Committee Chairwoman Amy Klobuchar and new Georgia senator Raphael Warnock, are negotiating a much more narrow voting rights bill with senate holdouts Joe Manchin and Kyrsten Sinema that could win the support of all fifty democratic senators.

At the same Wednesday press conference Senate Majority Leader Chuck Schumer said that Democrats were "going to fight to protect the sacred right to vote" and that "It is my intention that the first amendment to the bill would be the text of a compromise bill that a group of senators are working on. Let me be very clear, this is a debate the Senate must have."

Vote date: Wednesday, August 11, 2021

Vote Tally: 50-49

Party Breakdown: This was a party line vote. All Republicans voted NO, and all Democrats and Independents voted YES. Republican Mike Rounds of South Dakota was not present, so Vice President Harris was not needed to break a tie.

Senator Bob Casey voted YES

Senator Pat Toomey voted NO

Additional Reading:

- [“Schumer Said to Tell Senators to Expect Votes on Voting Rights,”](#) from *The New York Times*
- [“Schumer sets September voting rights fight after GOP blocks quick debate,”](#) from *The Hill*
- [“Senate Democrats poised for voting rights push to counter Republican restrictions,”](#) from *The Guardian*

Biden Judicial Confirmation - 2nd Circuit Court of Appeals

[Senate Confirmation Vote](#) on Eunice C. Lee to be United States Circuit Judge for the Second Circuit

The [Alliance for Justice \(AFJ\)](#) is a national association representing over 120 public interest and civil rights organizations. They penned a letter to senators to advocate for our newest Appeals Court judge, Eunice Lee, and it serves as an excellent introduction to all of us as to why she was the best nominee for this position:

Eunice Lee is eminently qualified to be a federal judge. Lee has spent her career as a public defender in New York City and, if confirmed, will be the only judge on the circuit with experience as a public defender. She will also be only the second Black woman to ever serve on the Second Circuit.

Lee's career has been immersed in criminal appellate work. She spent over two decades with the Office of the Appellate Defender (OAD) in New York City, becoming a supervising attorney in 2001 after just three years with the organization. Most recently, Lee joined the Federal Defenders of New York in 2019 as a staff attorney. In her career, Lee has represented over 380 indigent clients in both federal and state appellate courts,

focusing primarily on post-conviction relief. She has represented clients in numerous habeas proceedings in federal court, one of the most frequent types of cases heard by federal courts of appeal...

...Excelling at every step of her career, Eunice Lee graduated summa cum laude from Ohio State University in 1993 and received her J.D. from Yale Law School three years later. She was a 1993 recipient of the Earl Warren Shearman and Sterling NAACP Scholarship. After receiving her law degree, Lee clerked for Judge Susan Diott of the United States District Court for the Southern District of Ohio and Judge Eric Clay of the United States Court of Appeals for the Sixth Circuit.

Outside of the courtroom, Lee has worked to train the next generation of public servants. She served as the Office of the Appellate Defender's director of recruitment and outreach, recruiting, supervising, and training new staff and pro bono attorneys. From 2003 to 2019, she was an adjunct professor at New York University School of Law where she designed and taught the Criminal Appellate Defender Clinic. In 2014, Lee helped to draft the New York State Office of Indigent Legal Services Appellate Standards and Best Practices.

Vote date: Saturday, August 7, 2021

Vote Tally: 50-47

Party Breakdown: This was a party line vote. All Democrats and Independents voted YES and all Republicans present voted NO. Three Republicans - Marco Rubio of Florida, Lindsey Graham of South Carolina and Marsha Blackburn of Tennessee - did not vote.

Senator Bob Casey voted YES

Senator Pat Toomey voted NO

Additional Reading:

- ["Eunice Lee, longtime NY public defender, confirmed to 2nd Circuit,"](#) from *Reuters*
- ["Eunice Lee's Confirmation Continues Biden Promise of Diverse Judiciary,"](#) from *NewsOne*
- ["Eunice Lee – Nominee to the U.S. Court of Appeals for the Second Circuit,"](#) from *The Vetting Room*

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.

- [H.R.3642](#) - Harlem Hellfighters Congressional Gold Medal Act
- [S.1917](#) - K-12 Cybersecurity Act of 2021
- [S.Res.348](#) - A resolution recognizing the importance of independent living for individuals with disabilities made possible by the Americans with Disabilities Act of 1990 and calling for further action to strengthen home and community living for individuals with disabilities (from our own  **Senator Bob Casey**)

Quotes of Interest

Our Senators on the Bipartisan Infrastructure Package

 **Senator Bob Casey, via his official website, 08/10/21:**

"This vital, bipartisan investment in American communities is long overdue. Without significant investments in infrastructure for decades, our roads and bridges are crumbling and public transportation is outdated. Too many children and families don't have access to clean water and both rural and urban communities lack reliable, high-speed internet.

Today, the Senate came together and made a substantial investment in our communities and our future. We have allocated critical funding to make Pennsylvania roads and bridges safer, expand broadband access and improve public transportation, while tackling the climate crisis by prioritizing electric and clean energy. These investments will support the economic growth of small towns across the Nation, and rural and urban areas alike. Now, the Senate has to get to work to pass legislation that will meet the needs of American families by investing in home and community-based services for seniors and people with disabilities, raising wages for home care workers, expanding access to early childhood education and affordable childcare, tax cuts for families with kids and paid family and medical leave.”

● **Senator Pat Toomey, via his official website, [08/11/21](#):**

“There is a need to expand and maintain our nation’s real, physical infrastructure, which is why the federal government spends billions on these projects every year. But this legislation is too expensive, too expansive, too unpaid for, and too threatening to the innovative cryptocurrency economy.

“Federal infrastructure spending should be driven by a reasoned assessment of our nation’s needs, but this process was driven by Democratic political imperatives rather than necessity. As a result, much of the bill’s spending on actual infrastructure is excessive – such as the \$107 billion for transit even as nearly \$40 billion in transit “COVID” money remains unspent. Worse, the bill funnels billions to projects that the private sector has been more than willing to fund, such as ferries, EV charging stations, and the power grid. It also showers taxpayer dollars on items, like Pacific salmon conservation, tree planting, and demolishing “racist” highways, that cannot be considered infrastructure at all.

“Despite promises this legislation would be entirely paid for, the bill instead adds hundreds of billions to our already staggering deficit when about \$1 trillion in unspent ‘COVID relief’ is still available for repurposing. This comes on the heels of \$4 trillion to combat a pandemic, a \$2 trillion liberal wish-list rushed through by Democrats on a partisan basis in March, and the specter of another \$3.5 trillion monstrosity that would radically redefine the very role of the federal government in the lives of middle-class Americans. To put this in perspective, Congress could pass over a quarter of our nation’s GDP this year in new spending.

“If those features were not bad enough, this legislation imposes a badly flawed, and in some cases unworkable, cryptocurrency tax reporting mandate that threatens future technological innovation.

“For these reasons, I could not support this measure.”

Our Senators on the Reconciliation Infrastructure Package

● **Senator Bob Casey, via his official website, [08/11/21](#):**

“On the heels of passing bipartisan infrastructure legislation, this morning, the Senate took an important step to invest in American families by moving forward in the budget reconciliation process. The COVID-19 pandemic and economic crisis has made it even clearer that working families are struggling in an economy that has been rigged against them. This budget resolution will allow for historic investments in workers, children and families through tax breaks for families with children, paid family and medical leave, expanded Medicare coverage, universal pre-K, funding to fight climate change and better wages for workers. It will also allow for the passage of my Child and Dependent Care Tax Credit Enhancement Act to help families afford childcare, as well as my Better Care Better Jobs Act, which would expand access to home and community-based care for seniors and people with disabilities, create more than a half a million home care jobs and raise wages for this essential workforce. I look forward to working with my colleagues to get this bill over the finish line and deliver for the American people.”

● **Senator Pat Toomey, via his official website, [08/11/21](#):**

“The budget resolution embraced today by the Democrats paves the way for legislation that would redefine the very role of the federal government in the lives of average Americans, all under a 50-50 Senate, a razor thin-majority in the House, and a President who was elected on moderation. After Democrats shamelessly used COVID as an excuse to pass a partisan \$2 trillion liberal wish-list in March, Budget Chairman Bernie Sanders has brought the rest of his party along for another \$3.5 trillion that seeks to increase dependency of the middle class on the federal government, re-engineer the economy to benefit liberal interest groups, and provide tax breaks to the ultra-wealthy in Democrat-run states. The economic condition of the country does not call for this radical vision, and the American people did not vote for it. I will oppose this reckless tax and spending spree every step along the way.”

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

CC

Linda Houk

Gary Garb

Kierstyn Piotrowski Zolfo

Have you seen an interesting or revealing recent quote from a member of Pennsylvania’s Congressional delegation that was not featured in MoCTrack? We are looking for folks who can help us cover what gets into traditional media, especially in the western parts of the state! Please email KierstynPZ@gmail.com and put "MoC Quote" in the subject, and please be sure to include a link to the article, the article title, and the full quote (in case your editor gets paywalled). Thanks!