

# The Freedom Index

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



Our first look at the 113th Congress shows how every member of the House and Senate voted on key issues, such as federal disaster assistance, CISPA, and ObamaCare repeal.

## House Vote Descriptions

**1 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.

**Fair?** Important constituencies, such as New Jerseyans, are given disaster relief if the president declares a Major Disaster Declaration. Without that declaration, federal FEMA money dries up. Many areas see regular small-scale storm damage, but the homeowners will never see a FEMA dime.

## 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 minuses) and multiplying by 100.

This is our first index for the 113th Congress. The average House score for this index (votes 1-10) is 46 percent and the

average Senate score is 41 percent. Eleven representatives and one senator earned 100 percent.

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

## 2 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.

## 3 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 com-

pared 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.

## 4 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.

## 5 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.

## 6 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



**Good for some:** When politicians put into place minimum-wage rates, those people who have minimum-wage jobs do benefit, but when wages rise, many companies either lay off workers or refuse to hire new ones, making it difficult for unskilled workers to get much-needed job experience.



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." (Emphasis in original.)

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.

**7 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.

**8 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



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**Bureaucrats' brass:** The U.S. House voted to force the Department of Homeland Security to tell why it needed over a billion rounds of ammunition, by cutting off money for ammo unless an explanation is forthcoming.

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.

**9 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.

**10 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 amendment that prohibits the resources from being used to enforce [prosecutorial discretion], 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." ■







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# Senate Vote Descriptions



**Math and wishful thinking:** Even though there aren't enough "rich" people in our country to tax to balance our budget and U.S. deficit spending will eventually lead to a currency crash, senators overwhelmingly voted to reject Rand Paul's amendment to balance the budget in five years.

**1 Disaster Supplemental (Superstorm Sandy).** This bill (H.R. 152) would appropriate \$50.5 billion in emergency supplemental funding for communities hit by Superstorm Sandy. (See House vote #1 for further information on this legislation.)

The Senate passed H.R. 152 on January 28, 2013 by a vote of 62 to 36 (Roll Call 4). We have assigned pluses to the nays because federally financing disaster relief is unconstitutional.

**2 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. (See House vote #2 for further information on this legislation.)

The Senate passed H.R. 325 on January 31, 2013 by a vote of 64 to 34 (Roll Call 11). 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.

**3 Keystone XL Pipeline.** During consideration of the budget resolution (Senate Concurrent Resolution 8), Sen.

John Hoeven (R-N.D.) offered an amendment that would "establish a deficit-neutral reserve fund to promote investment and job growth in United States manufacturing, oil and gas production, and refining sectors through the construction of the Keystone XL Pipeline."

According to a Reuters story posted online on March 22, 2013, "The Senate easily passed on Friday a symbolic measure approving the Canada to Texas Keystone XL oil pipeline, a move backers said showed strong support for a bill that would give Congress power to green light the project later in the year... It was symbolic because the budget is a blueprint that will not become law." (See House vote #8 for information on similar legislation.)

The Senate adopted Hoeven's amendment on March 22, 2013 by a vote of 62 to 37 (Roll Call 61). We have assigned pluses to the yeas because the federal government should allow entrepreneurs to develop energy resources, rather than deny access.

**4 Balanced Budget Resolution.** Sen. Rand Paul (R-Ky.) offered a substitute amendment with a replacement budget (Amendment 263) to the budget resolution (Senate Concurrent Resolution 8). The amendment called for a balanced budget in five years with no revenue increases. As Paul said, "This budget is called the Revi-

talize America Budget. It reforms and saves Social Security and Medicare, making them solvent for 75 years; it creates millions of jobs by letting taxpayers keep an additional \$600 billion of their income; it repeals ObamaCare; and it requires Congress to vote to approve or disapprove all major regulations. Our ever-expanding debt is costing us millions of jobs a year. It is time to stop burying our kids in debt."

Paul's proposed budget would also have eliminated the Commerce, Housing and Urban Development, Education, and Energy departments. A tax code overhaul that would eliminate the estate and capital gains taxes and switch to a flat tax system was also included.

The Senate rejected Paul's substitute amendment on March 22, 2013 by a vote of 18 to 81 (Roll Call 69). We have assigned pluses to the yeas because any reduction of unconstitutional federal agencies and massive amounts of debt-laden, unconstitutional federal spending, without revenue increases, is desirable.

**5 UN Arms Trade Treaty.** During consideration of the budget resolution (Senate Concurrent Resolution 8), Sen. Jim Inhofe (R-Okla.) offered an amendment to "uphold Second Amendment rights and prevent the United States from entering into the United Nations Arms Trade Treaty." As firearms researcher John Lott pointed out in "Buyers, beware: UN Arms Trade Treaty will regulate individual gun ownership," posted on FoxNews.com: "Unsurprisingly, the U.N. treaty provisions are the long-time favorites of American gun control advocates: registration and licensing of guns and ammunition, along with restrictions on the private gun transfers." Although Inhofe's amendment is non-binding, it provides encouragement that if and when the UN Arms Trade Treaty is brought to the Senate floor for a vote, there will not be the necessary two-thirds majority required for ratification.

The Senate adopted Inhofe's amendment on March 23, 2013 by a vote of 53 to 46 (Roll Call 91). We have assigned pluses to the yeas because a UN treaty that infringes on the Second Amendment of the Constitution should not be ratified.

# Senate Vote Scores ✓

	Votes:	1-10	1	2	3	4	5	6	7	8	9	10
<b>ALABAMA</b>												
Shelby (R)	60%	-	-	+	+	+		+	+	-	-	+
Sessions, J. (R)	80%	+	+	+	+	+		+	+	-	-	+
<b>ALASKA</b>												
Murkowski (R)	67%	-	-	+	-	+		+	+	+	+	?
Begich (D)	63%	-	-	+	-	+		+	+	?	+	?
<b>ARIZONA</b>												
McCain (R)	56%	+	-	+	-	+		+	+	-	-	?
Flake (R)	100%	+	+	+	+	+		+	+	+	?	+
<b>ARKANSAS</b>												
Pryor (D)	40%	-	-	+	-	+		+	+	-	-	-
Boozman (R)	60%	+	+	+	-	+		+	+	-	-	-
<b>CALIFORNIA</b>												
Feinstein (D)	10%	-	-	-	-	-		-	-	-	+	-
Boxer (D)	10%	-	-	-	-	-		-	-	-	+	-
<b>COLORADO</b>												
Udall, Mark (D)	11%	-	-	-	-	-		+	-	-	-	?
Bennet (D)	30%	-	-	+	-	-		+	-	-	+	-
<b>CONNECTICUT</b>												
Blumenthal (D)	10%	-	-	-	-	-		-	-	-	+	-
Murphy, C. (D)	10%	-	-	-	-	-		-	-	-	+	-
<b>DELAWARE</b>												
Carper (D)	10%	-	-	+	-	-		-	-	-	-	-
Coons (D)	10%	-	-	+	-	-		-	-	-	-	-
<b>FLORIDA</b>												
Nelson (D)	10%	-	-	+	-	-		-	-	-	-	-
Rubio (R)	80%	+	+	+	-	+		+	+	+	-	+
<b>GEORGIA</b>												
Chambliss (R)	60%	+	+	+	-	+		+	+	-	-	-
Isakson (R)	60%	+	+	+	-	+		+	+	-	-	-
<b>HAWAII</b>												
Schatz (D)	10%	-	-	-	-	-		-	-	-	+	-
Hirono (D)	10%	-	-	-	-	-		-	-	-	+	-
<b>IDAHO</b>												
Crapo (R)	90%	+	+	+	+	+		+	+	+	-	+
Risch (R)	90%	+	+	+	+	+		+	+	+	-	+
<b>ILLINOIS</b>												
Durbin (D)	0%	-	-	-	-	-		-	-	-	-	-
Kirk (R)	60%	+	+	+	-	+		-	-	+	-	+
<b>INDIANA</b>												
Coats (R)	60%	+	+	+	-	+		+	+	-	-	-
Donnelly (D)	40%	-	-	+	-	+		+	+	-	-	-
<b>IOWA</b>												
Grassley (R)	70%	+	+	+	-	+		+	+	+	-	-
Harkin (D)	0%	-	-	-	-	-		-	-	-	-	-
<b>KANSAS</b>												
Roberts (R)	80%	+	+	+	-	+		+	+	+	-	+
Moran, Jerry (R)	78%	+	+	+	+	+		+	+	?	-	-
<b>KENTUCKY</b>												
McConnell (R)	90%	+	+	+	+	+		+	+	+	-	+
Paul (R)	89%	+	+	+	+	+		+	+	+	-	?
<b>LOUISIANA</b>												
Landrieu, M. (D)	30%	-	-	+	-	-		+	+	-	-	-
Vitter (R)	70%	-	+	+	+	+		+	+	+	-	-

	Votes:	1-10	1	2	3	4	5	6	7	8	9	10
<b>MAINE</b>												
Collins (R)	40%	-	-	+	-	+		+	+	-	-	-
King, A. (I)	22%	?	-	-	-	-		+	-	-	+	-
<b>MARYLAND</b>												
Mikulski (D)	10%	-	-	-	-	-		-	-	-	+	-
Cardin (D)	10%	-	-	-	-	-		-	-	-	+	-
<b>MASSACHUSETTS</b>												
Warren (D)	0%	-	-	-	-	-		-	-	-	-	-
Cowan (D)	0%	-	-	-	-	-		-	-	-	-	-
<b>MICHIGAN</b>												
Levin, C. (D)	0%	-	-	-	-	-		-	-	-	-	-
Stabenow (D)	0%	-	-	-	-	-		-	-	-	-	-
<b>MINNESOTA</b>												
Klobuchar (D)	0%	-	-	-	-	-		-	-	-	-	-
Franken (D)	0%	-	-	-	-	-		-	-	-	-	-
<b>MISSISSIPPI</b>												
Cochran (R)	40%	-	-	+	-	+		+	+	-	-	-
Wicker (R)	40%	-	-	+	-	+		+	+	-	-	-
<b>MISSOURI</b>												
McCaskill (D)	10%	-	-	+	-	-		-	-	-	-	-
Blunt (R)	50%	+	-	+	-	+		+	+	-	-	-
<b>MONTANA</b>												
Baucus, M. (D)	40%	-	-	+	-	-		+	+	+	-	-
Tester (D)	60%	-	-	+	-	+		+	+	+	+	-
<b>NEBRASKA</b>												
Johanns (R)	60%	+	+	+	-	+		+	+	-	-	-
Fischer (R)	60%	+	+	+	-	+		+	+	-	-	-
<b>NEVADA</b>												
Reid, H. (D)	10%	-	-	-	-	-		-	-	-	+	-
Heller (R)	60%	-	-	+	-	+		+	+	+	-	+
<b>NEW HAMPSHIRE</b>												
Shaheen (D)	10%	-	-	-	-	-		-	-	-	+	-
Ayotte (R)	70%	+	-	+	-	+		+	+	+	-	+
<b>NEW JERSEY</b>												
Menendez (D)	0%	-	-	-	-	-		-	-	-	-	-
Chiesa (R)												
<b>NEW MEXICO</b>												
Udall, T. (D)	20%	-	-	-	-	-		+	-	-	+	-
Heinrich (D)	30%	-	-	-	-	+		+	-	-	+	-
<b>NEW YORK</b>												
Schumer (D)	10%	-	-	-	-	-		-	-	-	+	-
Gillibrand (D)	0%	-	-	-	-	-		-	-	-	-	-
<b>NORTH CAROLINA</b>												
Burr (R)	60%	+	+	+	-	+		+	+	-	-	-
Hagan (D)	40%	-	-	+	-	+		+	+	-	-	-
<b>NORTH DAKOTA</b>												
Hooven (R)	40%	-	-	+	-	+		+	+	-	-	-
Heitkamp (D)	40%	-	-	+	-	+		+	+	-	-	-
<b>OHIO</b>												
Brown, Sherrod (D)	0%	-	-	-	-	-		-	-	-	-	-
Portman (R)	70%	+	+	+	-	+		+	+	-	-	+
<b>OKLAHOMA</b>												
Inhofe (R)	90%	+	+	+	+	+		+	+	+	-	+
Coburn (R)	90%	+	+	+	+	+		+	+	+	-	+

	Votes:	1-10	1	2	3	4	5	6	7	8	9	10
<b>OREGON</b>												
Wyden (D)	20%	-	-	-	-	-	-	-	-	+	+	-
Merkley (D)	20%	-	-	-	-	-	-	-	-	+	+	-
<b>PENNSYLVANIA</b>												
Casey (D)	10%	-	-	+	-	-	-	-	-	-	-	-
Toomey (R)	80%	+	+	+	-	+	+	+	+	-	-	+
<b>RHODE ISLAND</b>												
Reed, J. (D)	20%	-	-	-	-	-	-	-	-	-	+	+
Whitehouse (D)	20%	-	-	-	-	-	-	-	-	-	+	+
<b>SOUTH CAROLINA</b>												
Graham (R)	50%	+	-	+	-	+	+	+	-	-	-	-
Scott, T. (R)	90%	+	+	+	+	+	+	+	+	+	-	+
<b>SOUTH DAKOTA</b>												
Johnson, Tim (D)	20%	-	-	+	-	-	-	+	-	-	-	-
Thune (R)	60%	+	-	+	-	+	+	+	-	-	-	+
<b>TENNESSEE</b>												
Alexander, L. (R)	50%	-	+	+	-	+	+	+	-	-	-	-
Corker (R)	70%	+	+	+	-	+	+	+	-	-	-	+
<b>TEXAS</b>												
Cornyn (R)	89%	+	+	+	+	+	+	+	+	?	-	+
Cruz (R)	90%	+	+	+	+	+	+	+	+	+	-	+

	Votes:	1-10	1	2	3	4	5	6	7	8	9	10
<b>UTAH</b>												
Hatch (R)	80%	+	+	+	-	+	+	+	+	-	-	+
Lee, M. (R)	90%	+	+	+	+	+	+	+	+	+	-	+
<b>VERMONT</b>												
Leahy (D)	10%	-	-	-	-	-	-	-	-	-	+	-
Sanders (I)	10%	-	-	-	-	-	-	-	-	-	+	-
<b>VIRGINIA</b>												
Warner (D)	33%	-	-	+	-	-	-	+	+	-	-	?
Kaine (D)	0%	-	-	-	-	-	-	-	-	-	-	-
<b>WASHINGTON</b>												
Murray (D)	13%	?	?	-	-	-	-	-	-	-	+	-
Cantwell (D)	10%	-	-	-	-	-	-	-	-	-	+	-
<b>WEST VIRGINIA</b>												
Rockefeller (D)	10%	-	-	-	-	-	-	-	-	-	+	-
Manchin (D)	67%	-	+	+	-	+	+	+	+	-	+	?
<b>WISCONSIN</b>												
Johnson, R. (R)	90%	+	+	+	+	+	+	+	+	+	-	+
Baldwin (D)	0%	-	-	-	-	-	-	-	-	-	-	-
<b>WYOMING</b>												
Enzi (R)	80%	+	+	+	+	+	+	+	+	-	-	+
Barrasso (R)	90%	+	+	+	+	+	+	+	+	+	-	+

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a Senator did not vote; a “P” means he voted “present.” If he cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 9, 11, and 12.

**6 “Assault Weapons” Ban.** During consideration of gun control legislation (S. 649), Sen. Dianne Feinstein (D-Calif.) offered an amendment that would ban the future manufacture, import, sale, transfer, or possession of certain semi-automatic firearms considered to be “assault weapons.”

According to an article by Tim Brown entitled “Dianne Feinstein’s Assault Weapons Ban Defeated,” posted on freedomoutpost.com on April 17, 2013, “The legislation that would have banned the sale of 157 different semi-automatic weapons, including handguns and even shotguns, along with high capacity magazines has come to its much deserved end. This bill was similar but even more expansive than her previous gun ban bill that was passed in 1994 and signed into law by Bill Clinton.”

The Senate rejected Feinstein’s amendment on April 17, 2013 by a vote of 40 to 60 (Roll Call 101). We have assigned pluses to the nays because banning firearms from law-abiding citizens is a clear violation of the Constitution — the Second Amendment guarantees that our “right to keep and bear arms shall not be infringed.”

**7 High-capacity Clip Ban.** During consideration of gun-control legislation (S. 649), Sen. Richard Blumenthal (D-

Conn.) offered an amendment on behalf of Sen. Frank Lautenberg that would ban the future manufacture, import, sale, transfer, or possession of ammunition clips holding more than 10 rounds, with exemptions for law-enforcement officials.

During the floor debate on this amendment, Senator Chuck Grassley (R-Iowa) made these remarks, “Mr. President, I oppose the amendment. In 2004, we had a study by the Department of Justice, which is the last time we had the large-capacity magazine banned. It found no evidence banning such magazines has led to a reduction in gun violence. The study also concluded it is not clear how often the outcomes of the gun attack depend on the ability of offenders to fire more than 10 shots without reloading. The report found no evidence more people would be alive if a magazine over 10 rounds was banned. Secondly, there is no evidence banning these magazines has reduced the deaths from gun crimes. In fact, when the previous ban was in effect, a higher percentage of gun crime victims were killed or wounded than before it was adopted.”

The Senate rejected Blumenthal’s amendment on April 17, 2013 by a vote of 46 to 54 (Roll Call 103). We have assigned pluses to the nays because banning high-capacity ammunition clips for law-abiding citizens is a clear violation of the Constitution — the Second Amendment guarantees that our “right to keep and bear arms shall not be infringed.”



**So much for science:** Assault weapons bans do no good. In fact, both the CDC and National Academy of Sciences have performed in-depth studies showing that no gun control laws decrease killings.

**8 Internet Sales Tax.** This bill (S. 743) would allow states to require out-of-state retailers with annual online sales that exceed \$1 million to collect sales taxes on items delivered to the state. States would have to simplify how they collect and audit their sales taxes, and provide free software to retailers to calculate the taxes owed. States would not be allowed to impose different sales tax requirements on out-of-state online sellers from those required of in-state retailers.

The Senate passed S. 743 on May 6, 2013 by a vote of 69 to 27 (Roll Call 113). We have assigned pluses to the nays because the Internet sales tax would essentially be a tax on interstate commerce, which is unconstitutional according to Article I Section 9: "No Tax or Duty shall be laid on Articles exported from any State." Furthermore, requiring online retailers to collect sales taxes from numerous states would pose onerous burdens to small businesses and hinder economic growth.

**9 Product Labeling for Genetically Modified Food.** During consideration of the Farm Bill (S. 954), Sen. Bernie Sanders (I-Vt.) offered an amendment (Amendment 965) to allow states to require that any food, beverage, or other edible product have a label indicating that it contains a genetically engineered ingredient, such as pesticide-resistant plants.

Sen. Sanders remarked during consideration of his amendment: "This is a pretty simple issue, and the issue is do the American people have a right to know what they are eating, what is in the food they are ingesting and what their kids are eating.... What this amendment does is very simple. It basically says States that choose to go forward on this issue do have the right. It is not condemning GMOs or anything else. It is simply saying that States have the right to go forward."

The Senate rejected Sanders' amendment on May 23, 2013 by a vote of 27 to 71 (Roll Call 135). We have assigned pluses to the yeas because the federal government does not have the constitutional authority to prevent states from enacting their own product-labeling requirements.

**10 Food and Farm Programs.** The farm bill (S. 954) would authorize federal farm and food programs through fiscal 2018. It would also replace direct payments to farmers with a new "adverse market payments" program that would provide subsidies when prices fall below a historic reference. The Congressional Budget Office estimates that the total cost of S. 954 would be \$955 billion for the 10-year period 2014-2023. This legislation is generally referred to as the farm bill, but most of the spending is for SNAP (formerly known as food stamps) and other "nutrition" programs in the bill. CBO estimates that the nutrition programs would cost \$760 billion over 10 years, compared to \$41.4 billion for farm commodity programs.

The Senate passed the farm bill on June 10, 2013 by a vote of 66 to 27 (Roll Call 145). We have assigned pluses to the nays because both federal food and farm subsidies are unconstitutional. Though the CBO estimates that S. 954 would cost \$18 billion less over 10 years than under current law, this reduction would only be 1.9 percent of projected spending. ■

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