

The Freedom Index

A Congressional Scorecard Based on the U.S. Constitution

Our first look at the 117th Congress shows how every member of the House and Senate voted on key issues such as the impeachment of President Trump, coronavirus appropriations, and federalizing voting.

House Vote Descriptions

1 Trump Impeachment. The article of impeachment (“Incitement of Insurrection”), contained in House Resolution 24, would impeach President Donald Trump for engaging in “high Crimes and Misdemeanors by inciting violence against the Government of the United States.” The article alleges Trump incited violence and insurrection by repeatedly issuing “false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by the American people or certified by State or Federal officials”; by reiterating the claim that “we won the election” at his January 6, 2021, Washington, D.C., rally; and by saying in his January 6 speech, “if you don’t fight like hell you’re not going to have a country anymore.”

The House adopted the article of impeachment on January 13, 2021 by a vote of 232 to 197 (Roll Call 17). We have assigned pluses to the nays because President Trump had not committed any crime — much less “high Crimes and Misdemeanors” (the con-



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Move over, ladies! Under the Equality Act, males would be able to join females in locker rooms so long as they identify as females.

stitutional standard for impeachment) — by exercising his right to free speech regarding the election results and political activism. Also, to interpret his “fight like hell” remark as a call to violence is ludicrous. In the same speech, Trump stated, “I know that everyone here will soon be marching over to the Capitol building to peacefully and patriotically make your voices heard.”

2 Equality Act. The Equality Act (H.R. 5) would expand the definition of protected classes in federal law to include “sexual orientation and gender identity.” Regarding the latter, the bill explicitly states that “an individual shall not be denied access to a shared facility, including a restroom, a locker room, and a dressing room, that is in accordance with

About This Index

“The 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 mi-

nuses) and multiplying by 100. The average House score for this index is 49 percent, and the average Senate score is 39 percent. Forty-six representatives and four 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.

An online version of the “Freedom Index” is also available (click on “Freedom Index” at TheNewAmerican.com). ■

the individual's gender identity." That is, males who identify as females would be able to use the public restrooms, locker rooms, and dressing rooms of females — and vice versa. Moreover, the bill not only fails to include religious exemptions (e.g., allowing a church adoption agency to refuse placing children with homosexual couples), but explicitly states that the Religious Freedom Restoration Act of 1993 cannot be used as a defense against the bill's applications.

The House passed the Equality Act on February 25, 2021 by a vote of 224 to 206 (Roll Call 39). We have assigned pluses to the nays because of the harm it would cause to heterosexual children and adults, as well as threatening religious freedom and the right of association.

3 Police Reform. The George Floyd Justice in Policing Act (H.R. 1280) would, according to a fact sheet released by the House Judiciary Committee, "establish a national standard for the operation of police departments," governing the conduct of police officers. The bill also aims to defund police departments and allocate those funds to leftist "community organizations," further perpetuating the Left's war on police.

The House passed H.R. 1280 on March 3, 2021 by a vote of 220 to 212 (Roll Call 60). We have assigned pluses to the nays because the U.S. Constitution does not authorize the federal government to establish any type of national standards governing the operation, conduct, and accreditation of local law-enforcement agencies. To do so would constitute an egregious violation of the principles of federalism, as set forth in the 10th Amendment, and would be a major step toward nationalizing our local police into a federal police force — threatening our very existence as a free people.

4 Federalizing Voting. The For the People Act (H.R. 1) would implement a sweeping federalization of American elections. Among the bill's provisions, H.R. 1 would force states to implement nationwide Internet, automatic, and same-day voter registration. The bill would also mandate states to allow mail-in voting for all voters, make ballot "drop boxes" available in every county, and implement early voting at least 15 days prior to an elec-

tion. Additionally, H.R. 1 would prohibit voter caging, greatly reducing verification of voter-registration lists; require states to set up "independent redistricting commissions" that take redistricting authority out of state legislatures' hands; and enact additional campaign-finance regulations.

The House passed H.R. 1 on March 3, 2021 by a vote of 220 to 210 (Roll Call 62). We have assigned pluses to the nays because, under our system of government, state legislatures retain primary authority over regulating congressional elections.

5 Collective Bargaining. The so-called Protecting the Right to Organize, or PRO, Act (H.R. 842) would end states' right-to-work laws, empower the National Labor Relations Board to force employees to unionize against their will, encourage illegal aliens to join unions, and align U.S. labor laws with those of Mexico and Canada, in accordance with the United States-Mexico-Canada Agreement (USMCA), which requires member countries to recognize collective bargaining at the national level.

The House passed H.R. 842 on March 9, 2021 by a vote of 225 to 206 (Roll Call 70). We have assigned pluses to the

nays because the U.S. Constitution does not give the federal government any authority to regulate employers or workers. The 10th Amendment guarantees that the states and the people have authority over these matters.

6 Coronavirus Appropriations. H.R. 1319, the American Rescue Plan Act of 2021, would follow the precedent set in 2020 of spending multiple trillions of dollars within one year on unconstitutional programs in the name of coronavirus relief. As summarized by a Treasury Department fact sheet posted after the House and Senate had approved the \$1.9 trillion spending bill, 90 million Americans would receive more than \$242 billion in direct payments (\$1,400 for individuals, \$2,800 for married couples, and \$1,400 for each dependent); families would receive \$3,600 for children under age six, and \$3,000 for other children under age 18; state and local governments would receive \$325 billion in emergency direct payments; states, territories, and tribes would receive \$10 billion for capital projects; states, territories, and tribes would receive \$10 billion for homeowner relief; states, territories, and tribes would receive \$21.6 billion for emergency



Runaway spending: Congress continues to pass trillion-dollar coronavirus "relief" bills that in the long run will further harm the economy. It cannot be otherwise, since the government must either tax or borrow to pay for the spending spree.

117th CONGRESS, Votes 1-10

Table with 11 columns: Votes: 1-10, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Rows include representatives from Georgia (1-14), Hawaii (1-2), Idaho (1-2), Illinois (1-18), Indiana (1-9), and Iowa (1-2).

Table with 11 columns: Votes: 1-10, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. Rows include representatives from Kansas (1-4), Kentucky (1-6), Louisiana (1-6), Maine (1-2), Maryland (1-8), Massachusetts (1-9), and Michigan (1-14).

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.

rental assistance for households affected by COVID-19; etc.

The House passed H.R. 1319 on March 10, 2021 by a vote of 220 to 211 (Roll Call 72). We have assigned pluses to the nays because Congress is failing to address its fiscally irresponsible budgeting and appropriating process that yielded annual federal deficits of \$3.1 trillion in fiscal 2020 and an expected \$3.0 trillion in 2021. Moreover, virtually all of the coronavirus aid provisions, including direct checks, federal unemployment benefits, and economic subsidies, are unconstitutional.

7 Background Checks. H.R. 8 would criminalize most private firearms transactions unless they include an FBI background check. Specifically, this bill would require anyone desiring to transfer a firearm to bring the firearm to a licensed dealer, who would then take possession of the firearm and complete a background check on the intended recipient of the transfer. The firearm would be returned to the original owner if the transfer is rejected. Although the bill includes some exceptions to this universal requirement for a background check, it still represents a major infringement on our God-given right to keep and bear arms.

The House passed H.R. 8 on March 11, 2021 by a vote of 227 to 203 (Roll Call 75). We have assigned pluses to the nays because this bill would be one more steppingstone toward the Deep State's unconstitutional goal of total civilian disarmament.

8 Agricultural Migrant Amnesty. H.R. 1603 would give amnesty to illegal aliens who have worked at least 180 days — out of the previous two years — in the agriculture industry, likely affecting over 1.5 million illegals. Those illegals would then be eligible for green cards — and, eventually, citizenship — if they pay a fine and wait up to eight years. The bill makes multiple changes to the H-2A visa program, making it more attractive to migrants, including allowing 40,000 H-2A unskilled workers annually to receive green cards, which in turn would give those workers' family members a path to U.S. residency and/or citizenship.

The House passed H.R. 1603 on March



SeanPavonePhoto/Stock/GettyImagesPlus

Fifty-first state? A House-passed bill would purportedly circumvent the constitutional prohibition against granting the District of Columbia statehood by reducing the district to a small area and making the rest of what is currently Washington, D.C., a new state.

18, 2021 by a vote of 247 to 174 (Roll Call 93). We have assigned pluses to the nays because this bill would encourage and reward mass migration to the United States. Mass migration is a tool of the Deep State to fundamentally alter the United States. By importing significant numbers of individuals from cultures with no knowledge or understanding of the U.S. Constitution and the Founding Fathers' philosophical principles, the Deep State is able to reshape the nation to its liking — importing the very type of socialist and corrupt governments that many migrants arrived from.

9 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.

The House passed H.R. 51 on April 22, 2021 by a vote of 216 to 208 (Roll Call 132). 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.

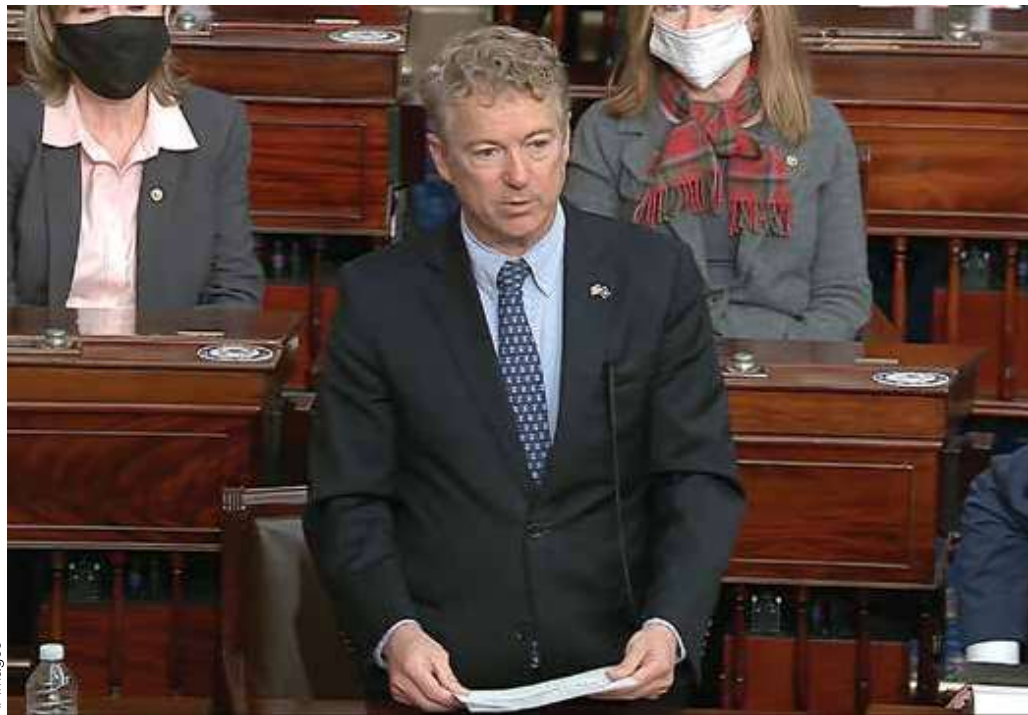
10 Iraq AUMF Repeal. H.R. 256 would repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002. Signed into law on October 16 of that year, the AUMF authorized the president to use the U.S. military “as he determines” to “defend the national security of the United States against the continuing threat posed by Iraq,” and “enforce all relevant United Nations Security Council Resolutions regarding Iraq.”

The House passed H.R. 256 on June 17, 2021 by a vote of 268 to 161 (Roll Call 172). We have assigned pluses to the yeas because, under the Constitution, the Congress, not the president, possesses the power to declare war, and by adopting the 2002 Iraq AUMF, Congress unconstitutionally abdicated this power. Also, the U.S. military should not be used by the president to enforce UN resolutions or to engage in nation building, and Iraq does not threaten the United States. ■

Senate Vote Descriptions

1 Trump Impeachment. During the impeachment proceedings against Donald Trump (House Resolution 24), Senator Rand Paul (R-Ky.) made a constitutional point of order that the “proceeding, which would try a private citizen and not a president, a vice president or civil officer, violates the Constitution.”

The Senate tabled (killed) Paul’s point of order on January 26, 2021 by a vote of 55 to 45 (Roll Call 8). We have assigned pluses to the nays because Paul’s point is constitutionally unassailable. The Constitution states, “The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.” Yet as of January 20, when Joe Biden was sworn in as president, Trump was a private citizen to whom the impeachment power does not apply.



Point of order: Senator Rand Paul’s constitutionally unassailable position that the Senate cannot try and convict a private citizen — which is what Donald Trump was at the time — was rejected by most of his colleagues.

2 Deficit Reduction. During consideration of the Budget Resolution for fiscal 2021 (S. Con. Res. 5), Senator Rand Paul (R-Ky.) offered a substitute amendment, which he called the “Three Penny Plan Budget.” According to a press release from his senate office, “Dr. Paul’s plan requires that for every on-budget dollar the federal government spends in Fiscal Year 2021, it spends three pennies fewer each year for the next five years.” This would have reduced spending by \$67.4 billion in fiscal 2022 alone, and by a total of \$7.2 trillion over 10 years.

The Senate rejected Paul’s substitute amendment on February 4, 2021 by a vote of 29 to 71 (Roll Call 31). We have assigned pluses to the yeas because runaway, deficit-laden federal spending, most of which is unconstitutional, must be brought under control, and Paul’s proposal would have been a step in the right direction.

3 Enforce DHS Asylum Policies. During consideration of the Budget Resolution for fiscal 2021 (S. Con. Res. 5), Senator Marco Rubio (R-Fla.) offered an amendment to create a deficit-neutral fund, consistent with the Senate’s pay-as-you-go rule in order to be included in a reconcilia-

tion bill. This fund would allow for legislation enforcing the Trump administration’s “Remain in Mexico” policy that requires illegal migrants attempting to gain asylum in the United States to wait in Mexico while their asylum claims are determined.

The Senate rejected Rubio’s amendment on February 5, 2021 by a vote of 50 to 50 (Roll Call 51). We have assigned pluses to the yeas because uncontrolled migration is detrimental to preserving our constitutional republic. Furthermore, considering that in fiscal 2020, 71.6 percent of asylum claims were ultimately rejected, it is wise public policy to prohibit asylum seekers from entering the United States.

4 Trump Impeachment. The House adopted the article of impeachment (“Incitement of Insurrection”) against President Donald Trump on January 13, 2021. The article, contained in House Resolution 24, was then sent to the Senate to decide whether or not to convict Trump and remove him from office. The article alleges that Trump engaged in “high Crimes and

Misdemeanors by inciting violence against the Government of the United States.” He did so, the article claims, by repeatedly issuing “false statements asserting that the Presidential election results were the product of widespread fraud and should not be accepted by the American people or certified by State or Federal officials”; by reiterating the claim that “we won the election” at his January 6, 2021, Washington, D.C., rally; and by saying in his January 6 speech, “if you don’t fight like hell you’re not going to have a country anymore.”

The Senate acquitted Trump on February 13, 2021 by a vote of 57 to 43 (Roll Call 59; a two-thirds majority of those present and voting is required to convict). We have assigned pluses to the nays because the Senate may not constitutionally convict a private citizen, which is what Trump was at the time of this vote, and also because he had not committed any crime — much less “high Crimes and Misdemeanors” (the constitutional standard for impeachment) — by exercising his right to free speech regarding the election results and political activ-

Senate Vote Scores ✓

Votes:	1-10	1	2	3	4	5	6	7	8	9	10
ALABAMA											
Shelby (R)	100%	+	+	+	+	+	+	?	+	+	+
Tuberville (R)	80%	+	+	+	+	+	-	-	+	+	+
ALASKA											
Murkowski (R)	40%	-	-	+	-	+	-	+	-	-	+
Sullivan (R)	78%	+	+	+	+	?	-	+	+	-	+
ARIZONA											
Sinema (D)	0%	-	-	-	-	-	-	-	-	-	-
Kelly (D)	0%	-	-	-	-	-	-	-	-	-	-
ARKANSAS											
Boozman (R)	80%	+	-	+	+	+	-	+	+	+	+
Cotton (R)	80%	+	-	+	+	+	-	+	+	+	+
CALIFORNIA											
Feinstein (D)	0%	-	-	-	-	-	-	-	-	-	-
Padilla (D)	0%	-	-	-	-	-	-	-	-	-	-
COLORADO											
Bennet (D)	0%	-	-	-	-	-	-	-	-	-	-
Hickenlooper (D)	0%	-	-	-	-	-	-	-	-	-	-
CONNECTICUT											
Blumenthal (D)	0%	-	-	-	-	-	-	-	-	-	-
Murphy (D)	0%	-	-	-	-	-	-	-	-	-	-
DELAWARE											
Carper (D)	0%	-	-	-	-	-	-	-	-	-	-
Coons (D)	0%	-	-	-	-	-	-	-	-	-	-
FLORIDA											
Rubio (R)	80%	+	-	+	+	+	-	+	+	+	+
Scott (R)	80%	+	-	+	+	+	-	+	+	+	+
GEORGIA											
Ossoff (D)	0%	-	-	-	-	-	-	-	-	-	-
Warnock (D)	0%	-	-	-	-	-	-	-	-	-	-
HAWAII											
Schatz (D)	0%	-	-	-	-	-	-	-	-	-	-
Hirono (D)	0%	-	-	-	-	-	-	-	-	-	-
IDAHO											
Crapo (R)	90%	+	+	+	+	+	+	+	+	-	+
Risch (R)	90%	+	+	+	+	+	+	+	+	-	+
ILLINOIS											
Durbin (D)	0%	-	-	-	-	-	-	-	-	-	-
Duckworth (D)	0%	-	-	-	-	-	-	-	-	-	-
INDIANA											
Young (R)	70%	+	-	+	+	+	-	+	+	-	+
Braun (R)	90%	+	+	+	+	+	-	+	+	+	+
IOWA											
Grassley (R)	80%	+	+	+	+	+	-	+	+	-	+
Ernst (R)	90%	+	+	+	+	+	-	+	+	+	+
KANSAS											
Moran (R)	90%	+	+	+	+	+	-	+	+	+	+
Marshall (R)	90%	+	+	+	+	+	-	+	+	+	+
KENTUCKY											
McConnell (R)	70%	+	-	+	+	+	-	+	+	-	+
Paul (R)	100%	+	+	+	+	+	+	?	+	+	+
LOUISIANA											
Cassidy (R)	80%	+	+	+	-	+	-	+	+	+	+
Kennedy (R)	89%	+	+	+	+	+	-	+	?	+	+

Votes:	1-10	1	2	3	4	5	6	7	8	9	10
MAINE											
Collins (R)	30%	-	-	+	-	+	-	-	-	-	+
King (I)	0%	-	-	-	-	-	-	-	-	-	-
MARYLAND											
Cardin (D)	0%	-	-	-	-	-	-	-	-	-	-
Van Hollen (D)	0%	-	-	-	-	-	-	-	-	-	-
MASSACHUSETTS											
Warren (D)	0%	-	-	-	-	-	-	-	-	-	-
Markey (D)	0%	-	-	-	-	-	-	-	-	-	-
MICHIGAN											
Stabenow (D)	0%	-	-	-	-	-	-	-	-	-	-
Peters (D)	0%	-	-	-	-	-	-	-	-	-	-
MINNESOTA											
Klobuchar (D)	0%	-	-	-	-	-	-	-	-	-	-
Smith (D)	0%	-	-	-	-	-	-	-	-	-	-
MISSISSIPPI											
Wicker (R)	70%	+	-	+	+	+	-	+	+	-	+
Hyde-Smith (R)	90%	+	+	+	+	+	-	+	+	+	+
MISSOURI											
Blunt (R)	60%	+	-	+	+	+	-	-	+	-	+
Hawley (R)	90%	+	-	+	+	+	+	+	+	+	+
MONTANA											
Tester (D)	0%	-	-	-	-	-	-	-	-	-	-
Daines (R)	80%	+	+	+	+	+	-	+	+	-	+
NEBRASKA											
Fischer (R)	90%	+	+	+	+	+	-	+	+	+	+
Sasse (R)	56%	-	-	+	-	+	?	+	+	-	+
NEVADA											
Cortez Masto (D)	0%	-	-	-	-	-	-	-	-	-	-
Rosen (D)	0%	-	-	-	-	-	-	-	-	-	-
NEW HAMPSHIRE											
Shaheen (D)	0%	-	-	-	-	-	-	-	-	-	-
Hassan (D)	0%	-	-	-	-	-	-	-	-	-	-
NEW JERSEY											
Menendez (D)	0%	-	-	-	-	-	-	-	-	-	-
Booker (D)	0%	-	-	-	-	-	-	-	-	-	-
NEW MEXICO											
Heinrich (D)	0%	-	-	-	-	-	-	-	-	-	-
Lujan (D)	0%	-	-	-	-	-	-	-	-	-	-
NEW YORK											
Schumer (D)	0%	-	-	-	-	-	-	-	-	-	-
Gillibrand (D)	0%	-	-	-	-	-	-	-	-	-	-
NORTH CAROLINA											
Burr (R)	70%	+	-	+	-	+	-	+	+	+	+
Tillis (R)	80%	+	+	+	+	+	-	+	+	-	+
NORTH DAKOTA											
Hoeven (R)	80%	+	-	+	+	+	-	+	+	+	+
Cramer (R)	78%	+	-	+	+	+	-	?	+	+	+
OHIO											
Brown (D)	0%	-	-	-	-	-	-	-	-	-	-
Portman (R)	70%	+	-	+	+	+	-	+	+	-	+
OKLAHOMA											
Inhofe (R)	80%	+	-	+	+	+	-	+	+	+	+
Lankford (R)	90%	+	+	+	+	+	-	+	+	+	+

Votes:	1-10	1	2	3	4	5	6	7	8	9	10
OREGON											
Wyden (D)	0%	-	-	-	-	-	-	-	-	-	-
Merkley (D)	0%	-	-	-	-	-	-	-	-	-	-
PENNSYLVANIA											
Casey (D)	0%	-	-	-	-	-	-	-	-	-	-
Toomey (R)	70%	-	+	+	-	+	-	+	+	+	+
RHODE ISLAND											
Reed (D)	0%	-	-	-	-	-	-	-	-	-	-
Whitehouse (D)	0%	-	-	-	-	-	-	-	-	-	-
SOUTH CAROLINA											
Graham (R)	60%	+	-	+	+	+	-	-	+	-	+
Scott (R)	90%	+	+	+	+	+	-	+	+	+	+
SOUTH DAKOTA											
Thune (R)	90%	+	+	+	+	+	-	+	+	+	+
Rounds (R)	67%	+	-	+	+	+	-	?	+	-	+
TENNESSEE											
Blackburn (R)	90%	+	+	+	+	+	-	+	+	+	+
Hagerty (R)	90%	+	+	+	+	+	-	+	+	+	+
TEXAS											
Cornyn (R)	80%	+	+	+	+	+	-	+	+	-	+
Cruz (R)	100%	+	+	+	+	+	+	+	+	+	+

Votes:	1-10	1	2	3	4	5	6	7	8	9	10
UTAH											
Lee (R)	100%	+	+	+	+	+	+	+	+	+	+
Romney (R)	50%	-	-	+	-	+	-	+	+	-	+
VERMONT											
Leahy (D)	0%	-	-	-	-	-	-	-	-	-	-
Sanders (I)	10%	-	-	-	-	-	-	-	-	+	-
VIRGINIA											
Warner (D)	0%	-	-	-	-	-	-	-	-	-	-
Kaine (D)	0%	-	-	-	-	-	-	-	-	-	-
WASHINGTON											
Murray (D)	0%	-	-	-	-	-	-	-	-	-	-
Cantwell (D)	0%	-	-	-	-	-	-	?	-	-	-
WEST VIRGINIA											
Manchin (D)	10%	-	-	-	-	-	-	-	+	-	-
Capito (R)	60%	+	-	+	+	+	-	-	+	-	+
WISCONSIN											
Johnson (R)	90%	+	+	+	+	+	-	+	+	+	+
Baldwin (D)	0%	-	-	-	-	-	-	-	-	-	-
WYOMING											
Barrasso (R)	90%	+	+	+	+	+	-	+	+	+	+
Lummis (R)	90%	+	+	+	+	+	-	+	+	+	+

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5 Coronavirus Appropriations. H.R. 1319, the American Rescue Plan Act of 2021, would follow the precedent set in 2020 of spending multiple trillions of dollars within one year on unconstitutional programs in the name of coronavirus relief. As summarized by a Treasury Department fact sheet posted after the House and Senate had approved the \$1.9 trillion spending bill, 90 million Americans would receive more than \$242 billion in direct payments (\$1,400 for individuals, \$2,800 for married couples, and \$1,400 for each dependent); families would receive \$3,600 for children under age six, and \$3,000 for other children under age 18; state and local governments would receive \$325 billion in emergency direct payments; states, territories, and tribes would receive \$10 billion for capital projects; etc.

The Senate passed H.R. 1319 on March 6, 2021 by a vote of 50 to 49 (Roll Call 110). We have assigned pluses to the nays because Congress is failing to address its fiscally irresponsible budgeting and appropriating process that yielded annual federal

deficits of \$3.1 trillion in fiscal 2020 and an expected \$3.0 trillion in 2021. Moreover, virtually all of the coronavirus aid provisions, including direct checks, federal unemployment benefits, and subsidization of the economy, are unconstitutional.

6 Paycheck Protection Program Extension. H.R. 1799 would extend the authorization for the Treasury Department’s Paycheck Protection Program (PPP) from March 31 to June 30, 2021. The PPP provides Small Business Administration-backed loans to businesses of 500 employees or less struggling as a result of the draconian COVID-19 lockdowns issued by governors across the country beginning in 2020 and extending into 2021. PPP loans do not have to be paid back so long as employers only use the funds for legitimate business expenses, such as PPP-approved payroll costs, mortgages, rent, operation expenditures, personal protective equipment as may have been required by state-issued emergency orders, property damage as a result of violent mob protests that occurred in 2020 and not covered by the business’s insurance, and suppliers’ costs for contracts or other bills of goods and services purchased prior to taking out the loan.

The Senate passed H.R. 1799 on March 25, 2021 by a vote of 92 to 7 (Roll Call 140). We have assigned pluses to the nays because the Constitution does not authorize the federal government to bail out or lend funds to business.

7 National Monument Water Rights. During consideration of the Drinking Water and Wastewater Infrastructure Act (S. 914), Senator Mike Lee (R-Utah) offered an amendment to “limit the authority to reserve water rights in designating a national monument.” The amendment stated: “(1) No reservation of water rights. — In designating a national monument under subsection (a), the President may not reserve any implied or expressed water rights associated with the national monument. (2) Applicable law. — Water rights associated with a national monument designated under subsection (a) may be acquired for the national monument only in accordance with the laws of the State in which the water rights are located.”

The Senate rejected Lee’s amendment on April 29, 2021 by a vote of 41 to 54 (Roll Call 177). We have assigned pluses to the yeas because the Constitution does not grant the federal government the power to designate national monuments or to grant water rights.

8 Embryonic Research Restriction. During consideration of the Endless Frontier Act (S. 1260), Senator Mike Lee (R-Utah) offered an amendment to, as he described it from the Senate floor, “simply prohibit any research funded, for the Endless Frontier Act, from using any fetal tissue obtained from an abortion and from creating, destroying, discarding, or putting human embryos at risk.” Lee’s amendment would have essentially codified the National Science Foundation’s agency policy banning research that destroys or creates human embryos.

The Senate rejected Lee’s amendment on May 25, 2021 by a vote of 48 to 51 (Roll Call 206). We have assigned pluses to the yeas because not only does the Constitution not authorize the federal government to fund any type of research that incentivizes abortion, but all human life, at every stage of development from fertilization onward, is sacred and taxpayers should not be forced to pay for the destruction and unethical manipulation of such life.

9 Research and Development Package. S. 1260, the U.S. Innovation and Competition Act, would authorize \$250 billion over five years for federal funding of scientific research and development programs, including more than \$52 billion for the U.S. semiconductor industry; \$81 billion for the National Science Foundation (NSF), including \$52 billion for the existing NSF programs and \$29 billion for a new NSF directorate for technology and innovation that would support research and development in key areas such as artificial intelligence, automation, quantum computing, biotechnology, and advanced energy; and \$23.5 billion (in fiscal 2021 alone) for NASA.

The Senate passed S. 1260 on June 8, 2021 by a vote of 68 to 32 (Roll Call 226). We have assigned pluses to the nays because the Constitution does not authorize Congress to fund research and development programs.

10 Federalizing Voting. The For the People Act (S. 2093) would implement a sweeping federalization of American elections. Among the bill’s provisions,

S. 2093 would force states to implement nationwide Internet, automatic, and same-day voter registration. The bill would also mandate states to allow mail-in voting for all voters, make ballot “drop boxes” available in every county, and implement early voting that begins at least 15 days prior to an election. Additionally, S. 2093 would prohibit voter caging, greatly reducing verification of voter-registration lists; require states to set up “independent redistricting commissions” that take redistricting authority out of state legislatures’ hands; and enact additional campaign-finance regulations.

The Senate did not vote directly on S. 2093, 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 June 22, 2021 by a vote of 50 to 50 (Roll Call 246; a three-fifths majority of the entire Senate is required to invoke cloture). We have assigned pluses to the nays because, under our system of government, state legislatures possess primary authority over regulating congressional elections. ■



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