

# The Freedom Index

*A Congressional Scorecard Based on the U.S. Constitution*

Our third (and final) look at the 116th Congress shows how every member of Congress voted on key issues such as Washington, D.C., statehood (House) and U.S. military withdrawal from Afghanistan (Senate).

## House Vote Descriptions

**21 Police.** H.R. 7120, titled “The George Floyd Justice in Policing Act,” would further interject the federal government in local law enforcement. As summarized by the Congressional Research Service, the bill “authorizes the Department of Justice to issue subpoenas in investigations of police departments for a pattern or practice of discrimination”; “establishes a framework to prohibit racial profiling at the federal, state, and local levels”; and “establishes new requirements for law enforcement officers and agencies, including ... wear[ing] body cameras.”

The House passed H.R. 7120 on June 25, 2020 by a vote of 236 to 181 (Roll Call 119). We have assigned pluses to the nays because law enforcement is a local or state matter, and that is where decisions such as requiring police officers to wear body cameras should be made. By contrast, H.R. 7120 would move the country further in the direction of a federalized police force beholden to Washington.



AP Images

**The big picture:** Police body cams may be a good thing, but this and other law-enforcement policies should not be imposed from above, but should be decided on the state and local level.

**22 Washington, D.C., Statehood.** H.R. 51, the Washington, D.C. Admission Act, would admit most of the District of Columbia as the 51st state, rename it “Washington, Douglass Commonwealth,” and give it full representation in Congress, with two U.S. senators and one

U.S. representative. Under the bill, the area of Washington, D.C., surrounding the National Mall and including the White House and U.S. Capitol would remain a separate federal district with three electoral votes in accordance with the 23rd Amendment.

## About This Index

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

The scores are derived by dividing a congressman’s constitutional votes (pluses) by the total number he cast (pluses and minuses) and multiplying by 100. The average House score for this index is 32 percent, and the average Senate score is 30

percent. Twenty-five representatives and two senators earned 100 percent. We encourage readers to examine how their own congressmen voted on each of the 10 key measures. We also encourage readers to commend legislators for their constitutional votes, and to urge improvement where needed.

This is our third (and final) index for the 116th Congress. Our first index for the current Congress (votes 1-10) appeared in our November 18, 2019 issue, and our second index (votes 11-20) appeared in our July 20, 2020 issue. An online version of the “Freedom Index” is also available (click on “Freedom Index” at [TheNewAmerican.com](http://TheNewAmerican.com)). ■



The House passed H.R. 51 on June 26, 2020 by a vote of 232 to 180 (Roll Call 122). We have assigned pluses to the nays because the push for D.C. statehood is merely a politically motivated effort to gain two Democratic Party senators and thus more easily advance a left-wing agenda. Moreover, granting statehood to the District of Columbia violates Article I, Section 8 of the U.S. Constitution. H.R. 51 purports to circumvent this constitutional prohibition by reducing D.C. to basically the Capitol and surrounding governmental buildings.

**23 Federal Highway and Transit Programs.** H.R. 2 authorizes funding for federal highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation. It provides \$46.4 billion in fiscal 2021 funding and provides up to \$12.5 billion in funding through fiscal 2025 to reduce the “climate-change” impacts of the surface-transportation system. It also implements new transportation safety requirements and directs the Transportation Department to establish a pilot program for a national motor vehicle per-mile user fee to maintain the Highway Trust Fund.

The House passed H.R. 2 on July 1, 2020 by a vote of 233 to 188 (Roll Call 138). We have assigned pluses to the nays because the federal government should not be funding highways, addressing transportation-related “climate-change” issues, promoting motor-vehicle safety, or imposing a tax on driving in order to pay for highway construction and maintenance. Such projects should be left in the hands of state or municipal governments, where the Constitution intends such issues to be handled.

**24 Public Lands.** H.R. 1957, the Great American Outdoors Act, permanently funds the Land and Water Conservation Fund (LWCF) at \$900 million annually. The LWCF was created in 1964 to purchase and develop land for “recreational” uses. The bill also creates the National Parks and Public Land Legacy Restoration Fund (NPPLRF), which is funded at \$1.9 billion annually for five years. This funding comes from oil, gas, and other energy royalties on federal

property, and the NPPLRF allocates this funding to maintenance in national parks and other federal lands.

The House passed H.R. 1957 on July 22, 2020 by a vote of 310 to 107 (Roll Call 155). We have assigned pluses to the nays not only because this bill irresponsibly increases the federal deficit and diverts energy royalties from being spent for needed constitutional purposes, but also because the Constitution does not authorize Congress to purchase private property except “for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” Moreover, the federal government already owns a huge percentage of land directly — about 28 percent of the nation — and is a demonstrably poor steward of public lands.

**25 Removing Statues From the Capitol.** H.R. 7573 provides for the removal of certain statues and busts from display in the Capitol. It demands that statues of members of the Confederacy be removed from the National Statuary Hall and prohibited from being displayed at the Capitol in the future. The statues in question will be returned to the states that sent them, at the states’ expense, if the states desire.

The House passed H.R. 7573 on July 22, 2020 by a vote of 305 to 113 (Roll Call

156). We have assigned pluses to the nays because the statues that fill the National Statuary Hall are sent by the states at their discretion, and Congress should not be assuming the authority to tell the states which statues they are and are not allowed to place in the hall. This is plainly an attempt to erase American history.

**26 Pregnant Workers.** H.R. 2694, titled the Pregnant Workers Fairness Act, would enact federal workplace regulations on employers with 15 or more employees, requiring them to make “reasonable accommodations” for employees whose workplace performance might be impacted by pregnancy or childbirth.

The House passed H.R. 2694 on September 17, 2020 by a vote of 329 to 73 (Roll Call 195). We have assigned pluses to the nays because nowhere in the Constitution is the federal government authorized to regulate private employers, and federal requirements for covered benefits usually mean decreased pay. This is a matter reserved for the states and the people under the 10th Amendment.

**27 Sustainable Energy.** H.R. 4447, called the Clean Economy Jobs and Innovation Act, is a 1,206-page climate



Yuri\_Arcurs/E+/GettyImagesPlus

**A federal matter?** Should the feds really impose regulations to protect private-sector pregnant workers? Such a question illustrates the federal government’s overreach.



bill that would create a goal of reducing net greenhouse gas emissions to zero by 2050, in line with recommendations by the UN's Intergovernmental Panel on Climate Change. The bill also creates and reauthorizes multiple grants favoring "clean" energy sources. And it includes multiple provisions requiring federal government cooperation and integration with international organizations and standards.

The House passed H.R. 4447 on September 24, 2020 by a vote of 220 to 185 (Roll Call 206). We have assigned pluses to the nays because the bill advances a radical environmentalist agenda and increases federal government meddling in the energy market. Under the Constitution's Interstate Commerce Clause, the federal government is empowered "to regulate Commerce ... among the several States" only to prevent the restriction of the free flow of goods among the states. Moreover, H.R. 4447 infringes on U.S. sovereignty and will cause energy costs to skyrocket. .

**28 Appropriations/Coronavirus (Part 1).** H.R. 133, the 2021 Consolidated Appropriations Act, was split in two parts by the House of Representatives under a voting procedure known as "dividing the question." This part of the bill includes \$860 billion in "discretionary" appropriations, including \$696 billion for the Defense Department (which includes spending for foreign military interventionism as well as legitimate national defense) and \$69 billion for the Homeland Security Department.

The House passed this part of H.R. 133 on December 21, 2020 by a vote of 327 to 85 (Roll Call 250). We have assigned pluses to the nays because Congress is failing to address its profligate spending that yielded an annual federal deficit of \$3.1 trillion in fiscal 2020. Moreover, Congress is minimizing its accountability to voters by combining all "discretionary" federal spending and coronavirus aid into one gigantic bill and only holding two votes on that bill in the House.

**29 Appropriations/Coronavirus (Part 2).** H.R. 133, the 2021 Consolidated Appropriations Act, was split in two parts by the House of Representatives under a voting procedure known as "dividing the question." This part of the bill includes about \$519 billion in discretionary



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**Monopoly money?** Not yet, but if Congress continues ramping up spending and debt for myriad programs including coronavirus stimulus, the dollar's decline in purchasing power will accelerate.

appropriations and another \$900 billion in coronavirus aid. Its discretionary provisions include a combined \$197 billion for the Labor, Health and Human Services, and Education departments; \$114 billion in mandatory Supplemental Nutrition Assistance Program funding; and \$590 million in aid to developing countries. The coronavirus aid provisions include \$600 checks per adult or dependent child, \$300 per week in federal unemployment benefits through March 14, 2021, \$325 billion in loans and grants to small businesses, \$81.9 billion in Education Department grants, \$25 billion in rental assistance, and \$13 billion in agricultural assistance.

The House passed this part of H.R. 133 on December 21, 2020 by a vote of 359 to 53 (Roll Call 251). We have assigned pluses to the nays because Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that yielded an annual federal deficit of \$3.1 trillion in fiscal 2020. Congress is minimizing its accountability to voters by combining all "discretionary" federal spending and coronavirus aid into one gigantic bill and only holding two votes on that bill in the House. Moreover, most of the coronavirus aid provisions, including direct checks, federal unemployment benefits, and subsidization of the economy, exceed the federal government's authority.

**30 NDAA (Veto Override).** The National Defense Authorization Act for fiscal 2021 (H.R. 6395) authorizes \$740 billion in military spending. When President Donald Trump vetoed the NDAA on December 23, 2020, he stated in his veto message that "my administration recognizes the importance of the Act to our national security." But, he also said, "Numerous provisions in the Act particularly contradict my Administration's foreign policy, particularly my efforts to bring the troops home. I oppose endless wars, as does the American public." He also cited other reasons for vetoing the NDAA, including Congress' failure to end Section 230, which protects the social-media giants from liability for content posted on their sites, allowing them to create leftist monopolies.

The House overrode President Trump's veto of the NDAA on December 28, 2020 by a vote of 322 to 87 (Roll Call 253). We have assigned pluses to the nays because the act includes spending not only for legitimate national defense, but also for military interventionism in foreign lands that does not make America safer. Also, the legislation undercuts the president's legitimate authority as commander-in-chief by restricting his ability to withdraw troops from Afghanistan, Germany, and South Korea. ■

Table with columns: Votes: 21-30, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 1-30. Rows include states like MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, and NEW YORK.

Table with columns: Votes: 21-30, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 1-30. Rows include states like NORTH CAROLINA, NORTH DAKOTA, and OHIO.

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a rep. did not vote. If a rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 24, 26, and 28.



# Senate Vote Descriptions

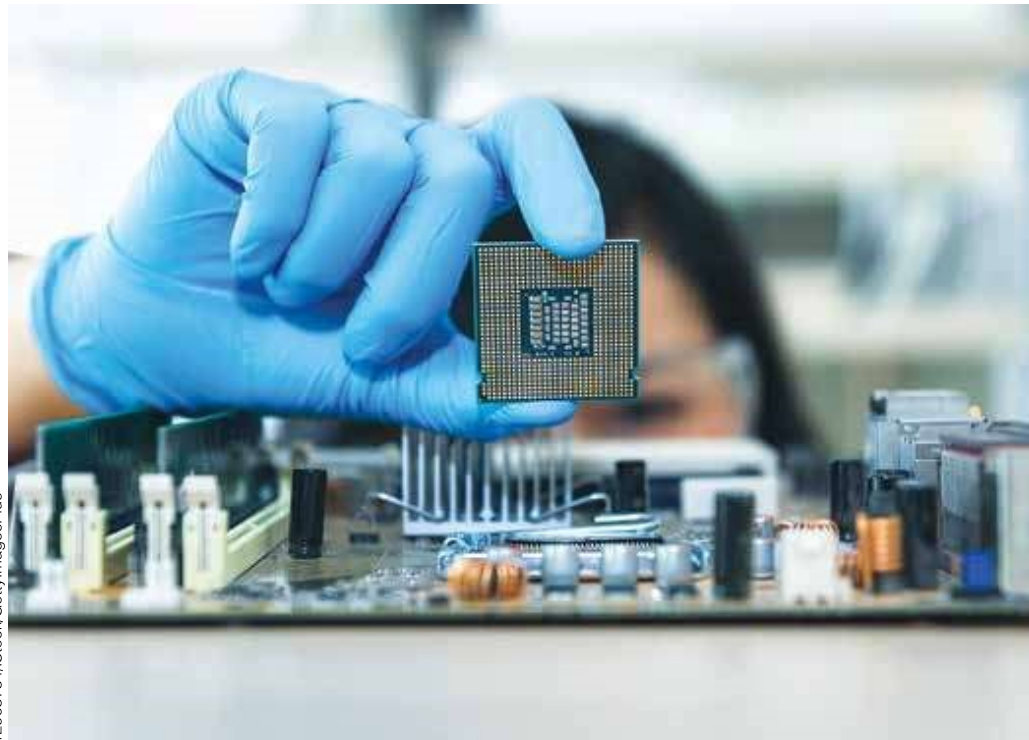
## 21 Waiving Budgetary Discipline.

During consideration of a bill on public lands (H.R. 1957), Senator Cory Gardner (R-Colo.) offered a substitute amendment to replace the bill text with that of the Great American Outdoors Act. The Senate also moved to waive its “pay-as-you-go” rule, also called PAYGO. This rule requires legislation that includes measures that would increase the national deficit to also include provisions that would offset those increases.

The Senate agreed to waive the PAYGO rule on June 15, 2020 by a vote of 68 to 30 (Roll Call 118). We have assigned pluses to the nays because profligate spending needs to be immediately brought under control and deficits eliminated to avoid fiscal disaster. Congress is failing to address its fiscally and constitutionally irresponsible spending habits that yielded an annual federal deficit of \$3.1 trillion in fiscal 2020.

**22 Public Lands.** H.R. 1957, the Great American Outdoors Act, permanently funds the Land and Water Conservation Fund (LWCF) at \$900 million annually. The LWCF was created in 1964 to purchase and develop land for “recreational” uses. The bill also creates the National Parks and Public Land Legacy Restoration Fund (NPPLRF), which is funded at \$1.9 billion annually for five years. This funding comes from oil, gas, and other energy royalties on federal property, and the NPPLRF allocates this funding to maintenance in national parks and other federal lands.

The Senate passed H.R. 1957 on June 17, 2020 by a vote of 73 to 25 (Roll Call 121). We have assigned pluses to the nays not only because this bill irresponsibly increases the federal deficit and diverts energy royalties from being spent for needed constitutional purposes, but also because the Constitution does not authorize Congress to purchase private property except “for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” Moreover, the federal government already owns a huge percentage of land directly — about 28



12963734/istock/GettyImagesPlus

**Subsidies not needed:** America’s technological development occurred because of market forces, including private initiative and entrepreneurship. Yet the Senate voted to subsidize semiconductor manufacturing, claiming it is needed to “restore American leadership” in this economic sector.

percent of the nation — and is a demonstrably poor steward of public lands.

## 23 Withdrawal From Afghanistan.

During consideration of the National Defense Authorization Act (S. 4049), Senator Rand Paul (R-Ky.) introduced an amendment to withdraw American soldiers from Afghanistan within one year of the bill’s enactment, and to repeal the Authorization for the Use of Military Force (AUMF) that was used as authorization for U.S. military intervention in Afghanistan in the wake of 9/11.

The Senate tabled (killed) Paul’s amendment on July 1, 2020 by a vote of 60 to 33 (Roll Call 129). We have assigned pluses to the nays because, as Paul put it in his remarks on the Senate floor, “the people who attacked on 9/11 have all been killed or captured,” and “it is not sustainable to keep fighting in Afghanistan generation after generation.” Instead, it is long past time to bring the troops home. The AUMF that the amendment would repeal has been

used broadly by presidents to send troops into foreign conflicts, despite the fact that under the Constitution only Congress may declare war.

## 24 Semiconductor Manufacturing Subsidies.

During consideration of the National Defense Authorization Act (S. 4049), Senator John Cornyn (R-Texas) introduced an amendment to “restore American leadership in semiconductor manufacturing by increasing federal incentives.” Cornyn’s amendment would provide up to \$3 million in grants to subsidize U.S. semiconductor manufacturers.

The Senate agreed to Cornyn’s amendment on July 21, 2020 by a vote of 96 to 4 (Roll Call 134). We have assigned pluses to the nays because nowhere in the Constitution is the federal government authorized to subsidize private businesses. If such subsidies are allowed, then any business could potentially be subsidized at the expense of any other, with the government essentially picking winners and



# Senate Vote Scores ✓

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
<b>ALABAMA</b>												
Shelby (R)	50%	+	+	-	+	+	-	-	+	-	-	27%
Jones (D)	22%	-	-	-	-	+	-	+	-	-	?	17%
<b>ALASKA</b>												
Murkowski (R)	22%	+	-	?	-	+	-	-	-	-	-	24%
Sullivan (R)	20%	+	-	-	-	+	-	-	-	-	-	23%
<b>ARIZONA</b>												
Sinema (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
McSally (R)	13%	-	-	-	-	+	-	-	-	?	?	19%
<b>ARKANSAS</b>												
Boozman (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
Cotton (R)	30%	-	-	-	-	+	-	-	+	-	+	30%
<b>CALIFORNIA</b>												
Feinstein (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
Harris, K. (D)	29%	-	-	+	-	+	?	?	?	-	-	32%
<b>COLORADO</b>												
Bennet (D)	30%	-	-	+	-	+	-	+	-	-	-	25%
Gardner (R)	11%	-	-	-	-	+	-	-	-	-	?	17%
<b>CONNECTICUT</b>												
Blumenthal (D)	10%	-	-	-	-	-	-	+	-	-	-	13%
Murphy, C. (D)	10%	-	-	-	-	-	-	+	-	-	-	13%
<b>DELAWARE</b>												
Carper (D)	20%	-	-	-	-	+	-	+	-	-	-	27%
Coons (D)	20%	-	-	-	-	+	-	+	-	-	-	14%
<b>FLORIDA</b>												
Rubio (R)	14%	-	-	-	-	+	?	?	?	-	-	25%
Scott (R)	60%	+	+	-	-	+	+	-	+	+	-	44%
<b>GEORGIA</b>												
Perdue (R)	33%	+	-	-	-	+	-	-	+	-	?	28%
Loeffler (R)	44%	+	-	-	-	+	+	-	+	-	?	37%
<b>HAWAII</b>												
Schatz (D)	20%	-	-	+	-	-	-	+	-	-	-	23%
Hirono (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
<b>IDAHO</b>												
Crapo (R)	40%	+	+	-	-	+	-	-	+	-	-	27%
Risch (R)	40%	+	+	-	-	+	-	-	+	-	-	40%
<b>ILLINOIS</b>												
Durbin (D)	20%	-	-	+	-	-	-	+	-	-	-	21%
Duckworth (D)	30%	-	-	+	-	+	-	+	-	-	-	20%
<b>INDIANA</b>												
Young, T. (R)	20%	-	-	-	-	+	-	-	+	-	-	27%
Braun (R)	70%	+	+	+	-	+	+	-	+	-	+	66%
<b>IOWA</b>												
Grassley (R)	30%	+	-	-	-	+	-	-	+	-	-	27%
Ernst (R)	20%	+	-	-	-	+	-	-	-	-	-	27%
<b>KANSAS</b>												
Roberts (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
Moran (R)	50%	+	+	-	-	+	?	?	+	-	-	41%
<b>KENTUCKY</b>												
McConnell (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
Paul (R)	100%	+	+	+	+	+	+	+	+	+	+	96%
<b>LOUISIANA</b>												
Cassidy (R)	40%	+	+	-	-	+	-	-	+	-	-	33%
Kennedy, John (R)	50%	+	+	-	-	+	-	-	+	-	+	43%

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
<b>MAINE</b>												
Collins (R)	10%	-	-	-	-	+	-	-	-	-	-	20%
King, A. (I)	20%	-	-	-	-	+	-	+	-	-	-	17%
<b>MARYLAND</b>												
Cardin (D)	20%	-	-	+	-	-	-	+	-	-	-	17%
Van Hollen (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
<b>MASSACHUSETTS</b>												
Warren (D)	30%	-	-	+	-	-	-	+	-	-	+	36%
Markey (D)	29%	?	?	?	-	-	-	+	-	-	+	33%
<b>MICHIGAN</b>												
Stabenow (D)	30%	-	-	+	-	+	-	+	-	-	-	20%
Peters, G. (D)	30%	-	-	+	-	+	-	+	-	-	-	20%
<b>MINNESOTA</b>												
Klobuchar (D)	20%	-	-	+	-	-	-	+	-	-	-	22%
Smith (D)	20%	-	-	+	-	-	-	+	-	-	-	17%
<b>MISSISSIPPI</b>												
Wicker (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
Hyde-Smith (R)	33%	-	+	?	-	+	-	-	+	-	-	21%
<b>MISSOURI</b>												
Blunt (R)	22%	-	-	?	-	+	-	-	+	-	-	18%
Hawley (R)	60%	+	+	-	-	+	+	-	+	-	+	47%
<b>MONTANA</b>												
Tester (D)	29%	-	-	+	-	+	?	?	?	-	-	26%
Daines (R)	30%	-	-	+	-	+	-	-	+	-	-	40%
<b>NEBRASKA</b>												
Fischer (R)	40%	+	+	-	-	+	-	-	+	-	-	30%
Sasse (R)	44%	+	+	-	-	+	-	-	+	-	?	47%
<b>NEVADA</b>												
Cortez Masto (D)	30%	-	-	+	-	+	-	+	-	-	-	20%
Rosen (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
<b>NEW HAMPSHIRE</b>												
Shaheen (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
Hassan (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
<b>NEW JERSEY</b>												
Menendez (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
Booker (D)	30%	-	-	+	-	-	-	+	-	-	+	36%
<b>NEW MEXICO</b>												
Udall (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
Heinrich (D)	30%	-	-	+	-	+	-	+	-	-	-	23%
<b>NEW YORK</b>												
Schumer (D)	20%	-	-	+	-	-	-	+	-	-	-	23%
Gillibrand (D)	20%	-	-	+	-	-	-	+	-	-	-	31%
<b>NORTH CAROLINA</b>												
Burr (R)	22%	-	-	?	-	+	-	-	+	-	-	18%
Tillis (R)	20%	-	-	-	-	+	-	-	+	-	-	27%
<b>NORTH DAKOTA</b>												
Hoeven (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
Cramer (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
<b>OHIO</b>												
Brown, S. (D)	30%	-	-	+	-	+	-	+	-	-	-	23%
Portman (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
<b>OKLAHOMA</b>												
Inhofe (R)	40%	+	+	-	-	+	-	-	+	-	-	39%
Lankford (R)	40%	+	+	-	-	+	-	-	+	-	-	40%

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
<b>OREGON</b>												
Wyden (D)	30%	-	-	+	-	-	-	+	-	-	+	27%
Merkley (D)	30%	-	-	+	-	-	-	+	-	-	+	27%
<b>PENNSYLVANIA</b>												
Casey (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
Toomey (R)	60%	+	+	-	+	+	+	-	+	-	-	59%
<b>RHODE ISLAND</b>												
Reed, J. (D)	20%	-	-	-	-	+	-	+	-	-	-	20%
Whitehouse (D)	20%	-	-	-	-	+	-	+	-	-	-	21%
<b>SOUTH CAROLINA</b>												
Graham, L. (R)	13%	-	-	-	-	+	-	-	?	-	?	11%
Scott, T. (R)	30%	+	-	-	-	+	-	-	+	-	-	40%
<b>SOUTH DAKOTA</b>												
Thune (R)	30%	+	-	-	-	+	-	-	+	-	-	21%
Rounds (R)	44%	+	+	-	-	+	-	-	+	?	-	31%
<b>TENNESSEE</b>												
Alexander (R)	14%	-	-	-	-	+	?	?	?	-	-	17%
Blackburn (R)	60%	+	+	-	-	+	+	-	+	+	-	56%
<b>TEXAS</b>												
Cornyn (R)	30%	-	+	-	-	+	-	-	+	-	-	27%
Cruz (R)	78%	?	+	-	-	+	+	+	+	+	+	66%

	Votes: 21-30	21	22	23	24	25	26	27	28	29	30	1-30
<b>UTAH</b>												
Lee M. (R)	100%	+	+	+	+	+	+	+	?	+	+	93%
Romney (R)	40%	+	+	-	-	+	-	-	+	-	-	27%
<b>VERMONT</b>												
Leahy (D)	20%	-	-	+	-	-	-	+	-	-	-	17%
Sanders (I)	25%	-	-	+	-	-	?	?	-	-	+	33%
<b>VIRGINIA</b>												
Warner (D)	20%	-	-	-	-	+	-	+	-	-	-	17%
Kaine (D)	30%	-	-	+	-	+	-	+	-	-	-	20%
<b>WASHINGTON</b>												
Murray (D)	13%	-	?	?	-	-	-	+	-	-	-	18%
Cantwell (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
<b>WEST VIRGINIA</b>												
Manchin (D)	20%	-	-	-	-	+	-	+	-	-	-	23%
Capito (R)	20%	-	-	-	-	+	-	-	+	-	-	17%
<b>WISCONSIN</b>												
Johnson, R. (R)	60%	+	+	-	-	+	+	-	+	+	-	43%
Baldwin (D)	20%	-	-	+	-	-	-	+	-	-	-	20%
<b>WYOMING</b>												
Enzi (R)	50%	+	+	?	-	+	-	-	+	?	-	41%
Barrasso (R)	40%	+	+	-	-	+	-	-	+	-	-	33%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a senator did not vote. If a senator cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 31, 33, and 34.

losers in the marketplace, causing great economic distortion.

**25 Guns vs. Butter.** During consideration of the National Defense Authorization Act (S. 4049), Senator Bernie Sanders (I-Vt.) introduced an amendment “to reduce the bloated Pentagon budget by 10 percent and invest that money in jobs, education, health care, and housing in communities in the United States in which the poverty rate is not less than 25 percent.”

The Senate rejected Sanders’ amendment on July 22, 2020 by a vote of 23 to 77 (Roll Call 135). We have assigned pluses to the nays because national defense is an essential function of the federal government. This is not to say that the budget is not “bloated” (the Pentagon budget does contain waste, and not all military spending is defense spending), but unnecessary military spending should be cut, not transferred to social-welfare programs falling outside the Constitution’s specified powers.

**26 Continuing Appropriations.** H.R. 8337, titled the “Continuing Appropriations Act, 2021 and Other Extensions Act,” would appropriate federal government funding, at fiscal 2020 levels, from October 1, 2020, through December 11, 2020. Additionally, it increases funding lev-

els for FEMA disaster relief, Small Business Administration loans, and multiple other programs. The bill also extends federal authorization for multiple programs including the National Flood Insurance Program.

The Senate passed H.R. 8337 on September 30, 2020 by a vote of 84 to 10 (Roll Call 197). We have assigned pluses to the nays because Congress needs to cut spending to avoid fiscal disaster. Additionally, Congress’ inability to promptly pass a 2021 budget, instead using a continuing appropriations bill, illustrates the breakdown of the federal budgeting process.

**27 Pre-existing Conditions.** During consideration of a bill to impose sanctions on China over their treatment of the minority Uighur population (S. 178), Senator Thom Tillis (R-N.C.) introduced an amendment to “amend the Health Insurance Portability and Accountability Act [HIPAA] to prohibit pre-existing condition exclusions.” As its title suggests, Tillis’ amendment would prohibit medical insurance issuers in group or individual marketplaces from denying coverage based on preexisting health conditions.

The Senate failed to table (kill) Tillis’ amendment on September 30, 2020 by a vote of 47 to 47 (Roll Call 199). We have assigned pluses to the yeas because the U.S.

government should not be attempting to regulate healthcare or health insurance in any way, shape, or form. The Constitution clearly does not allow the federal government to involve itself in healthcare. Decisions about health insurance coverage should be left up to insurance companies. Federal regulations and/or subsidies in the healthcare sector tend to distort the market and have in large part caused the current out-of-control insurance prices we see today.

**28 ObamaCare.** S. 4653, “A bill to protect the healthcare of hundreds of millions of people of the United States and prevent efforts of the Department of Justice to advocate courts to strike down the Patient Protection and Affordable Care Act,” was introduced September 22, 2020 by Senate Minority Leader Chuck Schumer as a response to the Supreme Court agreeing to hear *California v. Texas*, a lawsuit involving multiple states with the aim of ruling the Affordable Care Act (a.k.a. ObamaCare) unconstitutional.

The Senate did not vote directly on S. 4653, but on a motion to invoke cloture (and thus limit debate) so the bill could be voted on. The motion to invoke cloture was rejected on October 1, 2020 by a vote of 51 to 43 (Roll Call 200; a three-fifths majority of the entire Senate is required to

invoke cloture). We have assigned pluses to the nays because the Affordable Care Act is an unconstitutional monstrosity of government intervention into the health-care sector and is anything but affordable. ObamaCare reduced individual choice in the health-insurance market, increased costs for many Americans, and has been a poorly run boondoggle from the beginning, exactly what is to be expected when the federal government attempts to regulate and subsidize healthcare, something it has no constitutional authority to do.

## 29 Appropriations/Coronavirus.

H.R. 133, the 2021 Consolidated Appropriations Act, includes about \$1.4 trillion in discretionary appropriations and another \$900 billion in coronavirus aid. Among other discretionary provisions, it includes \$696 billion for the Department of Defense, including \$77 billion for overseas military operations. It also includes \$590 million in aid to developing countries. The coronavirus aid provisions include \$600 checks per adult or dependent child, \$300 per week in federal unemployment benefits

through March 14, 2021, \$325 billion in loans and grants to small businesses, \$81.9 billion in Education Department grants, \$25 billion in rental assistance, and \$13 billion in agricultural assistance.

The Senate passed H.R. 133 on December 21, 2020 by a vote of 92 to 6 (Roll Call 289). We have assigned pluses to the nays because spending, which yielded an annual federal deficit of \$3.1 trillion in fiscal 2020, is courting fiscal disaster. Additionally, Congress is minimizing its accountability to voters by combining all discretionary federal spending and coronavirus aid into one gigantic “take it or leave it” bill. Furthermore, most of the coronavirus aid provisions, including direct checks, federal unemployment benefits, and subsidization of the economy, exceed the federal government’s authority. These and other matters are reserved for the states and the people under the 10th Amendment.

**30 NDAA (Veto Override).** The National Defense Authorization Act for fiscal 2021 (H.R. 6395) authorizes \$740 billion in military spending. When Presi-

dent Donald Trump vetoed the NDAA on December 23, 2020, he stated in his veto message that “my administration recognizes the importance of the Act to our national security.” But, he also said, “Numerous provisions in the Act particularly contradict my Administration’s foreign policy, particularly my efforts to bring the troops home. I oppose endless wars, as does the American public.” He also cited other reasons for vetoing the NDAA, including Congress’ failure to end Section 230, which protects the social-media giants from liability for content posted on their sites, allowing them to create leftist monopolies.

The Senate overrode President Trump’s veto of the NDAA on January 1, 2021 by a vote of 81 to 13 (Roll Call 292). We have assigned pluses to the nays because the act includes spending not only for legitimate national defense, but also for military interventionism in foreign lands that does not make America safer. Also, the legislation undercuts the president’s legitimate authority as commander-in-chief by restricting his ability to withdraw troops from Afghanistan, Germany, and South Korea. ■



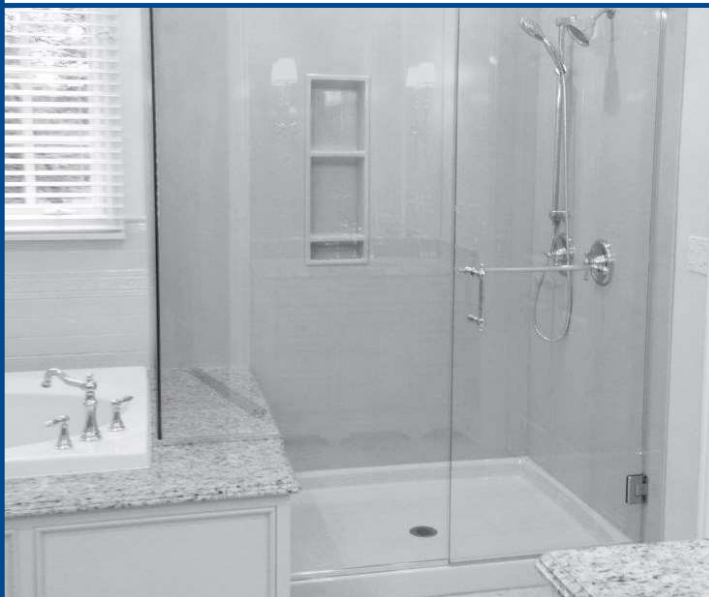
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