

The Freedom Index

A Congressional Scorecard Based on the U.S. Constitution



Our second look at the 113th Congress shows how every member of the House and Senate voted on key issues, such as the effort to defund ObamaCare via a continuing resolution, indefinite military detention (House), and immigration reform (Senate).

House Vote Descriptions

11 Indefinite Military Detention. During consideration of the defense authorization bill (H.R. 1960), Rep. Adam Smith (D-Wash.) offered an amendment to eliminate indefinite military detention of any person detained in the United States, its territories, or possessions, under the 2001 Authorization for Use of Military Force. Smith's amendment would call for the immediate transfer of such detained persons to trial in a civilian court. Furthermore, Smith's amendment would repeal a provision of the 2012 defense authorization law that requires mandatory military custody of members or associates of al-Qaeda who planned or carried out attacks against the United States or its coalition partners.

The House rejected Smith's amendment on June 13, 2013 by a vote of 200 to 226 (Roll Call 228). We have assigned pluses to the yeas because indefinite detention without trial is a serious violation of long-cherished legal protections including the right to habeas corpus, the issuance of a warrant

Indefinite military detention is now an accepted U.S. government practice. Detainees, including U.S. citizens, can be held indefinitely without trial in facilities such as Guantanamo Bay in Cuba. This violates basic legal guarantees including habeas corpus and the right to a speedy and public trial.

About This Index

“**T**he Freedom Index: A Congressional Scorecard Based on the U.S. Constitution” rates congressmen based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements. To learn how any representative or senator voted on the key measures described herein, look him or her up in the vote charts.

The scores are derived by dividing a congressman's constitutional votes (pluses) by the total number he cast (pluses and minuses) and multiplying by 100.

This is our second index for the 113th Congress. The average House score for this index (votes 11-20) is 51 percent, and the average Senate score is 36 percent. Eight representatives and eight senators earned 100 percent. Our first index for the current Congress appeared in our July 22, 2013 issue. An online version of the “Freedom Index” is also available (click on “Voting Index” at TheNewAmerican.com.)

We encourage readers to examine how their own congressmen voted on each of the 10 key measures, as well as overall. We also encourage readers to commend legislators for their constitutional votes and to urge improvement where needed. ■

based on probable cause (Fourth Amendment), and the right to a “speedy and public” trial (Sixth Amendment). Under the National Defense Authorization Act, the president may abrogate these rights simply by designating terror suspects, including Americans, as “enemy combatants.” A government that would lock up anyone indefinitely without trial is certainly moving toward tyranny, and legislation to prevent this abuse of power is needed.

12 Farm and Food Programs. This legislation (H.R. 1947) would authorize roughly \$939 billion through fiscal 2018 for federal farm aid, nutrition assistance, rural development, etc. This bill would also institute programs to manage milk supplies and subsidies for farmers. Significantly, this proposed legislation would restrict eligibility for the Supplemental Nutrition Assistance Program (SNAP), known as food stamps, and allow states to conduct drug testing on SNAP applicants.

The House rejected H.R. 1947 on June 20, 2013 by a vote of 195 to 234 (Roll Call 286). We have assigned pluses to the nays because this legislation would call for nearly \$1 trillion in unconstitutional spending. The constitution does not authorize the federal government to subsidize food, farmers, or poverty. These subsidies have resulted in large market distortions as the government essentially picks winners and losers in the food production industry, and the fact that the number of people enrolled in food stamp programs has grown consistently illustrates that these programs do little to lift people out of poverty.

13 Offshore Oil and Gas. This legislation (H.R. 2231), the Offshore Energy and Jobs Act, would allow for increased energy exploration and production on the Outer Continental Shelf and provide for equitable sharing of energy production revenue for all coastal states. The act also instructs the energy secretary to lease areas off the coast of South Carolina and Southern California that have geologically promising hydrocarbon resources.

The House passed H.R. 2231 on June 28, 2013 by a vote of 235 to 186 (Roll Call 304). We have assigned pluses to the yeas because increased exploration and utilization of the country’s energy resources-

would greatly assist economic growth and energy independence for our nation.

14 Buying Russian Helicopters for Afghan Security Forces. During consideration of the defense appropriations bill (H.R. 2397), Rep. Mike Coffman (R-Colo.) introduced an amendment to defund a Defense Department purchase of 30 Russian Mi-17 helicopters. Circumventing Congress, the Defense Department on June 13, 2013 awarded a \$553.8 million contract to the Russian state-owned arms export firm Rosoboronexport for the purchase of the helicopters. Coffman’s amendment would specifically strip that amount from the DOD’s Afghanistan Security Forces Fund.

The House adopted Coffman’s amendment on July 23, 2013 by a vote of 346 to 79 (Roll Call 390). We have assigned pluses to the yeas because it is preposterous that the United States would take U.S. taxpayer dollars to purchase helicopters for the new Afghan military from Rosoboronexport, a Russian state-owned export company that has manufactured and supplied arms to enemy states, such as Iran and Syria.

15 U.S.-China Joint Military Exercises. During consideration of the defense appropriations bill (H.R. 2397), Rep. Steve Stockman (R-Texas) offered an amendment to prohibit funds to “be used for United States military exercises which include any participation by the People’s Republic of China.” On September 6, 2013, after this amendment was rejected, three Chinese warships arrived at Pearl Harbor

to participate in a joint one-day search-and-rescue drill with the U.S. Navy guided-missile cruiser U.S.S. *Lake Erie*. The joint exercise was conducted on September 9, 2013. On November 12, 2013, for the first time in U.S. history, Chinese People’s Liberation Army troops put boots on U.S. soil as they participated in a joint “Disaster Management Exchange” with the U.S. Army Pacific, the Hawaii Army National Guard, and the U.S. Army Corps of Engineers. The amendment to prohibit the use of funds for such ventures was intended to prevent the U.S. military from participating in them.

The House rejected Stockman’s amendment on July 24, 2013 by a vote of 137 to 286 (Roll Call 404). We have assigned pluses to the yeas because communist China is a self-proclaimed enemy of the United States, responsible for the deaths of tens of millions of people in the 20th century; continues to persecute countless political dissenters, Christians, and other religious minorities; and has recently threatened to target and destroy U.S. cities with nuclear-tipped ICBMs. Military collaboration with the Chinese regime will not diminish the security threat it poses to the United States but, if anything, heighten it.

16 Military Intervention. During consideration of the defense appropriations bill (H.R. 2397), Rep. Adam Schiff (D-Calif.) offered an amendment to prohibit funding for military actions after December 31, 2014 that are carried out pursuant to the 2001 Authorization for Use of Military Force (AUMF). As Rep. Schiff noted: “The



Land of milk and food stamps: The federal farm bill contained nearly \$1 trillion in unconstitutional spending. This money is used to control milk prices and provide subsidies for staple commodities such as corn, as well as fund the Supplemental Nutrition Assistance Program — food stamps.

AP Images

Table with columns: Votes: 11-20, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 1-20. Rows include states like GEORGIA, HAWAII, IDAHO, ILLINOIS, INDIANA, IOWA and their respective representatives.

Table with columns: Votes: 11-20, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 1-20. Rows include states like KANSAS, KENTUCKY, LOUISIANA, MAINE, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA and their respective representatives.

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a Rep. did not vote; a "P" means he voted "present." If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 22, 24, and 26.

2001 AUMF was never intended to authorize a war without end, and it now poorly defines those who pose a threat to our country. That authority and the funding that goes along with it should expire concurrent with the end of our combat role in Afghanistan.”

Schiff also noted: “The Constitution vests the Congress with the power to declare war and the responsibility of appropriating funds to pay for it. It is our most awesome responsibility and central to our military efforts overseas. We owe it to the men and women we send into combat to properly define and authorize their mission, and my amendment will effectively give Congress the next 16 months to do so.”

The House rejected Schiff’s amendment on July 24, 2013 by a vote of 185 to 236 (Roll Call 410). We have assigned pluses to the yeas because only Congress has the constitutional authority to declare war and appropriate funds to pay for it. Authorizing the president to use military force without a declaration of war is a shifting of responsibility from Congress to the executive branch that essentially allows the president to exercise dictator-like powers and should be opposed.

17 NSA Surveillance of Phone Records. During consideration of the defense appropriations bill (H.R. 2397), Rep. Justin Amash (R-Mich.) offered an amendment to end the blanket collection of records under the Patriot Act. Amash’s amendment would also prevent the NSA and other agencies from using provisions of the Patriot Act to collect records, including phone records, from persons who are not subject to an investigation. As Rep. Amash noted during the debate on his amendment, “My amendment ... limits the government’s collection of the records to those records that pertain to a person who is the subject of an investigation pursuant to section 215 [of the Patriot Act].”

The House rejected Amash’s amendment on July 24, 2013 by a vote of 205 to 217 (Roll Call 412). We have assigned pluses to the yeas because any effort to limit the collection of Americans’ personal information by the surveillance state is a good thing. Blanket collection of electronic records of citizens who are not under investigation is a violation of the Fourth Amendment’s prohibition on search and seizure without a warrant.



AP Images

Unaffordable disaster: Despite Republican attempts to defund the Affordable Care Act (ObamaCare), it remains in force, causing fiscal and emotional havoc. The end of 2013 saw a disastrous rollout for the ObamaCare website and revealed higher insurance premiums ahead.

18 Congressional Approval of Federal Regulations. This bill (H.R. 367) would require agencies of the executive branch to obtain approval from Congress before enacting any proposals deemed to be “major rules.” The definition of “major rules” includes proposals likely to cost more than \$50 million, rules that would have an adverse effect on the economy, regulations pertaining to implementation of a carbon tax, and rules made under ObamaCare.

The House passed H.R. 367 on August 2, 2013 by a vote of 232 to 183 (Roll Call 445). We have assigned pluses to the yeas because in recent decades the executive branch, via various federal agencies and executive orders, has exercised a great deal of unconstitutional power. An executive who can write laws and regulations apart from the legislature is basically a king or a dictator, and this abuse of power is precisely what the Founding Fathers tried to prevent with the separation of powers.

19 Continuing Resolution/Defunding ObamaCare. This bill (House Joint Resolution 59) would provide continuing appropriations to fund government operations from the beginning of fiscal year 2014 on October 1, 2013 until December 15, 2013 at approximately the same amount of “discretionary” spending as fiscal 2013, and it would defund ObamaCare. This bill represents the House Republicans’ implementation of the strategy for defunding ObamaCare via a continuing resolution (CR). Democrats, on the other hand, opposed any omnibus CR that did not also

fund ObamaCare. The impasse led to the 16-day partial government shutdown at the start of the new fiscal year.

The House passed the CR on September 20, 2013 by a vote of 230 to 189 (Roll Call 478). We have assigned pluses to the yeas because, even though the bill contains appropriations for huge amounts of unconstitutional spending, it would completely defund unconstitutional ObamaCare in fiscal 2014.

20 Continuing Resolution (GOP Cave-in). The impasse over the continuing appropriations bill came to an end when, on the 16th day of the partial government shutdown, the House concurred in a Senate amendment that rewrote the House bill H.R. 2775, which had only contained a provision to prevent ObamaCare subsidies to individuals without verifying income, etc. As amended, the bill suspended the federal debt limit through February 7, 2014, and continued funding government operations through January 15, 2014 at the fiscal 2013 post-sequestration spending level. It did not include any provision to defund ObamaCare.

On October 16, 2013, Rep. Hal Rogers (R-Ky.) offered a motion to concur in the Senate amendment, and the House agreed to his motion by a vote of 285 to 144 (Roll Call 550). We have assigned pluses to the yeas because the negotiated deal contained in this bill constituted a cave-in by 87 Republicans that ended the government shutdown as well as the Republican attempt to defund the unconstitutional ObamaCare law. ■

Senate Vote Descriptions



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Border insecurity: Senator Rand Paul (R-Ky.) tried to make border security a prerequisite for amnesty. The Senate didn't go for it, so now along with a virtual amnesty for illegal immigrants already here, the flow of new illegal immigrants will continue.

11 Border Security. During consideration of the Immigration Overhaul (S. 744), Senate Majority Leader Harry Reid (D-Nev.) offered a motion to table (kill) an amendment offered by Sen. Rand Paul (R-Ky.) that would “not allow the processing of this new category called registered provisional immigrants until Congress votes that the border is secure.” Paul’s amendment featured a requirement that Congress certify every year for five years that the border is secure or at least making specific progress toward border security as defined in detail by the amendment. If Congress would vote in any of these five years that the border is not becoming more secure, then the processing of people as “registered provisional immigrants” as provided for in S. 744 would stop until Congress would vote that the border is becoming more secure.

The Senate agreed to Reid’s motion and killed the Paul amendment on June 19, 2013 by a vote of 61 to 37 (Roll Call 154). We have assigned pluses to the nays because it is the constitutional duty of the United States to “protect [every state] against Invasion” (Article IV, Section 4).

12 Immigration Reform. This bill (S. 744) would provide an overhaul of U.S. immigration policy that features the granting of immediate legal status

for most illegal immigrants in the United States (aka amnesty), new visa programs for a wide range of workers from low-skilled to high-skilled, and new border security measures (only reducing the illegal immigration rate by 25-50 percent according to the Congressional Budget Office). While the rate of legal immigration into the United States is currently about one million per year, this bill would raise the average legal immigration rate to several million per year.

The Senate passed the Immigration Overhaul on June 27, 2013 by a vote of 68 to 32 (Roll Call 168). We have assigned pluses to the nays because the large-scale amnesty and new visa programs coupled with a lack of effective border security would lead to both large increases in legal immigration and continuing large-scale illegal immigration, even though the U.S. government has the duty under Article IV, Section 4 of the Constitution to “protect [every state] against Invasion.” Furthermore, we have assigned pluses to the nays because, by granting amnesty, increasing levels of legal immigration, and permitting continued large-scale illegal immigration, this bill provides a transition to the open borders sought by the advocates of a North American Union and other regional government schemes threatening our national sovereignty.

13 Student Loans. During consideration of the Keep Student Loans Affordable Act of 2013 (S. 1238), Senate Majority Leader Harry Reid (D-Nev.) offered a motion to invoke cloture and thus end debate on the bill so it could be voted on. This act would serve to extend the 3.4-percent interest rate on undergraduate Stafford loans disbursed to students between July 1, 2011, and July 1, 2013 to between July 1, 2011, and July 1, 2014.

The Senate rejected Reid’s motion, and thus did not invoke cloture, on July 10, 2013 by a vote of 51 to 49 (Roll Call 171). We have assigned pluses to the nays because forcing a vote on an unconstitutional action of the federal government is a bad thing. The U.S. government should not be in the business of subsidizing higher education to begin with, and continuing a low interest rate on student loans would merely encourage this unconstitutional activity. Additionally, owing to the ease of obtaining government loans for education and the sheer amount of unpaid student debt, the nation is now facing a colossal “student debt bubble” that could have severe negative economic consequences.

14 Aid to Egypt. During consideration of the fiscal 2014 Transportation-HUD appropriations bill (S. 1243), Sen. Bob Corker (R-Tenn.) offered a motion to table (kill) an amendment by Sen. Rand Paul (R-Ky.). Paul’s amendment would have established that the July 3, 2013 overthrow of the Mohammed Morsi government in Egypt was a military coup d’état, thus prohibiting the United States from providing military aid to Egypt until another “democratic” election occurs. As Paul noted in the text of the amendment, “The United States is legally prohibited from providing foreign assistance to any country whose duly elected head of government is deposed by a military coup d’état, or removed in such a way that the military plays a decisive role... [Military aid] shall be halted until the President certifies to Congress that democratic national elections have taken place in Egypt followed by a peaceful transfer of power.”

The money that would be used for military aid to Egypt would instead, under Paul’s amendment, be redirected for the

Senate Vote Scores ✓

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
ALABAMA													
Shelby (R)	90%		+	+	+	-	+	+	+	+	+	+	75%
Sessions, J. (R)	89%		+	+	+	-	+	+	+	+	+	?	84%
ALASKA													
Murkowski (R)	50%		-	-	+	-	+	+	+	-	+	-	58%
Begich (D)	0%		-	-	-	-	-	-	-	-	-	-	28%
ARIZONA													
McCain (R)	44%		-	-	+	-	?	+	+	-	+	-	50%
Flake (R)	38%		-	-	+	-	+	?	?	-	+	-	71%
ARKANSAS													
Pryor (D)	0%		-	-	-	-	-	-	-	-	-	-	20%
Boozman (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
CALIFORNIA													
Feinstein (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Boxer (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
COLORADO													
Udall, Mark (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Bennet (D)	0%		-	-	-	-	-	-	-	-	-	-	15%
CONNECTICUT													
Blumenthal (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Murphy, C. (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
DELAWARE													
Carper (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Coons (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
FLORIDA													
Nelson (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Rubio (R)	70%		-	-	+	-	+	+	+	+	+	+	75%
GEORGIA													
Chambliss (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
Isakson (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
HAWAII													
Schatz (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Hirono (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
IDAHO													
Crapo (R)	100%		+	+	+	+	+	+	+	+	+	+	95%
Risch (R)	100%		?	+	+	+	+	+	+	+	+	+	95%
ILLINOIS													
Durbin (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Kirk (R)	60%		+	-	+	-	+	+	+	-	+	-	60%
INDIANA													
Coats (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
Donnelly (D)	0%		-	-	-	-	-	-	-	-	-	-	20%
IOWA													
Grassley (R)	100%		+	+	+	+	+	+	+	+	+	+	85%
Harkin (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
KANSAS													
Roberts (R)	90%		+	+	+	-	+	+	+	+	+	+	85%
Moran, Jerry (R)	90%		+	+	+	+	+	+	+	-	+	+	84%
KENTUCKY													
McConnell (R)	90%		+	+	+	+	+	+	+	-	+	+	90%
Paul (R)	100%		+	+	+	+	+	+	+	+	+	+	95%
LOUISIANA													
Landrieu, M. (D)	0%		-	-	-	-	?	-	-	-	-	-	16%
Vitter (R)	90%		+	+	+	-	+	+	+	+	+	+	80%

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
MAINE													
Collins (R)	40%		-	-	+	-	-	+	+	-	+	-	40%
King, A. (I)	10%		-	-	+	-	-	-	-	-	-	-	16%
MARYLAND													
Mikulski (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Cardin (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
MASSACHUSETTS													
Warren (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Markey (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
MICHIGAN													
Levin, C. (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Stabenow (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
MINNESOTA													
Klobuchar (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Franken (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
MISSISSIPPI													
Cochran (R)	80%		+	+	+	-	+	+	+	-	+	+	60%
Wicker (R)	80%		+	+	+	-	+	+	+	-	+	+	60%
MISSOURI													
McCaskill (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Blunt (R)	80%		+	+	+	-	+	+	+	-	+	+	65%
MONTANA													
Baucus, M. (D)	0%		-	-	-	-	-	-	-	-	-	-	20%
Tester (D)	0%		-	-	-	-	-	-	-	-	-	-	30%
NEBRASKA													
Johanns (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
Fischer (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
NEVADA													
Reid, H. (D)	10%		-	-	+	-	-	-	-	-	-	-	10%
Heller (R)	80%		+	-	+	+	+	+	+	+	+	-	70%
NEW HAMPSHIRE													
Shaheen (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Ayotte (R)	60%		+	-	+	-	+	+	+	-	+	-	65%
NEW JERSEY													
Menendez (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Booker (D)	-		-	-	-	-	-	-	-	-	-	-	-
NEW MEXICO													
Udall, T. (D)	0%		-	-	-	-	-	-	-	-	-	-	10%
Heinrich (D)	0%		-	-	-	-	-	-	-	-	-	-	15%
NEW YORK													
Schumer (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
Gillibrand (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
NORTH CAROLINA													
Burr (R)	80%		+	+	+	-	+	+	+	-	+	+	70%
Hagan (D)	0%		-	-	-	-	-	-	-	-	-	-	20%
NORTH DAKOTA													
Hoeven (R)	70%		+	-	+	-	+	+	+	-	+	+	55%
Heitkamp (D)	0%		-	-	-	?	-	-	-	-	-	-	21%
OHIO													
Brown, Sherrod (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
Portman (R)	70%		+	+	+	-	+	+	+	-	+	-	70%
OKLAHOMA													
Inhofe (R)	86%		+	+	+	-	?	+	+	?	?	+	88%
Coburn (R)	100%		+	+	+	+	+	+	+	+	+	?	95%

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
OREGON													
Wyden (D)	0%	-	-	-	-	-	-	-	-	-	-	-	10%
Merkley (D)	0%	-	-	-	-	-	-	-	-	-	-	-	10%
PENNSYLVANIA													
Casey (D)	0%	-	-	-	-	-	-	-	-	-	-	?	5%
Toomey (R)	80%	+	+	+	-	+	+	+	+	+	-	-	80%
RHODE ISLAND													
Reed, J. (D)	0%	-	-	-	-	-	-	-	-	-	-	-	10%
Whitehouse (D)	0%	-	-	-	-	-	-	-	-	-	-	-	10%
SOUTH CAROLINA													
Graham (R)	60%	-	-	+	-	+	+	+	-	+	+	+	55%
Scott, T. (R)	90%	+	+	+	-	+	+	+	+	+	+	+	90%
SOUTH DAKOTA													
Johnson, Tim (D)	0%	-	-	-	-	-	-	-	-	-	-	-	10%
Thune (R)	90%	+	+	+	+	+	+	+	-	+	+	+	75%
TENNESSEE													
Alexander, L. (R)	70%	+	-	+	-	+	+	+	-	+	+	+	60%
Corker (R)	60%	-	-	+	-	+	+	+	-	+	+	+	65%
TEXAS													
Cornyn (R)	90%	+	+	+	-	+	+	+	+	+	+	+	89%
Cruz (R)	100%	+	+	+	+	+	+	+	+	+	+	+	95%

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
UTAH													
Hatch (R)	50%	+	-	+	-	+	?	?	-	+	-	-	67%
Lee, M. (R)	100%	+	+	+	+	+	+	+	+	+	+	+	95%
VERMONT													
Leahy (D)	0%	-	-	-	-	-	-	-	-	-	-	-	5%
Sanders (I)	0%	-	-	-	-	-	-	-	-	-	-	-	5%
VIRGINIA													
Warner (D)	0%	-	-	-	-	-	-	-	-	-	-	-	16%
Kaine (D)	0%	-	-	-	-	-	-	-	-	-	-	-	0%
WASHINGTON													
Murray (D)	0%	-	-	-	-	-	-	-	-	-	-	-	6%
Cantwell (D)	0%	-	-	-	-	-	-	-	-	-	-	-	5%
WEST VIRGINIA													
Rockefeller (D)	0%	-	-	-	-	-	-	-	-	-	-	-	5%
Manchin (D)	10%	-	-	+	-	-	-	-	-	-	-	-	37%
WISCONSIN													
Johnson, R. (R)	90%	+	+	+	-	+	+	+	+	+	+	+	90%
Baldwin (D)	0%	-	-	-	-	-	-	-	-	-	-	-	0%
WYOMING													
Enzi (R)	100%	+	+	+	+	+	+	+	+	+	+	+	90%
Barrasso (R)	89%	+	+	+	+	+	+	+	+	-	+	?	89%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a Senator did not vote; a “P” means he voted “present.” If he cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 29, 31, and 32.

repair of U.S. bridges and other critical national highways.

The Senate agreed to the motion and killed the Paul amendment on July 31, 2013 by a vote of 86 to 13 (Roll Call 195). We have assigned pluses to the nays because a reduction in foreign aid, particularly in the form of military assistance, is a good thing. The Constitution does not authorize the government to give foreign aid and meddle in other nations’ internal affairs, so while Paul’s amendment would allow for the resumption of aid to Egypt, it would still be an improvement on the status quo.

15 Transportation-HUD Appropriations. This appropriations bill (S. 1243) would provide \$54 billion in fiscal 2014 for the Departments of Transportation and Housing and Urban Development (HUD). Total spending called for by the bill would be “about \$5.6 billion more than the current level under the sequester,” according to *Congressional Quarterly*. And much of the spending allocations — such as \$19.6 billion for the Section 8 rental-assistance program — is unconstitutional.

Republicans filibustered against the bill because of the amount of spending it contained. Senate Majority Leader Harry Reid (D-Nev.), who favored the bill, offered a motion to invoke cloture, in order to break

the filibuster and allow the bloated bill to come to a vote. But the Senate rejected Reid’s motion on August 1, 2013 by a vote of 54 to 43 (60 votes — three-fifths of the full Senate — are needed to invoke cloture; Roll Call 199). We have assigned pluses to the nays not only because the bill called for more spending but also because much of the spending is unconstitutional.

16 Continuing Resolution/Defunding ObamaCare. During consideration of the fiscal 2014 continuing appropriations bill (House Joint Resolution 59), Senate Majority Leader Harry Reid (D-Nev.) offered a perfecting amendment that replaces the text of the continuing resolution with language supported by Senate Democrats. The amendment would strip from the bill language supported by the House to defund ObamaCare. It would also provide continuing appropriations to fund government operations from the start of fiscal year 2014 on October 1, 2013 through November 15, 2013 that would reflect an annual “discretionary” spending level of about \$986.3 billion — approximately the same amount of discretionary spending in fiscal 2013.

The Senate adopted Reid’s amendment on September 27, 2013 by a vote of 54 to 44 (Roll Call 208). We have assigned

pluses to the nays because the Senate used this amendment to reject the House’s attempt to defund the unconstitutional ObamaCare law. The impasse between the House-passed CR that would have defunded ObamaCare (see House vote #19), and the Senate language that continued funding ObamaCare along with other government operations, led to the 16-day partial government shutdown.

17 Continuing Resolution. This vote represents Senate passage of the continuing resolution (House Joint Resolution 59), as amended by the Reid perfecting amendment (described by Senate vote #16 above) to continue funding the federal government, including ObamaCare, through November 15, 2013.

The Senate passed this version of the continuing resolution on September 27, 2013 by a vote of 54 to 44 (Roll Call 209). We have assigned pluses to the nays because this vote affirmed the Senate’s rejection of the House’s attempt to defund the unconstitutional ObamaCare law. At the time, however, the House was unwilling to back down, and a modified version of the continuing resolution — albeit one including the ObamaCare funding — was later passed by both the Senate and the House (see Senate vote #18 below and House vote #20).

18 Continuing Resolution. This bill (H.R. 2775), as amended by the Senate (see House vote 20), was the result of a negotiated deal that ended the partial government shutdown over the Republican attempt to defund ObamaCare. It continued funding government operations, including ObamaCare, through January 15, 2014. The amount of spending in the bill was based on the fiscal 2013 post-sequestration spending level. The legislation also suspended the federal debt limit through February 7, 2014.

The Senate passed the bill on October 16, 2013 by a vote of 81 to 18 (Roll Call 219). We have assigned pluses to the nays because the negotiated deal contained in this bill constituted a cave-in by congressional Republicans that ended the Republican attempt to defund the unconstitutional ObamaCare law.

19 Debt Limit Increase Disapproval. The legislation passed by Congress and signed into law by the president to fund the federal government including ObamaCare through January

15, 2014 (see House vote #20 and Senate vote #18) also provided for the suspension of the national debt ceiling through February 7, 2014. By suspending this limit on how much money the federal government may borrow, the president can run up the national debt by whatever amount he deems necessary to meet government obligations, without having to ask Congress to once again increase federal borrowing authority. However, the legislation includes a procedure for Congress to *disapprove* of the president raising the national debt limit.

In accordance with this procedure, Senator Minority Leader Mitch McConnell (R-Ky.) made a motion to consider a resolution (Senate Joint Resolution 26) to disapprove of President Obama suspending the national debt limit. His motion of disapproval was rejected on October 29, 2013 by a vote of 45 to 54 (Roll Call 220). We have assigned pluses to the yeas because the federal government should live within its means and because most of the spending responsible for the ballooning national debt is unconstitutional.

20 Employment Nondiscrimination. This bill (S. 815) would prohibit employers, employment agencies, and labor organizations from discriminating against employees, applicants, or members on the basis of perceived or actual sexual orientation or gender identity. This essentially gives homosexual and transgender persons a “protected status” where employment is concerned. Religious organizations are exempt from this bill, but organizations owned by or affiliated with religious organizations are not.

The Senate passed the bill on November 7, 2013 by a vote of 64 to 32 (Roll Call 232). We have assigned pluses to the nays because the federal government is overstepping its constitutional boundaries by dictating the hiring practices of private employers. While the exemption for religious organizations is a good thing, the bill is still a serious infringement on private property rights as it limits what a person can and cannot do on his or her private property, in this case a business. ■



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