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The Freedom Index

A Congressional Scorecard Based on the U.S. Constitution

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Name: Kristi Noem
Congress: South Dakota, District: , Republican
Cumulative Freedom Index Score: 64%

Status: Active Member of the House

Score Breakdown:

70% (114th Congress: 2015-2016); 53% (113th Congress: 2013-2014); 74% (112th Congress: 2011-2012)

Contact: 202-225-2801

Website:

<https://noem.house.gov/index.cfm/home>

Key Votes:

HR 1314: Trade Act of 2015

Vote Date: **June 12, 2015**

Vote: **AYE**



Bad Vote.

Trade Promotion Authority.

The House held separate roll call votes on the Trade Promotion Authority (TPA) and Trade Adjustment Assistance (TAA) sections of H.R. 1314. The TPA portion of the bill would renew the on-again-offagain "fast track authority" that Congress has often awarded to the president over the past several decades. The essential features of TPA are: (1) Congress unconstitutionally delegates its constitutional authority "to regulate commerce with foreign nations" to the Executive Branch; and (2) Congress dramatically increases the probability of approval of foreign trade agreements by restricting itself to voting up or down by simple majority on the agreements, as negotiated and submitted by the president, with no ability to amend the agreements and with no possibility of filibusters in the Senate.

So-called free-trade agreements that have already been passed under previously awarded "fast track authority," such as the North American Free Trade Agreement (NAFTA), and the currently proposed Trans-Pacific Partnership (TPP) and Transatlantic Trade and Investment Partnership (TTIP), have in common a structure and purpose that would create supranational political entities that would supersede the national independence of the United States. Genuine free trade would mean the absence of government involvement, but these agreements entail more than just trade and put the United States on a trajectory to regional governance similar to Europe's trajectory from a Common Market to the EU.

The House agreed to the TPA section of H.R. 1314 on June 12, 2015 by a vote of 219 to 211 (Roll Call 362). We have assigned pluses to the nays because TPA would facilitate the subordination of the national independence of the United States to regional trading blocs.

HR 2393: Country of Origin Labeling Amendments Act of 2015

Vote Date: **June 10, 2015**

Vote: **NAY**



Good Vote.

Country of Origin Labeling.

The proposed Country of Origin Labeling Amendments Act of 2015 (H.R. 2393) would amend the Agricultural Marketing Act of 1946 to repeal the requirements of Country of Origin Labeling (COOL) for beef, chicken, and pork sold in the United States. This vote came after the World Trade Organization's recent ruling against an appeal from the United States to keep its COOL. Representative Thomas Massie (R-Ky.) opposed passage of the bill to repeal COOL. From the House floor, Massie elaborated:

"What is the World Trade Organization, and who are they to tell Congress what laws we have to pass? These judges weren't appointed by the President. They weren't confirmed by the Senate. These are not judges from our Constitution. These are extra-constitutional judges, yet they are telling us here in Congress you have got to do this or there will be repercussions."

The House passed H.R. 2393 on June 10, 2015 by a vote of 300 to 131 (Roll Call 333). We have assigned pluses to the nays because this bill would cede national sovereignty over food-related choices and regulations to the WTO. Moreover, this bill would prevent American consumers from knowing where their food comes from.

HR 1732: Regulatory Integrity Protection Act

Vote Date: **May 12, 2015**

Vote: **AYE**



Good Vote.

EPA Waters Regulations.

H.R. 1732 would order the secretary of the Army and the administrator of the Environmental Protection Agency to withdraw the notice of a proposed rule published in the Federal Register entitled "Definition of 'Waters of the United States' Under the Clean Water Act" (April 21, 2014).

This legislation was introduced because of the EPA's sustained attempt to grab regulatory authority over virtually all surface water and groundwater throughout the United States ever since the Clean Water Act gave the EPA authority in 1972 to regulate "waters of the United States," defined as "navigable waters." Although the EPA has almost comically stretched the definition of "navigable waters" to include puddles, vernal pools, ditches, seasonal streams, and isolated ponds, this unconstitutional federal agency's power grab over "waters of the United States" has been repeatedly slapped down by the Supreme Court.

The House passed H.R. 1732 on May 12, 2015 by a vote of 261 to 155 (Roll Call 219). We have assigned pluses to the yeas because the constitutionally dubious premise of federal regulation of "navigable waters" on the basis of the interstate commerce clause should not encompass puddles, ditches, seasonal streams, and isolated ponds on private lands.

HR 1731: National Cybersecurity Protection Advancement Act of 2015

Vote Date: **April 23, 2015**

Vote: **AYE**



Bad Vote.

Cyberspace Intelligence Sharing.

The proposed National Cybersecurity Protection Advancement Act (NCPA) of 2015 (H.R. 1731) would amend the Homeland Security Act of 2002 to expand the role of the Department of Homeland Security's National Cybersecurity and Communication Integration Center, designating it the principal federal entity to receive and disseminate information about cyberspace threats from and to private companies and other federal agencies.

Expressing opposition to both H.R. 1731 and H.R. 1560, another related cybersecurity intelligence bill, Congressman Justin Amash (R-Mich.) said, "As drafted, these bills violate the Fourth Amendment, override privacy laws, and give the government unwarranted access to the personal information of potentially millions of Americans."

The House passed H.R. 1731 on April 23, 2015 by a vote of 355 to 63 (Roll Call 173). We have assigned pluses to the nays because this bill would further empower the unconstitutional Department of Homeland Security, erode the privacy protections enshrined in the Constitution, and gradually move the United States closer to becoming a police state.

HR 1105: Death Tax Repeal Act

Vote Date: **April 16, 2015**

Vote: **AYE**



Good Vote.

Estate Tax Repeal.

H.R. 1105, the Death Tax Repeal Act of 2015, would amend the Internal Revenue Code to repeal the estate tax.

The House passed H.R. 1105 on April 16, 2015 by a vote of 240 to 179 (Roll Call 161). We have assigned pluses to the yeas because the estate tax discourages upward mobility in America's middle class by making it prohibitively expensive to pass on a family business or farm to one's descendants. Even though proponents of the estate tax claim that its repeal would only benefit the super-rich at the expense of everyone else, the wealthy are often not adversely affected by the estate tax and can usually avoid it via accounting strategies and funneling money into tax-free foundations. In fact, in 2001 over 120 of America's wealthiest urged Congress not to repeal the estate tax.

As Representative Roger Williams (R-Texas) noted during debate on the bill, "The death tax is a tax on savings that have already been taxed on before.... Many second-generation business owners do not have the means to hire teams of accountants and lawyers to navigate the costly obstacles to save the family farm and save the family business.... As a small-business owner of 44 years, I have seen friends and colleagues lose gains earned from a lifetime of hard work because of Washington's greed and failed policies, like the death tax."

H RES 162: Calling on the President to provide Ukraine with military assistance to defend its sovereignty and territorial integrity.

Vote Date: **March 23, 2015**

Vote: **AYE**



Bad Vote.

Ukraine Military Aid.

House Resolution 162, which calls on the president "to provide Ukraine with military assistance to defend its sovereignty and territorial integrity," allows President Obama to provide Ukraine with defensive weapons to defend against aggression from Russia.

The House adopted H. Res. 162 on March 23, 2015 by a vote of 348 to 48 (Roll Call 131). We have assigned pluses to the nays not only because foreign aid is unconstitutional but also because this bill would further interject the United States into a foreign conflict. Allowing the U.S. president to provide lethal arms to Ukraine in order to fight Russia is tantamount to waging a proxy war

on Russia without the constitutionally required congressional declaration of war. The House, by giving such power to the president, is relinquishing one of its constitutional responsibilities.

H R 749: To reauthorize Federal support for passenger rail programs and for other purposes

Vote Date: **March 4, 2015**

Vote: **NAY**



Good Vote.

Amtrak Reauthorization.

The proposed Passenger Rail Reform and Investment Act of 2015 (H.R. 749) would authorize \$7.2 billion for Amtrak funding over the next four years, through 2019. Representative Tom McClintock (R-Calif.), who opposed the reauthorization of federal funds to Amtrak, noted: "We will shell out \$45 every time a passenger steps aboard an Amtrak train. That is \$45 per passenger per trip and directly billed to taxpayers, up from \$32 from six years ago. Despite endless promises, things aren't getting better."

The House passed H.R. 749 on March 4, 2015 by a vote of 316 to 101 (Roll Call 112). We have assigned pluses to the nays because spending billions of tax dollars for Amtrak transportation is unconstitutional, and the spending has no chance of boosting the prospects of Amtrak to make it self-sufficient.

H R 596: To repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes

Vote Date: **February 3, 2015**

Vote: **AYE**



Good Vote.

ObamaCare Repeal.

H.R. 596 would repeal ObamaCare (Public Laws 111-148 and 111-152). Unfortunately, this bill also recommends the introduction of replacement legislation by providing specific instructions to House committees to submit replacement legislation based on a laundry list of 12 provisions briefly described in the bill, such as "foster[ing] economic growth and private sector job creation by eliminating job-killing policies and regulations," and "provid[ing] people with pre-existing conditions access to affordable health coverage." However, this bill does provide a clean repeal of the entire ObamaCare law and, in addition, requires only that several House committees propose replacement legislation.

The House passed H.R. 596 on February 3, 2015 by a vote of 239 to 186 (Roll Call 58). We have assigned pluses to the yeas because the federal government has no constitutional authority to require individuals to purchase health insurance or to manage the healthcare industry.

H R 7: To prohibit taxpayer funded abortions.

Vote Date: **January 22, 2015**

Vote: **AYE**



Good Vote.

Banning Federal Funding of Abortions.

The "No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act of 2015" (H.R. 7) would prohibit the expenditure of federal funds "for any abortion" or "for health benefits coverage that includes coverage of abortion." The funding prohibition would not apply to abortions in cases of rape or incest or if the life of the mother is endangered.

The House passed H.R. 7 on January 22, 2015 by a vote of 242 to 179 (Roll Call 45). We have assigned pluses to the yeas not only because the government should not be subsidizing the killing of innocent human life, but also because there is no constitutional authority for the government to manage or finance the healthcare sector.

H R 240: On Agreeing to the Amendment 1 to H R 240

Vote Date: **January 14, 2015**

Vote: **AYE**



Good Vote.

Executive Action on Immigration.

During consideration of the Homeland Security appropriations bill (H.R. 240), Representative Robert Aderholt (R-Ala.) introduced an amendment that would prohibit the use of funds for carrying out President Obama's unconstitutional executive actions on illegal immigration. The amendment would defund the Obama administration executive actions announced on November 20, 2014, which would, as described by Aderholt, "grant deferred action to an estimated 4 million people in the country illegally and unlawfully."

The House adopted Aderholt's amendment on January 14, 2015 by a vote of 237 to 190 (Roll Call 29). We have assigned pluses to the yeas because the president is not a "king" or "dictator" who may make his own law. Under the U.S. Constitution, "all legislative powers herein granted" are delegated to Congress, and it is the responsibility of the president to faithfully execute the law.

H R 83: An Act to require the Secretary of the Interior to assemble a team of experts to address the energy needs of the insular areas of the United States and Freely Associated States through the development of energy action plans aimed at promoting access to energy

Vote Date: **December 11, 2014**

Vote: **AYE**



Bad Vote.


Omnibus Appropriations.

According to Congressional Quarterly, H.R. 83, dubbed the "CRomnibus bill" (combination of Continuing Resolution and Omnibus), "would provide \$1.013 trillion in discretionary appropriations in fiscal 2015 for federal departments and agencies covered by the 12 unfinished fiscal 2015 spending bills. Included in that total is: \$20.6 billion for Agriculture; \$61.1 billion for Commerce-Justice-Science; \$554.2 billion for Defense, including \$64 billion for overseas contingency operations associated with the war in Afghanistan, the fight against ISIS and other counterterrorism operations; \$34.2 billion for Energy-Water; \$43.2 billion for Financial Services; \$30 billion for Interior-Environment; \$158.2 billion for Labor-HHS-Education; \$4.3 billion for the Legislative Branch; \$71.8 billion for Military Construction-VA; \$52 billion for State-Foreign Operations; and \$53.5 billion for Transportation-

HUD. The measure contains full fiscal year funding for all departments except for Homeland Security, which would be funded at current levels until Feb. 27, 2015."

The House concurred with the Senate version of the bill on December 11, 2014 by a vote of 219 to 206 (Roll Call 563). We have assigned pluses to the nays because with this fiscal 2015 omnibus appropriations bill Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars that contribute directly to the dramatic growth of our already \$18 trillion national debt.

HR 5759: To establish a rule of construction clarifying the limitations on executive authority to provide certain forms of immigration relief

Vote Date: **December 4, 2014** Vote: **AYE**  Good Vote.

Executive Action on Immigration.

H.R. 5759 would prohibit the executive branch of the federal government from: (1) exempting or deferring, by executive order, regulation, or any other means, categories of aliens considered under the existing immigration laws to be unlawfully present in the United States from removal under such laws; (2) treating such aliens as if they were lawfully present or had a lawful immigration status; or (3) treating such aliens other than as unauthorized aliens as defined in current immigration laws.

The House passed H.R. 5759 on December 4, 2014 by a vote of 219 to 197 (Roll Call 550). We have assigned pluses to the yeas because "President Obama's grant of deferred action to more than four million unlawfully present aliens, as directed in a November 20, 2014, memorandum issued by Secretary of Homeland Security Jeh Charles Johnson, is without any constitutional or statutory basis," as correctly stated in the bill.

HR 5682: To approve the Keystone XL Pipeline

Vote Date: **November 14, 2014** Vote: **AYE**  Good Vote.

Keystone XL Pipeline.

H.R. 5682 would immediately allow TransCanada to construct, connect, operate, and maintain the Keystone XL pipeline, including any revision to the pipeline route within Nebraska as required or authorized by the state. It also would consider the January 2014 environmental impact statement issued by the State Department sufficient to satisfy all requirements of the National Environmental Policy Act and the Endangered Species Act. The bill would grant the U.S. Court of Appeals for the District of Columbia exclusive jurisdiction regarding legal disputes over the pipeline or the constitutionality of the bill.

The House passed H.R. 5682 on November 14, 2014 by a vote of 252 to 161 (Roll Call 519). We have assigned pluses to the yeas because this bill essentially gets the federal government out of the way of economic development. While one could correctly argue that the federal government should not have been involved in this issue in the first place, and that from a constitutional standpoint it should be left up to the states, private property owners, and TransCanada to work out an arrangement, this bill is definitely a step in the right direction since it would remove unconstitutional federal regulatory roadblocks against the pipeline project.

HR 24: To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes

Vote Date: **September 17, 2014** Vote: **AYE**  Good Vote.

Federal Reserve Audit.

Representative Paul Broun (R-Ga.) introduced a bill (H.R. 24) to require the Government Accountability Office (GAO) to conduct a full audit of both the Federal Reserve System and the Federal Reserve banks' activities within one year of enactment and report its findings to Congress within 90 days of having the audit completed.

The House passed H.R. 24 on September 17, 2014 by a vote of 333 to 92 (Roll Call 504). We have assigned pluses to the yeas because the Federal Reserve System, essentially a cartel of private banks functioning as a central bank, is unconstitutional and is responsible for much of the nation's current financial problems via its control of money and credit. An audit of the Fed would shed light on its otherwise secretive practices and perhaps lead to its eventual abolishment.

HR 5078: Waters of the United States Regulatory Overreach Protection Act

Vote Date: **September 9, 2014** Vote: **AYE**  Good Vote.

Water Regulation.

H.R. 5078 would block the Environmental Protection Agency (EPA) and Army Corps of Engineers from finalizing a proposed rule, supported by the Obama administration to expand the scope of the federal government's authority over "waters of the United States." During debate on the bill, Representative Steve Southerland (R-Fla.), sponsor of the bill, explained: "Under its proposed rules, Federal agencies like the EPA and the Army Corps of Engineers would see their regulatory authority under the Clean Water Act drastically expanded, to the point of covering almost anybody of water throughout America, from ditches to culverts to pipes to watersheds to farmland ponds."

The House passed H.R. 5078 on September 9, 2014 by a vote of 262 to 152 (Roll Call 489). We have assigned pluses to the yeas because both federal water regulations and the EPA are unconstitutional, and if the rule were to pass, activities such as farming would become nearly unfeasible, since farmers would have to get federal permits to do many farm activities, such as cleaning out ditches.

HR 4899: Lowering Gasoline Prices to Fuel an America That Works Act

Vote Date: **June 26, 2014** Vote: **NONE** No Vote.

Oil and Gas Exploration.

H.R. 4899, the Lowering Gasoline Prices to Fuel an America That Works Act of 2014, would establish a five-year program for oil and gas leasing. Title I, Subtitle A of the bill would require at least 25 percent of eligible federal land be made available each year to lease for oil and gas exploration. Furthermore, the Interior Department would be required to make available for oil and gas exploration and development at least 50 percent of the unleased coastal areas that have the most potential for energy production.

The House passed H.R. 4899 on June 26, 2014 by a vote of 229 to 185 (Roll Call 368). We have assigned pluses to the yeas because the federal government should not hinder the development and utilization of the nation's natural resources, including oil and gas. Encouraging and allowing such development is in line with the Constitution and should therefore be supported. Additionally, such a move would place America further along the road to energy self-sufficiency, which is important for national security and insulation from various global political crises.

H R 4870: On Agreeing to the Amendment 69 to H R 4870

Vote Date: **June 19, 2014**

Vote: **AYE**



Good Vote.

Surveillance.

During consideration of the Defense Appropriations bill, Representative Thomas Massie (R-Ky.) introduced an amendment to prevent defense funds from being used to allow U.S. intelligence agencies to sift through electronic metadata that contains the personal information of U.S. citizens or legal residents. Massie's amendment would also prohibit funds from being used by the NSA for "backdoor" surveillance - requiring or requesting the redesign of a product to facilitate the electronic surveillance of a person who uses it.

As Massie said during debate on his amendment, "The American people are sick of being spied on. Our Founding Fathers wrote an important provision into the Bill of Rights - the Fourth Amendment - and that requires probable cause and a warrant before the government and government agents can snoop on any American."

The House adopted Massie's amendment on June 19, 2014 by a vote of 293-123 (Roll Call 327). We have assigned pluses to the yeas because Massie's amendment seeks to uphold the Constitution and its protection of privacy rights. Any attempt to curtail the surveillance state and restore constitutional protections to Americans is good.

H R 4870: On Agreeing to the Amendment 51 to H R 4870

Vote Date: **June 19, 2014**

Vote: **NAY**



Bad Vote.

Weapons to Syrian Rebels.

During consideration of the Defense Appropriations bill, Representative Jeff Fortenberry (R-Neb.) introduced an amendment that would have prohibited any funding in the bill from being used to provide weapons to Syrian rebels. Fortenberry noted on the House floor that "the rebel movement is a battleground of shifting alliances and bloody conflicts between groups that now include multinational terrorist organizations," that "sending our weapons into this chaotic war zone could inadvertently help these extremists," and that "it has already happened." He added: "The naive notion that we can deliver weapons to vetted, moderate opposition groups at war with other rebel militias gives no guarantee that our weaponry won't be seized or diverted."

The House rejected Fortenberry's amendment on June 19, 2014 by a vote of 167 to 244 (Roll Call 328). We have assigned pluses to the yeas because arming "moderate" rebels in a foreign country is tantamount to going to war, which would require a declaration of war by Congress. Also, the United States should follow the Founders' advice not to become involved in foreign quarrels.

H R 4870: On Agreeing to the Amendment 52 to H R 4870

Vote Date: **June 19, 2014**

Vote: **NAY**



Bad Vote.

Militarizing Local Police.

During consideration of the Defense Appropriations bill, Representative Alan Grayson (D-Fla.) introduced an amendment that would have prohibited any funding in the bill from being used to transfer excess military equipment, such as aircraft (including drones), armored vehicles, grenade launchers, and bombs, to local police departments. "Those weapons have no place in our streets, regardless of who may be deploying them," Grayson said in remarks supporting his amendment.

The House rejected Grayson's amendment on June 19, 2014 by a vote of 62 to 355 (Roll Call 329). We have assigned pluses to the yeas because the proper role of local police is undermined by converting them into militarized units more suitable for occupying hostile territory than for protecting their local communities from the criminal element. Providing local police with "free" U.S. military equipment also greases the skids for more federal control, leading ultimately to nationalized police beholden to Washington as opposed to independent police departments beholden to local citizens acting through their elected officials.

H R 4870: On Agreeing to the Amendment 56 to H R 4870

Vote Date: **June 19, 2014**

Vote: **NAY**



Bad Vote.

Military Operations in Afghanistan.

During consideration of the Defense Appropriations bill, Representative Barbara Lee (D-Calif.) introduced an amendment that would have barred any funding in the bill from being used "pursuant to the Authorization for Use of Military Force [AUMF] ... after December 31, 2014," the date that was set as the official end of U.S. combat operations in Afghanistan. Enacted in 2001 in the wake of 9/11, the AUMF has been invoked numerous times by the executive branch for U.S. military intervention not only in Afghanistan but elsewhere.

The House rejected Lee's amendment on June 19, 2014 by a vote of 157 to 260 (Roll Call 330). We have assigned pluses to the yeas because presidents have been able to claim broad authority to go to war whenever or wherever they choose under the AUMF, despite the fact that the Founding Fathers never intended for one man to make this decision and under the Constitution only Congress may "declare war."

HR 4435: On Agreeing to the Amendment 13 to HR 4435Vote Date: **May 22, 2014**Vote: **NAY**

Bad Vote.

Indefinite Military Detention.

During consideration of the National Defense Authorization Act for fiscal 2015 (NDAA, H.R. 4435), Rep. Adam Smith (D-Wash.) introduced an amendment to prohibit the indefinite military detention of any person detained under the Authorization for the Use of Military Force authority in the United States, its territories, or possessions by providing immediate transfer to a trial and proceedings by a court. It also would strike language that would provide for mandatory military custody of covered parties.

The House rejected Smith's amendment on May 22, 2014 by a vote of 191 to 230 (Roll Call 234). We have assigned pluses to the yeas because any attempt to limit or prohibit indefinite military detention is desirable, especially since persons detained may include U.S. citizens. Indefinite military detention is a blatant violation of the Sixth Amendment, and an executive who can wield such powers is akin to a monarch or dictator. As Rep. Smith said during consideration of the amendment: "That is an enormous amount of power to give the Executive: to take someone and lock them up without due process. It is not necessary. This President has not used the authority. President George W. Bush did not use it after about 2002 and then only in a couple of instances. It is not necessary. It is an enormous amount of power to grant the Executive, and I believe places liberty and freedom at risk in this country."

HR 4435: On Agreeing to the Amendment 17 to HR 4435Vote Date: **May 22, 2014**Vote: **NAY**

Bad Vote.

Use of Military Force.

During consideration of the National Defense Authorization Act for fiscal 2015 (NDAA, H.R. 4435), Rep. Adam Schiff (D-Calif.) introduced an amendment to sunset the 2001 Authorization for the Use of Military Force 12 months after the enactment of the 2015 NDAA.

The House rejected Schiff's amendment on May 22, 2014 by a vote of 191 to 233 (Roll Call 237). We have assigned pluses to the yeas because the Authorization for the Use of Military Force, while granted by Congress, gives the president almost unlimited powers to invade countries, overthrow governments, and assassinate people under the pretext of waging the "war on terror." Congress essentially handed over its constitutional authority to declare war to the executive branch, thus giving the executive unconstitutional abilities. Any attempt to end the Authorization for the Use of Military Force is a step in the right direction.

HR 4152: To provide for the costs of loan guarantees for UkraineVote Date: **April 1, 2014**Vote: **AYE**

Bad Vote.

Ukraine Aid.

This bill (H.R. 4152), as amended by the Senate (see Senate vote below), would provide \$150 million for direct aid to Ukraine. It would also provide for loan guarantees (meaning that U.S. taxpayers would be stuck holding the bag if the loans are not paid). And it would impose sanctions on Russian and ex-Ukrainian officials deemed responsible for the crisis in the Ukraine.

[The Senate version of this legislation - offered in the form of a substitute amendment to the House version, H.R. 4152 - would provide \$150 million for direct aid to Ukraine. It would also provide for loan guarantees (meaning that the U.S. taxpayers would be stuck holding the bag if the loans are not paid). And it would impose sanctions on Russian and ex-Ukrainian officials deemed responsible for the crisis in the Ukraine.]

The House voted for this legislation on April 1, 2014 by a vote of 378 to 34 (Roll Call 149). We have assigned pluses to the nays because foreign aid is unconstitutional. The rationale for providing U.S. aid to Ukraine is that the country needs our assistance to resist Russian hegemony and build "democracy." Yet the oligarchs wielding power in Ukraine are hardly "democrats," and (because money is fungible) U.S. assistance could effectively be funneled to Russia in the form of Ukrainian energy and debt payments.

HR 4138: Executive Needs to Faithfully Observe and Respect Congressional Enactments of the Law Act of 2014Vote Date: **March 12, 2014**Vote: **AYE**

Good Vote.

Enforcing Existing Laws.

This bill (H.R. 4138) would authorize either the House or Senate, upon adoption of a resolution, to bring civil action charges against the president, the head of any department or agency of the United States, or any other employee of the United States who has failed to enforce an existing law, policy, program, regulation, rule, or statute, in violation of the president's constitutional obligation to faithfully execute the laws (Article II, Section 3). This bill provides that such a civil action shall be filed in a U.S. district court and shall be heard by a three-judge panel. The panel's decisions would be reviewable only by appeal directly to the Supreme Court.

The House passed H.R. 4138 on March 12, 2014 by a vote of 233 to 181 (Roll Call 124). We have assigned pluses to the yeas because Article II, Section 3 of the Constitution requires that the president "shall take Care that the Laws be faithfully executed." When instead the president picks and chooses which laws to enforce and which to ignore, he is usurping the powers of Congress, which under the Constitution possesses sole legislative powers.

HR 3826: Electricity Security and Affordability ActVote Date: **March 6, 2014**Vote: **AYE**

Good Vote.

EPA Regulations.

This bill (H.R. 3826) would prohibit the Environmental Protection Agency from issuing, implementing, or enforcing any proposed rule under the Clean Air Act "that establishes a standard of performance for emissions of any greenhouse gas from any new source that is a fossil fuel-fired electric utility generating unit" unless such rule meets certain requirements as provided in this bill.

The House passed H.R. 3826 on March 6, 2014 by a vote of 229 to 183 (Roll Call 106). We have assigned pluses to the yeas because restricting greenhouse-gas emissions would be harmful to the economy, carbon dioxide and other greenhouse gases are not pollutants, and the federal government has no constitutional authority to limit such emissions.

S 540: Temporary Debt Limit Extension ActVote Date: **February 11, 2014**Vote: **NAY**

Good Vote.

Debt Limit Suspension.

This bill (S. 540), entitled the "Temporary Debt Limit Extension Act," would suspend the national debt limit on federal debt through March 15, 2015 - the temporary aspect of the legislation. But the additional debt accumulated between enactment of this bill and March 15, 2015 would not be "temporary," since on the following day the legislation would automatically re-establish the debt limit at a higher level, reflecting the additional debt.

The House passed S. 540 on February 11, 2014 by a vote of 221 to 201 (Roll Call 61). We have assigned pluses to the nays because the federal government should live within its means, suspending the debt limit is even worse than raising it, and most of the spending responsible for the ballooning national debt is unconstitutional.

HR 2642: To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposesVote Date: **January 29, 2014**Vote: **AYE**

Bad Vote.

Farm and Food Programs.

This bill (H.R. 2642) would reauthorize federal farm and nutrition programs through fiscal 2018, including crop subsidies and the Supplemental Nutrition Assistance Program, or SNAP, formerly known as food stamps. Though this bill is entitled the Agriculture Act of 2014, most of the funding in the bill is not for agricultural programs but for food programs. The Congressional Budget Office estimated that the final version of this legislation (conference report) would cost \$956 billion over 10 years, of which \$756 billion would be for nutrition programs.

The House passed the conference report on January 29, 2014 by a vote of 251 to 166 (Roll Call 31). We have assigned pluses to the nays because both farm aid and food aid are unconstitutional. The food subsidy programs are supposed to help the poor, but in practice they have done little to lift people out of poverty, as evidenced by the growing number of recipients of these programs.

HR 7: To prohibit taxpayer funded abortionsVote Date: **January 28, 2014**Vote: **AYE**

Good Vote.

Abortion Funding.

This bill (H.R. 7) would permanently prohibit any federal funding or resources to be used to facilitate the coverage or performance of an abortion, except in cases involving the endangerment of the mother's life, incest, or rape. It would also prohibit abortions from being performed at any federal or District of Columbia healthcare facility and by any physician in the employment of the federal government or D.C.

The House passed H.R. 7 on January 28, 2014 by a vote of 227 to 188 (Roll Call 30). We have assigned pluses to the yeas not only because the government should not be subsidizing the killing of innocent human life, but also because there is no constitutional authority for the government to manage or finance the healthcare sector.

HR 3547: To extend the application of certain space launch liability provisions through 2014Vote Date: **January 15, 2014**Vote: **AYE**

Bad Vote.

Omnibus Appropriations.

During consideration of the omnibus appropriations bill (H.R. 3547), Rep. Hal Rogers (R-Ky.) moved that the House concur with the Senate version of the bill that would provide about \$1.1 trillion in discretionary spending in fiscal 2014 for the following federal departments and agencies: Agriculture (\$20.9 billion), Commerce-Justice-Science (\$51.6 billion), Defense (\$572 billion), overseas contingency operations associated with the war in Afghanistan and other counterterrorism operations (\$85.2 billion), Energy-Water (\$34.1 billion), Financial Services (\$21.9 billion), Homeland Security (\$39.3 billion), Interior-Environment (\$30.1 billion), Labor-HHS-Education (\$156.8 billion), Legislative Branch (\$4.3 billion), Military Construction-VA (\$73.3 billion), State-Foreign Affairs (\$49 billion), and Transportation-HUD (\$50.9 billion). The legislation satisfies the \$1.012 trillion cap on discretionary spending established by the December budget deal, which had repealed a portion of sequestration cuts provided by the 2011 debt limit law. This amounts to a 2.6 percent increase in discretionary spending compared to the sequester-reduced level for fiscal 2013. The bill also includes \$98 billion not subject to the budget cap, including funding for war-related and anti-terrorism programs, as well as disaster relief.

The House concurred with the Senate version of the omnibus appropriations bill on January 15, 2014 by a vote of 359 to 67 (Roll Call 21). We have assigned pluses to the nays because with this budget agreement Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars that contribute directly to the dramatic growth of our \$17 trillion national debt.

H J RES 59: Making continuing appropriations for fiscal year 2014, and for other purposes

Vote Date: **December 12, 2013**

Vote: **AYE**



Bad Vote.

Budget Agreement.

During consideration of the Budget Agreement for fiscal 2014 (House Joint Resolution 59), Rep. Paul Ryan (R-Wis.) moved that the House concur with the Senate version of the fiscal 2014 continuing resolution (H. J. Res 59) that would increase the discretionary spending caps for fiscal 2014 and 2015 to \$1.012 trillion and \$1.014 trillion, respectively. This represents an increase of \$26 billion for 2014 and \$19 billion for 2015. Furthermore, this amounts to the elimination of \$63 billion in sequester cuts for 2014 and 2015. Rep. Justin Amash (R-Mich.) explained his no vote on this budget agreement in a Facebook post for December 24, 2013: "Instead of real compromise to reform the biggest budget items contributing to our \$17 trillion debt - Social Security, military spending, and Medicare - the bill increases federal spending for special interests by tens of billions of dollars and pays for it by raising taxes on millions of Americans."

The House concurred with the Senate version of the Budget Resolution on December 12, 2013 by a vote of 332 to 94 (Roll Call 640). We have assigned pluses to the nays because with this budget agreement Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars that contribute directly to the dramatic growth of our \$17 trillion national debt.

HR 2775: To condition the provision of premium and cost-sharing subsidies under the Patient Protection and Affordable Care Act upon a certification that a program to verify household income and other qualifications for such subsidies is operational, and for other purposes

Vote Date: **October 16, 2013**

Vote: **NAY**



Good Vote.

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 nays 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.

H J RES 59: Making continuing appropriations for fiscal year 2014, and for other purposes

Vote Date: **September 20, 2013**

Vote: **AYE**



Good Vote.

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.

HR 367: Regulations From the Executive in Need of Scrutiny Act

Vote Date: **August 2, 2013**

Vote: **AYE**



Good Vote.

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.

H R 2397: On Agreeing to the Amendment 54 to H R 2397

Vote Date: **July 24, 2013**

Vote: **NAY**



Bad Vote.

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.

HR 2397: On Agreeing to the Amendment 64 to H R 2397Vote Date: **July 24, 2013**Vote: **NAY**

Bad Vote.

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 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.

HR 2397: On Agreeing to the Amendment 70 to H R 2397Vote Date: **July 24, 2013**Vote: **NAY**

Bad Vote.

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.

HR 2397: On Agreeing to the Amendment 30 to H R 2397Vote Date: **July 23, 2013**Vote: **AYE**

Good Vote.

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.

HR 2231: Offshore Energy and Jobs ActVote Date: **June 28, 2013**Vote: **AYE**

Good Vote.

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.

H R 1947: Federal Agriculture Reform and Risk Management Act

Vote Date: **June 20, 2013**

Vote: **AYE**



Bad Vote.

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.

H R 1960: On Agreeing to the Amendment 12 to H R 1960

Vote Date: **June 13, 2013**

Vote: **NAY**



Bad Vote.

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 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.

H R 2217: On Agreeing to the Amendment 40 to H R 2217

Vote Date: **June 6, 2013**

Vote: **AYE**



Good Vote.

Illegal Immigration. During consideration of the Homeland Security appropriations bill (H.R. 2217), Rep. Steve King (R-Iowa) offered an amendment to "prohibit the use of funds to finalize, implement, administer, or enforce" the Obama administration policies regarding illegal immigrants known as prosecutorial discretion, which "seek to implement an administrative amnesty policy."

Rep. King went on to remark: "This is an that prohibits the resources from being used to enforce [prosecutorial discretion], amendment and it conforms with the Founding Fathers' vision, and it conforms with the Constitution in that the President cannot defy his own oath of office. He can't defy the Constitution. The President can't take on Article I authority and legislate by executive order or edict or press conference. That's the job of this Congress. That's why we are Article I. He is Article II."

The House adopted King's amendment on June 6, 2013 by a vote of 224 to 201 (Roll Call 208). We have assigned pluses to the yeas because only Congress has the power under the Constitution "to establish a uniform Rule of Naturalization."

H R 2217: On Agreeing to the Amendment 27 to H R 2217

Vote Date: **June 5, 2013**

Vote: **AYE**



Good Vote.

Homeland Security Ammunition Purchases. During consideration of the Homeland Security appropriations bill (H.R. 2217), Rep. Mark Meadows (R-N.C.) offered an amendment specifying that "none of the funds made available by this Act may be used for entering into a new contract for the purposes of purchasing ammunition" until the Department of Homeland Security submits a report to Congress about its purchase and use of ammunition. Meadows explained on the floor of the House that a recent large ammunition purchase by DHS was a cause for concern. "Earlier this year, it was reported that DHS solicited bids for some 1.1 billion rounds of ammunition," he noted. "This was more than 10 times the amount that the Department purchased in fiscal year 2012." Meadows added that the current inventory of ammunition for the 62,618 DHS employees certified in firearms amounts to nearly 4,000 rounds per person.

The House adopted Meadows' amendment on June 5, 2013 by a vote of 234 to 192 (Roll Call 204). We have assigned pluses to the yeas because the size of DHS ammunition purchases is alarming - particularly considering that under our constitutional system domestic law enforcement is a local and state responsibility.

H R 3: To approve the construction, operation, and maintenance of the Keystone XL pipeline, and for other purposes

Vote Date: **May 22, 2013**Vote: **AYE**

Good Vote.

Keystone XL Pipeline. This bill (H.R. 3) would declare that "no Presidential permit shall be required for the pipeline described in the application filed on May 4, 2012, by TransCanada Keystone Pipeline, L.P.," which includes the Nebraska reroute that was evaluated and approved in early 2013. This bill would also deem that the Keystone project has already satisfied all requirements of the National Environmental Policy Act of 1969 and of the National Historic Preservation Act.

According to a Reuters story posted online on May 22, 2013, "The project has been hailed by the energy industry as part of the U.S. push toward energy independence. It is also supported by many unions because it would provide thousands of construction jobs. Environmentalists have vociferously opposed the pipeline, saying it would raise greenhouse gas levels and lock the United States into long-term dependence on fossil fuels."

The House passed H.R. 3 on May 22, 2013 by a vote of 241 to 175 (Roll Call 179). We have assigned pluses to the yeas because the federal government should allow entrepreneurs to develop energy resources, rather than deny access to the resources.

H R 45: To repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010

Vote Date: **May 16, 2013**Vote: **AYE**

Good Vote.

ObamaCare Repeal. This legislation (H.R. 45) would repeal the Patient Protection and Affordable Care Act (Public Law 111-148) and healthcare-related provisions in the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), which together are known as "ObamaCare." This bill would also restore or revive the provisions of healthcare law amended or repealed by Public Laws 111-148 and 111-152 as if these two laws had never been enacted. Although this vote could be viewed as merely symbolic because it stood no chance of passage in the Senate, the upcoming ObamaCare-implementation train-wreck could still lead to the ultimate repeal of ObamaCare.

The House passed H.R. 45 on May 16, 2013 by a vote of 229 to 195 (Roll Call 154). We have assigned pluses to the yeas because ObamaCare is obviously unconstitutional, and it is causing healthcare costs to rise dramatically.

H R 624: Cyber Intelligence Sharing and Protection (CISPA) Act

Vote Date: **April 18, 2013**Vote: **AYE**

Bad Vote.

Cyber Intelligence Sharing and Protection Act (CISPA). This legislation (H.R. 624) would further legalize the massive sharing of private-user online data by Internet companies with federal government agencies, such as the National Security Agency (NSA), that has already been happening for years. As Robert X. Cringely posted in his article "The CISPA Circus: Send in the Clowns" on InfoWorld.com on April 19, the day after the CISPA bill passed in the House: "The problem with CISPA is that in its current form it's still vague and ripe for abuse. It absolves corporations of being responsible for what happens to the data they've collected. It allows data sharing with the entire federal government, not just the parts responsible for ensuring our safety. It circumvents other laws designed to limit governmental access to private information. And it can be deployed for a wide range of perceived threats that have nothing to do with attacks on our nation's infrastructure."

The House passed CISPA on April 18, 2013 by a vote of 288 to 127 (Roll Call 117). We have assigned pluses to the nays because the massive sharing of private citizens' online data by Internet companies with federal government agencies authorized by this bill violates "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures" as set forth in the Fourth Amendment of the Constitution.

H R 933: Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013

Vote Date: **March 21, 2013**Vote: **AYE**

Bad Vote.

Continuing Appropriations for Fiscal 2013. This appropriations bill (H.R. 933) would finance the federal government through the end of fiscal 2013. Its provisions include five full-year appropriations bills - Agriculture, Commerce-Justice-Science, Defense, Homeland Security, and Military Construction-VA. It would also continue appropriations for the remainder of the federal government at 2012 levels, with certain adjustments. The spending includes \$1.043 trillion in "discretionary" (non-mandatory) spending before sequestration.

In general, this appropriations bill perpetuates the Washington spendathon without making the needed decisions to slash government spending and eliminate deficit spending - projected to be \$973 billion for fiscal 2013 in the budget Obama submitted in April.

The House agreed to this legislation on March 21, 2013 by a vote of 318 to 109 (Roll Call 89). We have assigned pluses to the nays because passage of this mammoth continuing resolution provided a way for Congress to perpetuate its fiscally irresponsible, unconstitutional spending habits with a minimum of accountability to its constituents.

H R 803: Supporting Knowledge and Investing in Lifelong Skills Act

Vote Date: **March 15, 2013**Vote: **NAY**

Good Vote.

Minimum Wage. During consideration of a bill to consolidate job-training programs (H.R. 803), Rep. George Miller (D-Calif.) offered a motion to recommit the bill to the House Education and the Workforce Committee and report it back immediately with an amendment that, among other things, would incrementally increase the federal minimum wage by a total \$2.85 over two years to \$10.10 an hour. In 2007, the federal minimum wage was increased by \$2.10 to the current \$7.25 an hour. Though many people believe that raising the federal minimum wage is a solution to national poverty, mandating higher wages causes employers to limit hiring of entry-level workers, causing more unemployment. On the other hand, when the market is allowed to dictate wages, entry-level workers are able to get the experience and job training they need to get higher paying jobs.

The House rejected Miller's motion on March 15, 2013 by a vote of 184 to 233 (Roll Call 74). We have assigned pluses to the nays because it is unconstitutional for the government to prohibit citizens from working for less than a government-set wage.

HR 933: Department of Defense, Military Construction and Veterans Affairs, and Full-Year Continuing Appropriations Act, 2013

Vote Date: **March 6, 2013**

Vote: **NAY**



Good Vote.

Sequestration Caps. During consideration of the continuing appropriations bill for fiscal 2013 (H.R. 933), Rep. Scott Peters (D-Calif.) moved to send the bill back to the House Appropriations Committee with instructions to report it back with an amendment striking the automatic sequestration cuts from the bill. Those cuts total \$85 billion in fiscal 2013 - a relatively small amount compared to a total federal budget estimated at \$3.68 trillion for fiscal 2013 in the budget Obama submitted to Congress in April.

The House rejected Peters' motion on March 6, 2013 by a vote of 188 to 231 (Roll Call 61). We have assigned pluses to the nays because the runaway federal spending needs to be reined in. Though the sequestration cuts are too small to solve the fiscal crisis, they are better than no cuts at all.

HR 325: To ensure the complete and timely payment of the obligations of the United States Government until May 19, 2013, and for other purposes

Vote Date: **January 23, 2013**

Vote: **AYE**



Bad Vote.

Short-term Debt Limit Increase. This bill (H.R. 325), voted on in January 2013, would suspend the public debt limit through May 18, 2013 and, in effect, allow the Treasury Department to borrow as much as it needs in order to pay its bills over the next four months: February, March, April, and May. Another provision in the bill would withhold pay for representatives or senators if either house fails to approve a budget by April 15. The pay would be withheld for each member of Congress until his or her house agrees to a concurrent resolution on the budget for fiscal 2014 or until the last day of the 113th Congress.

The House passed H.R. 325 on January 23, 2013 by a vote of 285 to 144 (Roll Call 30). We have assigned pluses to the nays because the federal government should live within its means and because most of the spending responsible for the ballooning national debt is unconstitutional.

HR 152: Making supplemental appropriations for the fiscal year ending September 30, 2013, and for other purposes

Vote Date: **January 15, 2013**

Vote: **NAY**



Good Vote.

Disaster Supplemental (Superstorm Sandy). This bill (H.R. 152) would appropriate \$50.5 billion in emergency supplemental funding for communities hit by Superstorm Sandy. According to Congressional Quarterly, "The bill would include \$11.5 billion for FEMA's Disaster Relief Fund, \$10.9 billion for transit systems, \$16 billion for Department of Housing and Urban Development community development programs, \$5.4 billion for the Army Corps of Engineers, \$708 million for repairs to national parks, wildlife refuges and facilities, \$234 million for Veterans Affairs medical activities and construction projects, \$274 million for Coast Guard projects, and \$520 million for Small Business Administration disaster loans."

The House passed H.R. 152 on January 15, 2013 by a vote of 241 to 180. (Roll Call 23). We have assigned pluses to the nays because disaster relief - which should be provided through private charitable efforts - is not a federal responsibility.

H.J.Res. 117: Continuing Appropriations Resolution, 2013

Vote Date: **September 13, 2012**

Vote: **NAY**



Good Vote.

Continuing Resolution. House Joint Resolution 117 would provide continuing appropriations for the federal government from October 1, 2012 through March 27, 2013. This would amount to an annualized rate of \$1.047 trillion in "discretionary" spending for regular appropriations, and would include a 0.6 percent increase in funding for most federal programs and agencies. This continuing resolution would also provide nearly \$100 billion in war funding and \$6.4 billion in advance disaster relief funds.

To put this appropriations bill into perspective, consider what the Congressional Budget Office reported on August 22, 2012: "For fiscal year 2012 (which ends on September 30), the federal budget deficit will total \$1.1 trillion, CBO estimates, marking the fourth year in a row with a deficit of more than \$1 trillion." This deficit is based on the CBO's estimates of \$2.435 trillion in federal revenue and \$3.563 trillion in federal outlays for fiscal 2012. Therefore, 32 percent of every federal dollar spent in 2012 had to be borrowed. For 2011, 2010, and 2009 the shortfall has been 36, 37, and 40 percent respectively.

The House passed H. J. Res. 117 on September 13, 2012 by a vote of 329 to 91 (Roll Call 579). We have assigned pluses to the nays because passage of this mammoth continuing resolution provided a way for Congress to perpetuate its fiscally irresponsible, unconstitutional spending habits with a minimum of accountability to its constituents.

H.R. 5949: FISA Amendments Act Reauthorization Act of 2012

Vote Date: **September 12, 2012**

Vote: **AYE**



Bad Vote.

FISA. The proposed FISA Amendments Act Reauthorization Act of 2012 (H.R. 5949) would reauthorize for five years, through 2017, the Foreign Intelligence Surveillance Act (FISA), which governs electronic surveillance of foreign terrorism suspects. The law allows warrantless surveillance of foreign targets who may be communicating with people in the United States, provided that the secret FISA court approves surveillance procedures.

The Senate passed H.R. 5949 on September 12, 2012 by a vote of 301 to 118 (Roll Call 569). We have assigned pluses to the nays because warrantless surveillance is unconstitutional and violates privacy and individual liberty. While ostensibly carried out only on "foreign suspects" communicating with U.S. citizens, it is difficult to imagine this surveillance not extending to U.S. citizens.

H.R. 8: American Taxpayer Relief Act of 2012Vote Date: **August 1, 2012**Vote: **AYE**

Good Vote.

Tax Cut Extension. In view of the looming "fiscal cliff" of expiring tax cuts, tax increases, and automatic spending cuts set to take place January 1, 2013, Rep. Dave Camp (R-Mich.) offered a bill (H.R. 8) to extend all of the expiring Bush-era tax rates for one year. The bill would effectively tie alternative minimum tax exemption amounts to inflation in 2012 and 2013; extend the so-called marriage penalty-tax relief, the \$1,000 child tax credit, and the 15-percent top tax rate on dividends and capital gains; and keep the estate tax at its current levels.

The House passed the bill on August 1, 2012, by a vote of 256 to 171 (Roll Call 545). We have assigned pluses to the yeas because extending the tax cuts keeps more money in the hands of citizens, where it can be invested into the economy, thus spurring economic growth. Of course, the deficits need to be eliminated, but the way to accomplish this is to cut spending, not increase taxes.

On Motion to Suspend the Rules and Pass H.R. 459: Federal Reserve Transparency Act of 2012Vote Date: **July 25, 2012**Vote: **AYE**

Good Vote.

Federal Reserve Audit. Rep. Ron Paul (R-Texas) introduced a bill (H.R. 459) to require a full audit of the board of governors of the Federal Reserve System and the Federal Reserve banks by the comptroller general of the United States.

The House passed the bill on July 25, 2012 by a vote of 327 to 98 (Roll Call 513). We have assigned pluses to the yeas because the Federal Reserve System, essentially a cartel of private banks functioning as a central bank, is unconstitutional and is responsible for much of the nation's current financial problems via its control of money and credit. An audit of the Fed would shed light on its otherwise secretive practices and perhaps open the door for its eventual abolishment.

H.Amdt. 1416 to H.R. 5856: An amendment to prohibit the use of funds used in contravention of section 7 of title 1, United States Code.Vote Date: **July 19, 2012**Vote: **AYE**

Good Vote.

Defense of Marriage Act. Rep. Steve King (R-Iowa) introduced an amendment to the Department of Defense Appropriations Act (H.R. 5856) "to prohibit the use of funds used in contravention of section 7 of title 1, United States Code." Section 7 of title 1 of the U.S. Code is better known as the Defense of Marriage Act.

When Rep. King offered his amendment on the floor of the House on July 19, he explained: "What we've seen since the passage of the Defense of Marriage Act is an effort on the part of the executive branch to undermine, I believe, marriage between one man and one woman within our military ranks.... Congress directs and acts within the authority of article I of the Constitution, our legislative authority, and the President of the United States, or his executives who are empowered by him, seek to undermine the law of the United States, instead of coming here to this Congress and asking for the law to be changed, or simply accepting the idea that they've taken an oath to uphold the Constitution of the United States and the rule of law, and to take care, under article II, section 3, that the laws be faithfully executed."

The House adopted King's amendment on July 19, 2012 by a vote of 247 to 166 (Roll Call 487). We have assigned pluses to the yeas because the Constitution grants "all legislative powers" exclusively to Congress in Article I, Section 1 and requires the president to "take care that the laws be faithfully executed" in Article II, Section 3.

H.Amdt. 1414 to H.R. 5856: An amendment to reduce appropriations made in Title IX of the bill by \$20,843,869,000. The reduction shall not apply to the following accounts 1) Defense Health Program; 2) Drug Interdiction and Counter-Drug Activities, Defense; 3) Joint Improvised Explosive Device Defeat Fund; and 4) Office of the Inspector General.Vote Date: **July 18, 2012**Vote: **NAY**

Bad Vote.

Afghanistan Withdrawal (Defense Appropriations Reduction). During consideration of the Defense appropriations bill for fiscal 2013 (H.R. 5856), Rep. Barbara Lee (D-Calif.) proposed an amendment to cut overseas military spending by almost \$21 billion. The intent behind the amendment was to allow enough funding for an orderly withdrawal from the unpopular war in Afghanistan but not enough to continue the conflict. According to Rep. Lee, the original bill includes over \$85 billion for the war in Afghanistan.

The House rejected Lee's amendment on July 18, 2012 by a vote of 107 to 312 (Roll Call 485). We have assigned pluses to the yeas because the massive expenditure on undeclared foreign wars and nation building is unconstitutional and unaffordable.

On Motion to Suspend the Rules and Pass H.R. 6018: Foreign Relations Authorization Act, Fiscal Year 2013Vote Date: **July 17, 2012**Vote: **AYE**

Bad Vote.

Foreign Relations Authorization. The Foreign Relations Authorization Act for Fiscal Year 2013 (H.R. 6018) authorizes \$9 billion for the State Department's diplomatic and consular programs, \$1.6 billion for dues to international organizations (about \$0.6 billion for UN regular budget dues and about \$1 billion in contributions to 43 other UN-system, regional, and non-UN organizations), and \$1.8 billion for contributions for UN peacekeeping activities. The United States is the largest contributor to UN dues and peacekeeping, paying 22 percent of total UN regular dues and 27 percent of UN peacekeeping operations.

When the U.S. Senate approved U.S. participation in the United Nations by a vote of 65 to 7 on December 4, 1945, it violated the Constitution by ceding our national sovereignty regarding engaging in wars to the United Nations. Whereas the Constitution grants the power "to declare war" exclusively to Congress in Article I, Section 8, the UN Charter grants this power to the UN's Security Council.

The House passed H.R. 6018 on July 17, 2012 by a vote of 333 to 61 (Roll Call 469). We have assigned pluses to the nays

because U.S. participation in the United Nations involves an unconstitutional delegation of our national sovereignty to the UN.

H.R. 6079: Repeal of Obamacare Act

Vote Date: **July 11, 2012**

Vote: **AYE**



Good Vote.

ObamaCare Repeal. The Repeal of Obamacare Act (H.R. 6079) would repeal both the Patient Protection and Affordable Care Act (Public Law 111-148) and the Health Care and Education Reconciliation Act (Public Law 111-152), known collectively as ObamaCare, and the provisions of law amended or repealed by these two acts would be restored or revived as if such acts had not been enacted.

Despite the Supreme Court's June 28 decision upholding the constitutionality of the individual mandate of ObamaCare, a careful reading of the legislative powers granted to Congress in Article I, Section 8 of the Constitution does not reveal any legislative power to fund or regulate healthcare.

The House passed H.R. 6079 on July 11, 2012 by a vote of 244 to 185 (Roll Call 460). We have assigned pluses to the yeas because ObamaCare is an unconstitutional government takeover of nearly 20 percent of our nation's economy.

H.Res. 711: Recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena issued by the Committee on Oversight and Government Reform.

Vote Date: **June 28, 2012**

Vote: **AYE**



Good Vote.

Eric Holder Contempt Resolution. After Attorney General Eric Holder refused to comply with a subpoena issued by the House Committee on Oversight and Government Reform to provide documents regarding the "Operation Fast and Furious" gun-walking scandal, Rep. Darrell Issa (R-Calif.) introduced a resolution (H. Res. 711) to hold him in contempt of Congress.

The House passed Rep. Issa's resolution on June 28, 2012 by a vote of 255 to 67 (Roll Call 441). We have assigned pluses to the yeas because Holder's refusal to comply with a subpoena issued by Congress is a clear violation of the constitutional principle of separation of powers, and as a member of the executive branch he essentially "thumbed his nose" at the legislative branch.

H.Amdt. 1266 to H.R. 5855: An amendment to prohibit the use of funds to be used to finalize, implement, administer, or enforce the "Morton Memos". The term "Morton Memos" refers to 1) Policy Number 10072.1, published on March 2, 2011; 2) Policy Number 10075.1, published on June 17, 2011; 3) Policy Number 10076.1, published on June 17, 2011.

Vote Date: **June 7, 2012**

Vote: **AYE**



Good Vote.

Immigration Enforcement. During consideration of the fiscal 2013 Homeland Security appropriations bill (H.R. 5855), Rep. Steve King (R-Iowa) introduced an amendment "to prohibit the use of funds to be used to finalize, implement, administer, or enforce" Immigration and Customs Enforcement memos (known as the Morton memos) regarding prosecutorial discretion to prioritize the removal of certain illegal immigrants.

A few weeks after the vote on this amendment, Rep. Lou Barletta (R-Pa.) sent U.S. Attorney General Eric Holder a letter demanding answers regarding the administration's use of prosecutorial discretion, often referred to as "administrative amnesty," to certain illegal aliens up to the age of 30. Barletta wrote: "When similar measures that would implement these same policies were presented to Congress, Congress rejected them. The implementation of the new immigration policy that is contrary to the expressed will of the Congress violates the Constitution."

The House adopted King's amendment on June 7, 2012 by a vote of 238 to 175 (Roll Call 363). We have assigned pluses to the yeas because the Obama administration's use of prosecutorial discretion to provide amnesty to illegal immigrants violates the constitutional principle of separation of powers. According to Article I, Section 1, "all legislative powers herein granted shall be vested in a Congress of the United States." In particular, Congress is granted the power "to establish a uniform rule of naturalization" in Article I, Section 8. In contrast, Article II, Section 3 states that the president "shall take care that the laws be faithfully executed."

H.Amdt.1127 to H.R.4310: An amendment numbered 46 printed in House Report 112-485 to strike section 1022 of the FY2012 NDAA and amend Section 1021 of same Act to eliminate indefinite military detention of any person detained under AUMF authority in U.S., territories or possessions by providing immediate transfer to trial and proceedings by a court established under Article III of the Constitution of the United States or by an appropriate State court.

Vote Date: **May 18, 2012**

Vote: **NAY**



Bad Vote.

Indefinite Detention. Detainee-related language in the National Defense Authorization Act (H.R. 4310) is so sweeping that American citizens accused of being terrorists can be detained by the U.S. military and held indefinitely without habeas corpus and without even being tried and found guilty in a court of law.

Rep. Adam Smith (D-Wash.) offered an amendment to strike this language from the bill, but the House rejected Smith's amendment on May 18, 2012 by a vote of 182 to 238 (Roll Call 270). We have assigned pluses to the yeas because the War on Terror must not be allowed to destroy constitutional legal protections, including the issuance of a warrant based on probable cause (Fourth Amendment) and the right to a trial (Sixth Amendment).

H.R. 2072: Export-Import Bank Reauthorization Act of 2012

Vote Date: **May 9, 2012**

Vote: **NAY**



Good Vote.

Export-Import Bank. This legislation (H.R. 2072) reauthorized the U.S. Export-Import Bank for two years and increased the agency's

lending cap from \$100 billion to \$140 billion. The bank issues loans and loan guarantees to foreign governments or companies for the purchase of U.S. products.

The House passed H.R. 2072 on May 9, 2012 by a vote of 330 to 93 (Roll Call 224). We have assigned pluses to the nays because the federal government has no constitutional authority risking taxpayers' money to provide loans and terms that the private sector considers too risky to provide. Indeed, U.S. government-backed export financing is a form of corporate welfare, and if the Ex-Im Bank goes bust (as happened to Freddie Mac and Fannie Mae), the taxpayers will get stuck holding the bag.

H.Amdt.1078 to H.R.5326: An amendment to prohibit the use of funds to be used to enforce section 526 of the Energy Independence Security Act.

Vote Date: **May 9, 2012**

Vote: **AYE**



Good Vote.

National Ocean Policy. During consideration of the Commerce-Justice-Science appropriations bill (H.R. 5326), Rep. Bill Flores (R-Texas) offered an amendment that would bar the use of funds in the bill to implement an executive order signed by President Obama in July 2010 calling for a national ocean policy. According to a press release on May 9 by the House Natural Resources Committee, Rep. Flores stated: "The National Ocean Policy was formed without congressional authority and would be run by unaccountable and unelected Washington bureaucrats. These proposed policy guidelines and processes have the potential to change the permitting criteria and requirements for a large number of economic sectors." Moreover, Obama's National Ocean Policy explicitly calls for "pursuing the United States' accession to the Law of the Sea Convention," also known as the Law of the Sea Treaty (LOST).

The House adopted Flores' amendment on May 9, 2012 by a vote of 246 to 174 (Roll Call 234). We have assigned pluses to the yeas because the Constitution does not empower the federal government to regulate the permitting criteria and other requirements of our nation's various economic sectors. Furthermore, ratifying the Law of the Sea Treaty would legitimize the UN's power grab over 70 percent of the Earth's surface and constitute a huge loss of our national sovereignty.

H.R. 3523: Cyber Intelligence Sharing and Protection Act (CISPA)

Vote Date: **April 26, 2012**

Vote: **AYE**



Bad Vote.

Cyber Intelligence Sharing and Protection Act (CISPA). This bill (H.R. 3523) would foster information sharing about cyber threats between the federal government and private businesses. Businesses that would participate in this sharing would be protected from lawsuits regarding this sharing of their customers' private information with the government. According to Violet Blue in an article posted on ZDNet.com on June 8, "Most people familiar with CISPA believe it will wipe out decades of consumer privacy protections and is primarily to give the US government unprecedented access to individuals' online data and communications."

The House passed H.R. 3523 on April 26, 2012 by a vote of 248 to 168 (Roll Call 192). We have assigned pluses to the nays because the CISPA bill would permit government access to the private information of citizens, in violation of the Fourth Amendment "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures."

H.R. 5: Protecting Access to Healthcare Act

Vote Date: **March 22, 2012**

Vote: **AYE**



Good Vote.

IPAB (Death Panel) Repeal. This legislation (H.R. 5) would repeal the provisions of the 2010 ObamaCare healthcare overhaul laws that established the Independent Payment Advisory Board (IPAB) responsible for curbing Medicare costs. It would restore previous law provisions to maintain the current Medicare spending review process. This bill is important because it would repeal the high-profile IPAB "death panel" provision of the unconstitutional ObamaCare law.

The IPAB Board would be made up of 15 unelected members chosen by the President. According to Tony Perkins of the Family Research Council, the IPAB "could deny payment for certain care or medications, change the service options doctors have, and drive expensive, life-saving treatments out. Instead of discussing the options with your doctor, IPAB will be sitting at the controls in Washington making health decisions for you."

The House passed H.R. 5 on March 22, 2012 by a vote of 223 to 181 (Roll Call 126). We have assigned pluses to the yeas because the IPAB provision of the ObamaCare law is clearly unconstitutional.

H.R. 3408: Alaskan Energy for American Jobs Act

Vote Date: **February 16, 2012**

Vote: **AYE**



Good Vote.

Oil and Gas Development; Keystone XL Pipeline. This bill (H.R. 3408) would open up part of Alaska's resource-rich Arctic National Wildlife Refuge to oil and gas development. It would also expand lease sales for drilling to include areas off the Southern California and mid-Atlantic coasts and in the Gulf of Mexico. And it would provide for approval of the Keystone XL oil pipeline, assigning the permitting authority to the Federal Energy Regulatory Commission and deeming the project approved if the FERC fails to act.

The House passed H.R. 3408 on February 16, 2012 by a vote of 237 to 187 (Roll Call 71). We have assigned pluses to the yeas because the federal government should allow entrepreneurs to develop energy resources, rather than deny access to the resources.

H.R. 3521: Expedited Legislative Line-Item Veto and Rescissions Act of 2012

Vote Date: **February 8, 2012**

Vote: **AYE**



Bad Vote.

Line-item Veto. This bill (H.R. 3521) would allow the President to rescind all or part of any dollar amount of funding for discretionary

spending items in enacted appropriations bills. Although both houses of Congress would have to approve any such rescissions, they would be forced to do so very quickly by the bill's expedited procedures, including a prohibition on amendments in both Houses and filibusters in the Senate.

This bill dramatically and unilaterally enhances the power of the executive branch. Note that Article I, Section 1 and Article I, Section 7, Clauses 2 and 3, of the U.S. Constitution vest Congress with all legislative powers. Any bill that shifts legislative power away from Congress and to the President is violating the constitutionally defined separation of powers for the legislative and executive branches. A similar line-item veto law was passed when Clinton was President. That one was found to be unconstitutional by the Supreme Court.

The House passed H.R. 3521 on February 8, 2012 by a vote of 254 to 173 (Roll Call 46). We have assigned pluses to the nays because providing any form of line-item veto power to the President violates the Constitution's separation of powers.

H.J.Res. 98: Relating to the disapproval of the President


Vote Date: **January 18, 2012** Vote: **NONE** No Vote.

Debt Limit Disapproval. The debt deal passed by Congress in August 2011 immediately raised the national debt limit by \$400 billion, while also allowing the President to raise the ceiling by an additional \$500 billion unless a resolution of disapproval is enacted. Should these increases in borrowing authority prove insufficient, the debt deal even allowed the President to raise the debt ceiling by another \$1.2 to \$1.5 trillion subject to a resolution of disapproval.

Last year, President Obama requested the additional \$500 billion debt-limit increase, and Congress failed to block the request. Though the resolution of disapproval was passed by the House, it was rejected by the Senate.

This year, Obama requested raising the debt ceiling an additional \$1.2 trillion, and the House tried to block the increase via a resolution of disapproval (House Joint Resolution 98). The House passed H. J. Res. 98 on January 18, 2012 by a vote of 239 to 176 (Roll Call 4). 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.

H.R. 2055: Consolidated Appropriations Act, 2012

Vote Date: **December 16, 2011** Vote: **NAY**  Good Vote.

Omnibus Appropriations. This catch-all legislative package (H.R. 2055), which would provide \$915 billion in discretionary appropriations for fiscal 2012, is comprised of nine appropriations bills for fiscal 2012 that Congress failed to complete separately - Defense (\$518.8 billion), Energy-Water (\$32.1 billion), Financial Services (\$21.5 billion), Homeland Security (\$41.3 billion), Interior-Environment (\$29.2 billion), Labor-HHS-Education (\$156.3 billion), Legislative Branch (\$4.3 billion), State-Foreign Operations (\$33.5 billion), and Military Construction-VA (\$73.7 billion).

The House adopted the final version of this legislation (known as a conference report) on December 16, 2011 by a vote of 296 to 121 (Roll Call 941). We have assigned pluses to the nays because many of the bill's spending programs -- e.g., education, housing, foreign aid, etc. -- are unconstitutional. Moreover, passing this mammoth appropriations bill in light of the ongoing trillion-dollar annual deficits is grossly fiscally irresponsible. Furthermore, packaging the appropriations bills for so many large federal agencies into one mega-bill greatly reduces the accountability of the Congressmen to their constituents.

H.R. 1633: Farm Dust Regulation Prevention Act of 2011

Vote Date: **December 8, 2011** Vote: **AYE**  Good Vote.

Farm Dust Regulation Prevention Act. This legislation (H.R. 1633) would prohibit the Environmental Protection Agency from "revising any national ambient air quality standard applicable to coarse particulate matter" for one year. The intent behind the legislation is to temporarily block the EPA from imposing tougher coarse-particulates regulations that could restrict farm dust from agricultural and livestock operations.

The House passed H.R. 1633 on December 8, 2011 by a vote of 268 to 150 (Roll Call 912). We have assigned pluses to the yeas not only because of the harm regulation of farm dust would do to the agricultural sector, but also because the federal government has no constitutional authority to impose such regulations.

H.R. 10: Regulations From the Executive in Need of Scrutiny Act of 2011

Vote Date: **December 7, 2011** Vote: **AYE**  Good Vote.

Congressional Approval of Major Regulations. This legislation (H.R. 10) is entitled the "Regulations From the Executive in Need of Scrutiny Act" and is also known as the REINS Act. It would prohibit the executive branch from putting into effect major rules -- rules having an economic impact of at least \$100 million per year - until those rules are approved by Congress. The intent of the bill is to rein in the executive from usurping legislative powers via executive fiat.

The House passed the REINS Act on December 7, 2011 by a vote of 241 to 184 (Roll Call 901). We have assigned pluses to the yeas because all legislative powers in the Constitution are vested in Congress, not the executive branch. Mandatory rules issued by the executive branch may not be called laws, but they have the same effect as laws, and what they are called does not change the reality.

H.R. 2112: Consolidated and Further Continuing Appropriations Act, 2012

Vote Date: **November 17, 2011** Vote: **NAY**  Good Vote.

Agriculture-Commerce-Justice-Science-Transportation-HUD Appropriations. This so-called "minibus" bill (H.R. 2112) combined

into a single package three of the regular appropriations bills -- Agriculture, Commerce-Justice-Science, and Transportation-Housing and Urban Development (HUD) - for fiscal 2012. Just the "discretionary" spending in the minibus for the three-bill package totaled \$128.1 billion. In addition, there is the spending that the government deems "mandatory." In the case of the Agriculture bill that was incorporated into the minibus, for instance, the appropriations include \$116.8 billion in mandatory spending in addition to \$19.8 billion in discretionary spending. The so-called mandatory spending in the Agriculture bill includes nearly \$99 billion for food and nutrition programs.

The House passed the final version of this bill (known as a conference report) on November 17, 2011 by a vote of 298 to 121 (Roll Call 857). We have assigned pluses to the nays because Congress has no constitutional authority to fund many of the programs in the bill, including the farm programs, food programs, and housing (under HUD).

H.R. 358: Protect Life Act

Vote Date: **October 13, 2011**

Vote: **AYE**



Good Vote.

Abortion Funding. H.R. 358 would prohibit any federal funding to be used to purchase health insurance plans covering abortion. It would also require that any insurance companies offering plans via the ObamaCare-created state exchanges that include abortion coverage offer identical plans minus the abortion coverage.

The House passed H.R. 358 on October 13, 2011 by a vote of 251 to 172 (Roll Call 789). We have assigned pluses to the yeas not only because the government should not be subsidizing the killing of innocent human life, but also because there is no constitutional authority for the government to manage or finance the healthcare sector.

H.R. 3080: United States-Korea Free Trade Agreement Implementation Act

Vote Date: **October 12, 2011**

Vote: **AYE**



Bad Vote.

South Korea Trade Agreement. On a single day - October 12, 2011 - both the House and Senate approved three separate trade agreements with South Korea, Colombia, and Panama. These measures are three more in a series of "free-trade agreements" intended to transfer the power to regulate trade (and eventually other powers too) to super-national arrangements via a step-by-step process. NAFTA is a prime example of such an arrangement. So is the developing continental government now known as the European Union, which is an outgrowth of a free-trade arrangement once called the Common Market. In fact, the Common Market-EU trajectory to regional governance served as a model for the formation of NAFTA.

The South Korea agreement, to quote Congressional Quarterly, is "considered the most economically important trade deal since the 1994 North American Free Trade Agreement." For this reason, the "Freedom Index" editors selected this vote over the other two (Colombia and Panama) for inclusion in this index.

The House passed H.R. 3080, the measure to implement the South Korea trade agreement, on October 12, 2011 by a vote of 278 to 151 (Roll Call 783). We have assigned pluses to the nays because agreements such as this one are intended to transfer trade (and other) powers to super-national arrangements binding the United States, despite the fact that under the Constitution only Congress has the power "to regulate commerce with foreign nations."

H.R. 2401: Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011

Vote Date: **September 23, 2011**

Vote: **AYE**



Good Vote.

Cross-state Air-pollution Rules. During consideration of legislation (H.R. 2401) regarding the regulatory impact of EPA regulations, Rep. Ed Whitfield (R-Ky.) proposed an amendment that would delay cross-state air-pollution rules until at least 2015. The amendment would delay by at least two years sulfur dioxide and nitrogen oxide emissions standards for power plants and allow the companies at least five years to comply after the rules are issued.

The House passed Whitfield's amendment on September 23, 2011 by a vote of 234 to 188 (Roll Call 737). We have assigned pluses to the yeas because the new EPA cross-state pollution rules will further damage the economy and also because the federal government has no constitutional authority to regulate power plant emissions.

H.R. 2587: Protecting Jobs From Government Interference Act

Vote Date: **September 15, 2011**

Vote: **AYE**



Good Vote.

National Labor Relations Board. Earlier this year Boeing, a longtime airplane manufacturer in the state of Washington, opened a production facility in South Carolina for its new 787 Dreamliner airplane. Although this development had been publicly announced in 2009, early this year the machinists union charged that Boeing's decision was unfair and asked the National Labor Relations Board (NLRB) to take action against Boeing. The NLRB complied by issuing a formal complaint as described in its press release of April 20, 2011: "National Labor Relations Board issues complaint against Boeing Company for unlawfully transferring work to a non-union facility."

Representative Tim Scott (R-S.C.) responded to the NLRB complaint by introducing H.R. 2587, the Protecting Jobs From Government Interference Act. "To prohibit the National Labor Relations Board from ordering any employer to close, relocate, or transfer employment under any circumstance."

The House passed H.R. 2587 on September 15, 2011 by a vote of 238 to 186 (Roll Call 711). We have assigned pluses to the yeas because the federal government has no constitutional authority to order a company to reinstate production or make certain investments at a given location, or to block a company's decision to relocate production.

H.J.RES 77: Relating to the disapproval of the President

Vote Date: **September 14, 2011**Vote: **AYE**

Good Vote.

Debt Limit Disapproval. Under the debt deal passed by Congress in August, the debt ceiling was raised by \$400 billion, and the President can raise the ceiling by an additional \$500 billion unless a resolution of disapproval is enacted. President Obama decided to raise the national debt the full \$900 billion, and legislation was introduced (House Joint Resolution 77) to block the \$500 billion increase.

The House passed the resolution of disapproval on September 14, 2011 by a vote of 232 to 186 (Roll Call 706). We have assigned pluses to the yeas because piling on more and more debt is devastating to the economy, and the bulk of the federal government's spending spree is for unconstitutional programs.

H.AMDT. 579: An amendment to prohibit the use of funds for military operations in or against Libya except under a declaration of war against Libya pursuant to clause 11 in section 8 of article I of the Constitution.

Vote Date: **August 7, 2011**Vote: **AYE**

Good Vote.

Libya. During consideration of the Defense appropriations bill, Rep. Dennis Kucinich (D-Ohio) introduced an amendment to prohibit the use of funds in the bill to carry out military actions against Libya unless Congress declares war against Libya.

The Founding Fathers assigned this power to Congress because they did not want a single man deciding when to go to war. Yet President Obama usurped this congressional war-making authority by initiating offensive military actions against Libya without even asking advice from Congress, much less requesting the required declaration of war.

The House rejected the Kucinich amendment on July 8, 2011 by a vote of 169 to 251 (Roll Call 530). We have assigned pluses to the yeas because under Article I, Section 8 of the Constitution only Congress has the power "to declare war."

S. 365: Budget Control Act of 2011

Vote Date: **August 1, 2011**Vote: **AYE**

Bad Vote.

Debt Deal. This legislation (S. 365) provided for an immediate \$400 billion increase in the national debt limit, while allowing the President to raise the ceiling an additional \$500 billion unless Congress passes a resolution of disapproval.

This legislation also established a process for reducing future cumulative deficit projections by up to \$2.4 trillion for fiscal years 2012 through 2021, including the establishment of a supercommittee tasked with recommending cuts totaling up to \$1.5 trillion for the 10-year period. If the supercommittee were to fail in recommending at least \$1.2 trillion in cuts (and, as we know, the supercommittee failed to recommend any cuts), then the legislation would trigger automatic cuts totaling up to \$1.2 trillion over 10 years.

The debt-raising/deficit-cutting package created the appearance that Congress was doing something to rein in out-of-control spending. But in reality, the total national debt would still increase even if the entire dollar amount of cuts called for in the legislation were identified and enacted, since the cuts are not cuts in the absolute sense but cuts in future budget projections. The national debt would continue to go up, but not as fast as before, for the simple reason that cutting (say) \$1.2 trillion over 10 years will not offset projected annual \$1 trillion-plus deficits.

The House passed S. 365 on August 1, 2011 by a vote of 269 to 161 (Roll Call 690). We have assigned pluses to the nays because the debt deal allows both the national debt and spending to continue their upward trajectories. Moreover, the budget process established by the legislation is clearly unconstitutional since no Congress can bind the actions of future Congresses via the so-called automatic cuts.

H.R. 2417: Better Use of Light Bulbs Act

Vote Date: **July 12, 2011**Vote: **AYE**

Good Vote.

Incandescent Light Bulbs. Incandescent light bulbs ranging from 40 to 100 watts will be phased out during 2012-2014 in accordance with the Energy Independence and Security Act of 2007 (Public Law 110-140). The first size to be phased out in 2012 will be the 100-watt incandescent light bulb. The energy efficiency standards in PL 110-140 that will effectively ban the ubiquitous incandescent light bulb will leave the environmentally questionable (due to mercury content) compact fluorescent light bulbs as the only economical light bulb in the marketplace. However, this ban on incandescent light bulbs led to the introduction of H.R. 2417, a bill that would repeal the relevant sections of PL 110-140 so that the familiar incandescent light bulbs would continue to be available for purchase in the United States.

The House rejected H.R. 2417 on July 12, 2011 by a vote of 233 to 193 (Roll Call 563). The bill was brought to a vote under suspension of the rules, which required a two-thirds majority of those present and voting (284 in this case) for passage. We have assigned pluses to the yeas because the federal government has no constitutional authority to establish energy efficiency standards that would prevent the production, distribution, and consumer purchase of a previously perfectly acceptable and universally used product, such as the incandescent light bulb.

H.Con.Res. 51: Directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya

Vote Date: **June 3, 2011**Vote: **AYE**

Good Vote.

Libya Troop Withdrawal. House Concurrent Resolution 51 would have directed President Obama, "pursuant to ... the War Powers Resolution, to remove the United States Armed Forces from Libya." The War Powers Resolution bars the President from militarily engaging the armed forces for more than 60 days without congressional approval. Obama had not sought congressional approval for undertaking military action in Libya. Rep. Dennis Kucinich (D-Ohio), who sponsored H. Con. Res. 51, noted: "In the weeks leading up to the war, the administration had time to consult with the Arab League, the United Nations, the African Union, but

apparently had no time to come to this Congress for approval."

The House rejected Kucinich's resolution on June 3, 2011 by a vote of 148 to 265 (Roll Call 412). We have assigned pluses to the yeas not merely because Obama's Libya deployment is now in violation of the War Powers Act's 60-day requirement for congressional authorization, but also because it violates the Constitution, which clearly assigns to Congress the power "to declare war."

S. 990: PATRIOT Sunsets Extension Act of 2011

Vote Date: **May 26, 2011**

Vote: **AYE**



Bad Vote.

Patriot Act Extension. This legislation (S. 990) extended for four years three provisions of the Patriot Act that were set to expire: the "roving wiretap" provision that allows the federal government to wiretap any number of a suspect's telephone/ Internet connections without specifying what they will find or how many connections will be tapped; the "financial records" provision that allows the feds to seize "any tangible thing" that has "relevance" to an investigation; and the "lone wolf" provision that allows spying on non-U.S. citizens without a warrant. These provisions violate the Fourth Amendment of the U.S. Constitution, which requires that no warrants be issued "but upon probable cause" (a much higher standard than "relevance"), and that warrants must contain language "particularly describing the place to be searched, and the persons or things to be seized."

The Patriot Act even allows the FBI to issue warrants called "National Security Letters" without going to a judge, though this provision was not set to expire and therefore was not part of this legislation.

The House passed the Patriot Act extension on May 26, 2011 by a vote of 250 to 153 (Roll Call 376). We have assigned pluses to the nays because the provisions that were extended, as well as the Patriot Act as a whole, violate the Fourth Amendment to the Constitution.

H.R. 1229: Putting the Gulf of Mexico Back to Work Act

Vote Date: **May 11, 2011**

Vote: **AYE**



Good Vote.

Offshore Drilling Leases. This bill (H.R. 1229) would modify the process for leasing permits for exploratory drilling in the Gulf of Mexico so as to remove bureaucratic foot-dragging impeding more offshore drilling. As summarized by Congressional Quarterly, H.R. 1229 "would require the Interior Department to decide on approval of an exploratory drilling permit application within 30 days, with the option of extending the review period up to 60 days. If the department fails to issue a ruling within 60 days, the application would be deemed approved."

The House passed H.R. 1229 on May 11, 2011 by a vote of 263 to 163 (Roll Call 309). We have assigned pluses to the yeas because the federal government should not be impeding the exploration for and development of natural resources by entrepreneurs.

H.Con.Res. 35: Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473

Vote Date: **April 14, 2011**

Vote: **AYE**



Good Vote.

ObamaCare Defunding. House Concurrent Resolution 35 would direct the House clerk to insert a section in the enrollment of H.R. 1473 (Department of Defense and Full-Year Continuing Appropriations Act, 2011) that would bar the use of funds made available in the bill to implement the provisions of the 2010 healthcare overhaul law. Since full repeal of the ObamaCare law had already been rejected in the Senate, this attempt to defund the implementation of ObamaCare for fiscal year 2011 was made.

The House adopted H. Con. Res. 35 on April 14, 2011 by a vote of 240 to 185 (Roll Call 270). We have assigned pluses to the yeas because there is no constitutional authority for the federal government to require individuals to purchase health insurance or to manage the healthcare industry.

H.Con.Res. 36: Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473

Vote Date: **April 14, 2011**

Vote: **AYE**



Good Vote.

Planned Parenthood Defunding. House Concurrent Resolution 36 would direct the House clerk to insert a section in the enrollment of H.R. 1473 (Department of Defense and Full-Year Continuing Appropriations Act, 2011) that would prohibit the use of any funding in the bill for Planned Parenthood.

The House adopted H. Con. Res. 36 on April 14, 2011 by a vote of 241 to 185 (Roll Call 271). We have assigned pluses to the yeas because Planned Parenthood is the nation's largest abortion provider, and government should not subsidize the killing of innocent human life. Moreover, under the Constitution, the federal government should not be subsidizing any private entity in the marketplace.

H.R. 910: Energy Tax Prevention Act of 2011

Vote Date: **April 7, 2011**

Vote: **AYE**



Good Vote.

Greenhouse-gas Regulation. This bill (H.R. 910) would prohibit the Environmental Protection Agency from regulating greenhouse-gas emissions from stationary sources for the purpose of addressing climate change. The EPA claims that carbon dioxide and other greenhouse gases are pollutants, and that these gases can therefore be regulated under the Clean Air Act -- even without the enactment of any legislation restricting greenhouse-gas emissions. Global-warming alarmists have tried to push such legislation through Congress, but have thus far been unsuccessful. Carbon dioxide, one of the EPA-defined greenhouse-gas pollutants, not only occurs naturally but is necessary for the existence of plant life.

The House passed H.R. 910 on April 7, 2011 by a vote of 255 to 172 (Roll Call 249). We have assigned pluses to the yeas because restricting greenhouse-gas emissions would be harmful to the economy, carbon dioxide and other greenhouse gases are not pollutants, and the federal government has no constitutional authority to limit such emissions.

H.R. 1076: To prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content

Vote Date: **March 17, 2011**

Vote: **AYE**



Good Vote.

NPR Funding Ban. This bill (H.R. 1076) would prohibit federal funding of National Public Radio (NPR). Rep. Doug Lamborn (R-Colo.), the bill's sponsor, said that "NPR can survive on its own" without federal funding. NPR funding has become a contentious issue because of its left-wing bias. However, NPR funding should also be debated because there is no constitutional authorization for the federal government to create or fund "public broadcasting," any more than there is authorization for the feds to bankroll a "public newspaper" in competition with a free press.

The House passed this bill on March 17, 2011 by a vote of 228 to 192 (Roll Call 192). We have assigned pluses to the yeas because federal funding of public broadcasting is unconstitutional.

H.R. 4: Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011

Vote Date: **March 3, 2011**

Vote: **AYE**



Good Vote.

ObamaCare (1099 Reporting Requirement Repeal). This bill (H.R. 4) stripped the very unpopular 1099 reporting requirement out of ObamaCare. This was significant because it was the first component of ObamaCare to be repealed by Congress. This reporting requirement for businesses and real estate owners to file a 1099 form with the IRS for every vendor to whom they paid more than \$600 a year had been added to the ObamaCare legislation as a way to raise \$19 billion by reducing tax fraud; however, business organizations protested that the 1099 requirement would bury businesses in additional, costly paperwork.

The House passed H.R. 4 on March 3, 2011 by a vote of 314-112 (Roll Call 162). We have assigned pluses to the yeas because the burdensome 1099 reporting requirement was added to the ObamaCare legislation as a way to help pay for this unconstitutional program.

H.Amdt. 117: Prohibit funds to pay dues to the United Nations

Vote Date: **February 18, 2011**

Vote: **NAY**



Bad Vote.

UN Dues. During consideration of a continuing appropriations bill (H.R. 1) to fund government operations through the rest of the fiscal year ending on September 2011, Rep. Paul Broun (R-Ga.) offered an amendment to prohibit any funding in the bill from being used to pay for any dues to the United Nations.

The House rejected Broun's amendment on February 18, 2011 by a vote of 177 to 243 (Roll Call 107). We have assigned pluses to the yeas because stopping U.S. dues payments to the United Nations is a step toward getting the United States out of the UN. Our membership in the UN undermines U.S. sovereignty -- e.g., when the Security Council passes various resolutions, including resolutions calling for military intervention, that the United States is expected to enforce, irrespective of the U.S. Constitution or congressional powers.

H.R. 2: Repealing the Job-Killing Health Care Law Act

Vote Date: **January 19, 2011**

Vote: **AYE**



Good Vote.

ObamaCare Repeal. Since widespread opposition to ObamaCare propelled the Republicans to a substantial majority in the House in the 2010 elections, it was appropriate that the Republicans arranged for a vote on repealing ObamaCare very early in the first session of the 112th Congress. Dubbed the "Repealing the Job-Killing Health Care Law Act," H.R. 2 would repeal both the "Patient Protection and Affordable Care Act" (PL 111-148) and the "Health Care and Education Reconciliation Act of 2010" (PL 111-152), known collectively as ObamaCare. Passage of this repeal bill would be the best solution to the ObamaCare problem because it is worded to be effective as of the original date of enactment of PL 111-148 and 152 and would repeal both laws, as well as restore and revive the provisions of law that had been amended or repealed by ObamaCare, as if ObamaCare had never been enacted.

The House passed H.R. 2 on January 19, 2011 by a vote of 245-189 (Roll Call 14). We have assigned pluses to the yeas because the 2010 healthcare overhaul law known as ObamaCare is thoroughly unconstitutional. There is no constitutional authority for the federal government to require individuals to purchase health insurance or to manage the healthcare industry.

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