



THE FREEDOM INDEX

A Congressional Scorecard Based on the U.S. Constitution

Our fourth (and final) look at the 111th Congress shows how every Representative and Senator voted on key issues, such as financial regulatory reform, the DISCLOSE Act, and ObamaCare.

House Vote Descriptions

31 Science and Technology Programs. This legislation (H.R. 5116) would authorize \$85.6 billion over five years for science and technology research and education programs. The funding includes \$44 billion for the National Science Foundation and \$30.2 billion for the Energy Department's Office of Science. The bill would also create a new loan-guarantee program to help manufacturers invest in innovative technologies.

The House passed the bill on May 28, 2010 by a vote of 262-150 (Roll Call 332). We have assigned pluses to the nays because entrepreneurs and not government should decide which technologies to invest in and to what extent.

32 ObamaCare (Repealing the Individual Mandate to Purchase Health Insurance). On June 15 the Republicans lost the first vote in their efforts to repeal either the entire healthcare bill or at least important parts of the overhaul bill

commonly known as ObamaCare. They were trying to repeal the ObamaCare individual mandate that will require virtually all Americans to purchase health insurance by 2014 or else pay a penalty. This individual mandate is so widely considered to be unconstitutional that 20 states and the National Federation of Independent Businesses have filed a lawsuit based on the unconstitutionality of this provision and

over 30 states have introduced legislation to nullify the individual mandate.

Although the best solution would be for Congress to repeal the entire ObamaCare law (Public Laws 111-148 and 111-152) on the basis of its unconstitutionality, repeal of the individual mandate would be a good first step toward full repeal later. On June 15 Rep. Dave Camp (R-Mich.) took this first step by making a motion to



AP Images

Republicans on the ropes: Rep. Dave Camp (R-Mich.), center, tried to repeal the individual mandate of ObamaCare, but was rejected. With Obama in the White House, Republicans, even if they obtain a majority in November, can, at best, only hope to defund ObamaCare, not repeal it.

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.

The average House score for this index (votes 31-40) is 40

percent. Thirteen Representatives earned 100 percent. The average Senate score is 41 percent, with 26 Senators earning perfect scores. 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.

This is our final index for the 111th Congress. Our first index (votes 1-10) appeared in our July 20, 2009 issue, our second index (votes 11-20) appeared in our December 7, 2009 issue, and our third index (votes 21-30) appeared in our July 5, 2010 issue. ■

House Vote Scores

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
ALABAMA												
1 Bonner (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
2 Bright (D)	67%	-	+	+	+	+	-	+	-	+	?	51%
3 Rogers, Mike D. (R)	90%	+	+	+	+	+	-	+	+	+	+	68%
4 Aderholt (R)	90%	+	+	+	+	+	-	+	+	+	+	77%
5 Griffith (R)	88%	+	+	+	+	+	-	?	?	+	+	58%
6 Bachus, S. (R)	90%	+	+	+	+	+	-	+	+	+	+	79%
7 Davis, A. (D)	0%	?	-	-	-	-	-	-	-	-	-	17%
ALASKA												
Young, D. (R)	57%	+	+	+	?	?	-	-	-	?	+	63%
ARIZONA												
1 Kirkpatrick (D)	20%	-	-	-	+	-	-	+	-	-	-	25%
2 Franks, T. (R)	90%	+	+	+	+	+	-	+	+	+	+	88%
3 Shadegg (R)	88%	+	+	+	+	+	-	?	?	+	+	84%
4 Pastor (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
5 Mitchell (D)	20%	-	-	+	+	-	-	-	-	-	-	33%
6 Flake (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
7 Grijalva (D)	10%	-	-	-	-	-	+	-	-	-	-	15%
8 Giffords (D)	20%	-	-	-	-	-	-	+	+	-	-	13%
ARKANSAS												
1 Berry (D)	22%	-	-	-	+	+	-	-	-	?	-	21%
2 Snyder (D)	0%	-	-	-	-	-	-	-	-	?	-	0%
3 Boozman (R)	90%	+	+	+	+	+	-	+	+	+	+	87%
4 Ross (D)	20%	-	+	-	+	-	-	-	-	+	-	25%
CALIFORNIA												
1 Thompson, M. (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
2 Hergert (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
3 Lungren (R)	89%	+	+	+	+	+	-	+	+	?	+	85%
4 McClintock (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
5 Matsui (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
6 Woolsey (D)	13%	-	-	-	?	?	+	-	-	-	-	16%
7 Miller, George (D)	10%	-	-	-	-	-	+	-	-	-	-	13%
8 Pelosi (D)	0%	-	?	-	-	-	?	?	?	-	?	0%
9 Lee (D)	10%	-	-	-	-	-	+	-	-	-	-	15%
10 Garamendi (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
11 McNerney (D)	0%	?	-	-	-	-	-	-	-	-	-	8%
12 Speier (D)	11%	-	-	-	-	-	+	-	-	?	-	19%
13 Stark (D)	10%	-	-	-	-	-	+	-	-	-	-	21%
14 Eshoo (D)	10%	-	-	-	-	-	+	-	-	-	-	3%
15 Honda (D)	11%	-	-	-	-	-	+	-	-	-	?	10%
16 Lofgren (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
17 Farr (D)	10%	-	-	-	-	-	+	-	-	-	-	15%
18 Cardoza (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
19 Radanovich (R)	80%	?	+	+	+	?	-	?	?	?	+	90%
20 Costa (D)	0%	-	-	-	-	-	-	-	-	-	?	8%
21 Nunes (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
22 McCarthy, K. (R)	86%	+	+	+	+	+	-	?	?	+	?	86%
23 Capps (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
24 Gallegly (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
25 McKeon (R)	90%	+	+	+	+	+	-	+	+	+	+	83%
26 Dreier (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
27 Sherman (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
28 Berman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
29 Schiff (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
30 Waxman (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
31 Becerra (D)	11%	-	-	-	-	-	+	-	-	-	?	8%
32 Chu (D)	10%	-	-	-	-	-	+	-	-	-	-	11%

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
33 Watson (D)	0%	-	-	-	-	-	?	?	?	-	-	11%
34 Roybal-Allard (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
35 Waters (D)	20%	-	-	+	-	-	+	-	-	-	-	18%
36 Harman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
37 Richardson (D)	10%	-	-	-	-	-	+	-	-	-	-	13%
38 Napolitano (D)	10%	-	-	-	-	-	+	-	-	-	-	13%
39 Sanchez, Linda (D)	10%	-	-	-	-	-	+	-	-	-	-	11%
40 Royce (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
41 Lewis, Jerry (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
42 Miller, Gary (R)	89%	+	+	+	+	+	-	+	+	?	+	84%
43 Baca (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
44 Calvert (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
45 Bono Mack (R)	80%	+	+	+	+	-	-	+	+	+	+	67%
46 Rohrabacher (R)	100%	+	+	+	+	+	+	+	+	+	+	88%
47 Sanchez, Loretta (D)	10%	-	-	-	-	-	+	-	-	-	-	13%
48 Campbell (R)	100%	+	+	+	+	+	+	+	+	+	+	89%
49 Issa (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
50 Bilbray (R)	80%	+	+	+	+	-	-	+	+	+	+	69%
51 Filner (D)	10%	-	-	-	-	-	+	-	-	-	-	20%
52 Hunter (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
53 Davis, S. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
COLORADO												
1 DeGette (D)	0%	-	-	-	-	-	-	-	-	?	-	0%
2 Polis (D)	10%	-	-	-	-	-	+	-	-	-	-	23%
3 Salazar, J. (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
4 Markey, B. (D)	10%	-	-	-	-	+	-	-	-	-	-	15%
5 Lamborn (R)	90%	+	+	+	+	+	-	+	+	+	+	88%
6 Coffman (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
7 Perlmutter (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
CONNECTICUT												
1 Larson, J. (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
2 Courtney (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
3 DeLauro (D)	10%	-	-	-	-	-	+	-	-	-	-	3%
4 Himes (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
5 Murphy, C. (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
DELAWARE												
Castle (R)	30%	-	+	-	-	-	-	-	+	-	+	45%
FLORIDA												
1 Miller, J. (R)	89%	+	?	+	+	+	-	+	+	+	+	87%
2 Boyd, A. (D)	10%	-	-	+	-	-	-	-	-	-	-	18%
3 Brown, C. (D)	11%	-	?	-	-	-	+	-	-	-	-	5%
4 Crenshaw (R)	80%	-	+	+	+	+	-	+	+	+	+	80%
5 Brown-Waite, G. (R)	89%	?	+	+	+	+	-	+	+	+	+	74%
6 Stearns (R)	90%	+	+	+	+	+	-	+	+	+	+	78%
7 Mica (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
8 Grayson (D)	11%	-	-	-	-	-	?	+	-	-	-	15%
9 Bilirakis (R)	78%	+	+	+	+	+	-	+	+	+	?	77%
10 Young, C.W. (R)	80%	+	+	+	+	-	?	?	?	?	?	71%
11 Castor (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
12 Putnam (R)	90%	+	+	+	+	+	-	+	+	+	+	76%
13 Buchanan (R)	89%	+	+	+	+	+	-	+	+	?	+	73%
14 Mack (R)	90%	+	+	+	+	+	-	+	+	+	+	89%
15 Posey (R)	80%	+	+	+	+	-	-	+	+	+	+	85%
16 Rooney (R)	89%	+	+	+	+	+	-	+	+	?	+	77%
17 Meek, K. (D)	0%	-	-	-	-	-	?	-	-	?	?	5%
18 Ros-Lehtinen (R)	80%	+	+	+	+	+	-	+	+	+	+	58%
19 Deutch (D)	0%	-	?	-	-	-	-	-	-	-	-	0%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a Rep. did not vote; a “P” means he voted “present.” If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 20, 22, and 24.



sector for system-wide risks, and could (by a two-thirds majority vote) subject nonbank entities to Fed regulatory powers and approve Fed decisions to break up large companies. It would also create a new Bureau of Consumer Financial Protection run by the Federal Reserve.

According to the American Bankers Association, the legislation would subject traditional banks to 5,000 pages of new regulations.

The House adopted the final version (conference report) of H.R. 4173 on June 30, 2010 by a vote of 237-192 (Roll Call 413). We have assigned pluses to the nays because ramping up regulatory control of the financial sector by the Fed and the federal government is not only unconstitutional but will make it exceedingly more difficult for the economy to recover.

35 Unemployment Benefits Extension.

This bill (H.R. 5618) would extend unemployment insurance benefits through November 30, 2010 (retroactive to June 2, 2010) and provide 100 percent federal funding for the extended benefits. The unemployment insurance program is run by the states and overseen by the U.S. Department of Labor. The program allows for up to 26 weeks of benefits, but Congress has extended it several times as a response to the recession and high unemployment rates.

The House passed the bill on July 1, 2010 by a vote of 270-153 (Roll Call 423). We have assigned pluses to the nays because extending unemployment benefits provides a disincentive for finding work while adding to the cost of government and doing nothing to create jobs. Indeed, if unemployment benefits were a good solution to the unemployment problem, then why not make unemployment benefits permanent? The solution, instead, is to end government and Fed intervention in the market so the market can create more and better jobs.

36 Supplemental Appropriations.

The supplemental appropriations bill (H.R. 4899) would provide an *additional* \$58.8 billion in “emergency” funding for the current fiscal year (2010). The supplemental appropriations in the bill include \$37.1 billion for military opera-

Being cruel to be kind: If you subsidize something, you get more of it — including unemployment. About one-third of the unemployed found jobs immediately when their unemployment benefits ended. Also, benefits cause business expenses to go up, meaning fewer jobs for all.

recommit the Small Business Jobs Tax Relief Act of 2010, H.R. 5486, to the Ways and Means Committee with instructions that it be immediately reported back with language that would repeal the individual mandate to purchase health insurance in the 2010 healthcare overhaul law.

The House rejected the Camp motion on June 15, 2010 by a vote of 187-230 (Roll Call 362). We have assigned pluses to the yeas because of the unconstitutionality and wrongness of requiring anyone to purchase a product or service — in this case health insurance.

33 Campaign Finance Disclosure.

The DISCLOSE Act (“Democracy Is Strengthened by Casting Light on Spending in Elections”), H.R. 5175, was introduced in response to the Supreme Court’s 5-4 decision in *Citizens United v. Federal Election Commission* (January 21, 2010) that unexpectedly upheld the Constitution and free speech. The court ruled that corporations have the same free-speech rights as individuals in regard to spending their funds to broadcast “electioneering communications”; however, the case did not affect the federal prohibition on direct contributions from corporations or unions to candidate campaigns or political parties.

President Obama and certain special in-

terest groups along with liberals in general wanted to curb the effects of that Supreme Court decision, so Rep. Christopher Van Hollen (D-Md.), who called the Supreme Court’s ruling “radical,” and 114 cosponsors acquiesced by introducing H.R. 5175, the DISCLOSE Act. This act would establish new regulations for corporations, unions, and advocacy and lobbying groups for campaign-related activities. Conservative advocacy groups, as well as the liberal ACLU, are opposed to this bill on the basis that it infringes on their freedom of speech.

The House passed H.R. 5175 on June 24, 2010 by a vote of 219-206 (Roll Call 391). We have assigned pluses to the nays because the federal government should not infringe on the right to free speech of corporations, unions, and other interest groups.

34 Financial Regulatory Reform.

This sweeping legislation (H.R. 4173) would tighten federal control of the financial sector on the false premise that the financial crisis was driven by free-market forces, as opposed to government and Fed policies (e.g., artificially low interest rates) that encouraged excessive borrowing and risk-taking. The legislation would create a new Financial Stability Oversight Council that would monitor the financial

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
20 Wasserman Schultz (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
21 Diaz-Balart, L. (R) 75%	+	+	+	+	-	-	+	+	?	?		62%
22 Klein, R. (D) 0%	-	-	-	-	-	-	-	-	-	-	-	0%
23 Hastings, A. (D) 22%	?	-	+	-	-	+	-	-	-	-	-	13%
24 Kosmas (D) 0%	-	-	-	-	-	-	-	-	-	-	-	13%
25 Diaz-Balart, M. (R) 80%	+	+	+	+	-	-	+	+	+	+	+	62%
GEORGIA												
1 Kingston (R) 80%	+	+	+	+	+	-	+	-	+	+	+	83%
2 Bishop, S. (D) 10%	-	-	+	-	-	-	-	-	-	-	-	8%
3 Westmoreland (R) 90%	+	+	+	+	+	-	+	+	+	+	+	90%
4 Johnson, H. (D) 10%	-	-	-	-	-	+	-	-	-	-	-	10%
5 Lewis, John (D) 10%	-	-	-	-	-	+	-	-	-	-	-	16%
6 Price, T. (R) 90%	+	+	+	+	+	-	+	+	+	+	+	90%
7 Linder (R) 100%	+	?	+	+	+	+	+	+	?	+		91%
8 Marshall (D) 40%	-	+	+	+	+	-	-	+	-	-	-	40%
9 Graves, T. (R) 89%	-	+	+	+	+	-	+	+	+	+	+	89%
10 Broun (R) 100%	+	+	+	+	+	+	+	+	?	+		92%
11 Gingrey (R) 100%	+	+	+	+	+	+	+	+	?	+		86%
12 Barrow (D) 10%	-	-	+	-	-	-	-	-	-	-	-	23%
13 Scott, D. (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
HAWAII												
1 Djou (R) 67%	?	+	+	+	+	-	-	+	+	+		67%
2 Hirono (D) 10%	-	-	-	-	-	+	-	-	-	-	-	8%
IDAHO												
1 Minnick (D) 60%	-	+	+	-	+	-	+	+	-	+		48%
2 Simpson (R) 80%	+	+	+	+	+	-	+	+	+	+	-	73%
ILLINOIS												
1 Rush (D) 20%	-	-	+	-	-	+	-	-	-	-	-	8%
2 Jackson, J. (D) 10%	-	-	-	-	-	+	-	-	-	-	-	8%
3 Lipinski (D) 0%	-	-	-	-	-	-	-	-	-	-	-	10%
4 Gutierrez (D) 10%	-	-	-	-	-	+	-	-	-	-	-	11%
5 Quigley (D) 10%	-	-	-	-	-	+	-	-	-	-	-	11%
6 Roskam (R) 88%	+	+	+	+	+	-	+	+	?	?		84%
7 Davis, D. (D) 22%	-	-	+	-	-	+	-	-	-	?		10%
8 Bean (D) 10%	-	-	-	-	-	-	-	-	-	-	-	8%
9 Schakowsky (D) 10%	-	-	-	-	-	+	-	-	-	-	-	10%
10 Kirk, M. (R) 60%	-	+	+	+	+	-	-	-	+	+		51%
11 Halvorson (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
12 Costello (D) 10%	-	-	-	-	-	+	-	+	-	-	-	18%
13 Biggert (R) 80%	-	+	+	+	+	-	+	+	+	+	+	68%
14 Foster (D) 0%	-	-	-	-	-	-	-	-	-	-	-	8%
15 Johnson, Timothy (R) 80%	-	+	+	+	-	+	+	+	+	+	+	85%
16 Manzullo (R) 80%	+	+	+	+	-	-	+	+	+	+	+	83%
17 Hare (D) 0%	-	-	-	-	-	-	-	-	-	-	-	8%
18 Schock (R) 90%	+	+	+	+	+	-	+	+	+	+	+	78%
19 Shimkus (R) 90%	+	+	+	+	+	-	+	+	+	+	+	82%
INDIANA												
1 Visclosky (D) 0%	-	-	?	-	-	-	-	-	-	-	-	10%
2 Donnelly (D) 10%	-	-	+	-	-	-	-	-	-	-	-	18%
3 Vacant												
4 Buyer (R) 90%	+	+	+	+	+	-	+	+	+	+	+	84%
5 Burton (R) 90%	+	+	+	+	+	-	+	+	+	+	+	80%
6 Pence (R) 88%	+	+	?	+	+	-	+	+	+	?		86%
7 Carson (D) 0%	-	-	-	-	-	?	-	-	-	-	-	3%
8 Ellsworth (D) 0%	-	-	-	-	-	-	-	-	-	-	-	15%
9 Hill (D) 20%	-	-	+	-	+	-	-	-	-	-	-	25%
IOWA												
1 Braley (D) 0%	-	-	-	-	-	-	-	-	-	?		5%
2 Loeb sack (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
3 Boswell (D) 0%	-	-	-	-	-	-	-	-	-	-	-	0%
4 Latham (R) 90%	+	+	+	+	+	-	+	+	+	+	+	75%
5 King, S. (R) 90%	+	+	+	+	+	-	+	+	+	+	+	88%

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
KANSAS												
1 Moran, Jerry (R) 100%	+	+	+	+	+	?	?	?	?	+	+	86%
2 Jenkins (R) 90%	+	+	+	+	+	-	+	+	+	+	+	88%
3 Moore, D. (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
4 Tiahrt (R) 100%	+	+	+	+	+	?	?	?	?	+	+	84%
KENTUCKY												
1 Whitfield (R) 67%	?	+	+	+	-	-	+	-	+	+	+	78%
2 Guthrie (R) 90%	+	+	+	+	+	-	+	+	+	+	+	75%
3 Yarmuth (D) 0%	-	-	-	-	-	-	-	-	-	-	?	3%
4 Davis, G. (R) 89%	?	+	+	+	+	-	+	+	+	+	+	85%
5 Rogers, H. (R) 90%	+	+	+	+	+	-	+	+	+	+	+	80%
6 Chandler (D) 20%	-	+	-	+	-	-	-	-	-	-	-	20%
LOUISIANA												
1 Scalise (R) 90%	+	+	+	+	+	-	+	+	+	+	+	83%
2 Cao (R) 10%	-	-	-	-	-	-	-	-	-	-	+	30%
3 Melancon (D) 11%	?	-	-	-	-	-	-	-	-	-	+	26%
4 Fleming (R) 90%	+	+	+	+	+	-	+	+	+	+	+	80%
5 Alexander, R. (R) 89%	+	+	+	+	?	-	+	+	+	+	+	79%
6 Cassidy (R) 90%	+	+	+	+	+	-	+	+	+	+	+	71%
7 Boustany (R) 89%	+	+	+	+	+	-	+	+	?	+	+	79%
MAINE												
1 Pingree (D) 10%	-	-	-	-	-	+	-	-	-	-	-	18%
2 Michaud (D) 10%	-	-	-	-	-	+	-	-	-	-	-	18%
MARYLAND												
1 Kratovil (D) 10%	-	-	+	-	-	-	-	-	-	-	-	28%
2 Ruppersberger (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
3 Sarbanes (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
4 Edwards, D. (D) 20%	-	-	+	-	-	+	-	-	-	-	-	18%
5 Hoyer (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
6 Bartlett (R) 80%	-	+	+	+	+	-	+	+	+	+	+	88%
7 Cummings (D) 10%	-	-	-	-	-	+	-	-	-	-	-	8%
8 Van Hollen (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
MASSACHUSETTS												
1 Olver (D) 10%	-	-	-	-	-	+	-	-	-	-	-	8%
2 Neal (D) 10%	-	-	-	-	-	+	-	-	-	-	-	13%
3 McGovern (D) 10%	-	-	-	-	-	+	-	-	-	-	-	15%
4 Frank, B. (D) 10%	-	-	-	-	-	+	-	-	-	-	-	10%
5 Tsongas (D) 10%	-	-	-	-	-	+	-	-	-	-	-	13%
6 Tierney (D) 10%	-	-	-	-	-	+	-	-	-	-	-	18%
7 Markey, E. (D) 10%	-	-	-	-	-	+	-	-	-	-	-	13%
8 Capuano (D) 11%	-	-	-	-	-	+	-	-	-	?		16%
9 Lynch (D) 0%	-	-	-	-	-	-	-	-	-	-	-	8%
10 Delahunt (D) 11%	?	-	-	-	-	+	-	-	-	-	-	8%
MICHIGAN												
1 Stupak (D) 11%	?	-	-	-	-	+	-	-	-	-	-	19%
2 Hoekstra (R) 80%	+	?	?	+	?	-	?	?	?	+	+	79%
3 Ehlers (R) 80%	+	+	+	+	+	-	+	+	+	+	+	67%
4 Camp (R) 90%	+	+	+	+	+	-	+	+	+	+	+	82%
5 Kildee (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
6 Upton (R) 80%	+	+	+	+	+	-	+	+	+	+	+	70%
7 Schauer (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
8 Rogers, Mike (R) 80%	+	+	+	+	+	-	+	+	+	+	+	73%
9 Peters (D) 10%	-	-	-	-	-	-	-	-	+	-	-	15%
10 Miller, C. (R) 90%	+	+	+	+	+	-	+	+	+	+	+	63%
11 McCotter (R) 80%	+	+	+	+	+	-	+	+	+	+	+	70%
12 Levin, S. (D) 0%	-	-	-	-	-	-	-	-	-	-	-	3%
13 Kilpatrick (D) 25%	-	-	+	-	-	+	?	?	?	-	-	8%
14 Conyers (D) 10%	-	-	-	-	-	+	-	-	-	-	-	13%
15 Dingell (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
MINNESOTA												
1 Walz (D) 0%	-	-	-	-	-	-	-	-	-	-	-	5%
2 Kline, J. (R) 90%	+	+	+	+	+	-	+	+	+	+	+	85%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a Rep. did not vote; a “P” means he voted “present.” If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 20, 22, and 24.



tions in Iraq and Afghanistan, \$5.1 billion for the Federal Emergency Management Agency (FEMA), and \$2.9 for earthquake relief in Haiti.

The House passed the bill on July 27, 2010 by a vote of 308-114 (Roll Call 474). We have assigned pluses to the nays because the spending is over and above what the federal government already budgeted, Congress never declared war against Iraq and Afghanistan, and some of the spending (e.g., foreign aid) is unconstitutional.

37 Transportation-HUD Appropriations (Spending Cut). This bill (H.R. 5850) would appropriate \$126.3 billion in fiscal 2011 for the Transportation Department, HUD, and related agencies (see House vote #38 below). During consideration of the bill, Rep. Jim Jordan (Ohio) offered an amendment to cut the spending in the bill by \$18.6 billion — about 15 percent of the total.

The House rejected Rep. Jordan’s amendment on July 29, 2010 by a vote of 159-265 (Roll Call 493). We have assigned pluses to the yeas not only because federal spending needs to be cut back, but also because of the unconstitutionality of the appropriations.

38 Transportation-HUD Appropriations. This legislation (H.R. 5850) would appropriate a whopping \$126.3 billion in fiscal 2011 for the Departments of Transportation and Housing and Urban Development (HUD) and related agencies. The bill would provide \$79.4 billion for the Transportation Department, including \$11.3 billion for transit programs; and \$46.6 billion for HUD, including \$19.4 billion for the Section 8 rental-assistance program.

The House passed the bill on July 29, 2010 by a vote of 251-167 (Roll Call 499). We have assigned pluses to the nays because the bill is unaffordable and most of the spending is unconstitutional.

39 Medicaid and Education Assistance. This legislation (H.R. 1586) would provide \$26.1 billion in state aid for Medicaid (\$16.1 billion of the total) and education (\$10 billion). The latter is for the purpose of creating or retaining education-related jobs.

The House agreed to this legislation on August 10, 2010 by a vote of 247-161 (Roll Call 518). We have assigned pluses to the nays because the federal government has no constitutional authority to pay for healthcare for the poor or to fund education. Also, there is no statistical evi-

dence showing that federal involvement in education has increased learning — though it certainly has increased federal bureaucracy and control.

40 Lame-duck Session. We are used to Congress convening “lame-duck” sessions of Congress in even-numbered years between the general elections in early November and the beginning of the new Congress on January 3 of the next year. We’ve had an unbroken string of lame-duck sessions every even-numbered year since 1998. Although these post-election sessions include many lawmakers who were either defeated or didn’t run for reelection, what we call lame-duck sessions of Congress were actually business as usual for the first 140 years of our nation’s history. However, the 20th Amendment to the Constitution in 1933 included two provisions to greatly reduce the time available to convene such sessions by moving the beginning date for new terms of Senators and Representatives from March 4 to January 3 of odd-numbered years and mandating that Congress begin meeting on January 3 each year.

Even though the time during which lame-duck sessions can be convened has been greatly shortened by the 20th Amendment, they are once again business as usual for Congress. Although lame-duck sessions are prohibited in 39 state legislatures, public sentiment so far has not been sufficiently mobilized to prohibit such sessions for Congress. The heart of the problem, of course, is that recently defeated and retired Senators and Representatives are still voting on legislation in these sessions, even though the voters have already elected their replacements. This problem is greatly heightened when a massive swing in voter sentiment leads to a change in which party controls one or both houses of Congress, which appears likely in November 2010.

The House agreed to a motion to table (kill) a draft resolution which would pledge that the House would not convene a lame-duck session between November 2, 2010 and January 3, 2011 on September 23, 2010 by a vote of 236-172 (Roll Call 534). We have assigned pluses to the nays because even though a lame-duck session is not unconstitutional, it undermines the representative government established by the Constitution. ■



Lame-duck lament: A lame-duck session that takes place when one party loses control of Congress, which is likely this year, enables the party with unpopular views to enact its agenda against voters’ desires because the Congressmen evicted by voters may ignore their constituents.

	Votes:	31-40	31	32	33	34	35	36	37	38	39	40	1-40
3 Paulsen (R)	90%		+	+	+	+	+	-	+	+	+	+	78%
4 McCollum (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
5 Ellison (D)	11%		-	-	-	-	-	+	-	-	-	?	15%
6 Bachmann (R)	90%		+	+	+	+	+	-	+	+	+	+	88%
7 Peterson (D)	20%		-	+	+	-	-	-	-	-	-	-	30%
8 Oberstar (D)	10%		-	-	-	-	-	+	-	-	-	-	8%
MISSISSIPPI													
1 Childers (D)	40%		-	+	+	+	-	-	-	-	-	+	38%
2 Thompson, B. (D)	20%		-	-	+	-	-	+	-	-	-	-	5%
3 Harper (R)	90%		+	+	+	+	+	-	+	+	+	+	82%
4 Taylor (D)	44%		-	+	+	?	-	-	-	+	+	-	59%
MISSOURI													
1 Clay (D)	10%		-	-	-	-	-	+	-	-	-	-	8%
2 Akin (R)	100%		+	+	+	+	+	?	?	?	+	+	86%
3 Carnahan (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
4 Skelton (D)	20%		-	+	-	+	-	-	-	-	-	-	18%
5 Cleaver (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
6 Graves, S. (R)	100%		?	+	+	+	+	?	+	+	+	+	86%
7 Blunt (R)	86%		+	+	?	+	+	-	+	+	?	?	83%
8 Emerson (R)	90%		+	+	+	+	+	-	+	+	+	+	73%
9 Luetkemeyer (R)	90%		+	+	+	+	+	-	+	+	+	+	83%
MONTANA													
Rehberg (R)	90%		+	+	+	+	+	-	+	+	+	+	78%
NEBRASKA													
1 Fortenberry (R)	90%		+	+	+	+	+	-	+	+	+	+	80%
2 Terry (R)	80%		-	+	+	+	+	-	+	+	+	+	73%
3 Smith, Adrian (R)	90%		+	+	+	+	+	-	+	+	+	+	90%
NEVADA													
1 Berkley (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
2 Heller (R)	88%		+	+	+	+	-	?	+	+	+	?	86%
3 Titus (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
NEW HAMPSHIRE													
1 Shea-Porter (D)	10%		-	-	-	-	-	+	-	-	-	-	15%
2 Hodes (D)	22%		-	?	-	-	-	-	+	+	-	-	13%
NEW JERSEY													
1 Andrews (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
2 LoBiondo (R)	60%		+	+	+	+	-	-	-	-	+	+	48%
3 Adler (D)	10%		-	-	-	-	-	-	-	+	-	-	23%
4 Smith, C. (R)	60%		+	+	+	+	-	-	-	-	+	+	55%
5 Garrett (R)	90%		+	+	+	+	+	-	+	+	+	+	88%
6 Pallone (D)	11%		-	?	-	-	-	+	-	-	-	-	8%
7 Lance (R)	90%		+	+	+	+	+	-	+	+	+	+	65%
8 Pascrell (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
9 Rothman (D)	0%		-	-	?	-	-	-	-	-	-	-	3%
10 Payne (D)	22%		-	-	+	-	?	+	-	-	-	-	18%
11 Frelinghuysen (R)	90%		+	+	+	+	+	-	+	+	+	+	70%
12 Holt (D)	10%		-	-	-	-	-	+	-	-	-	-	8%
13 Sires (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
NEW MEXICO													
1 Heinrich (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
2 Teague (D)	11%		-	+	-	-	-	-	-	-	-	?	26%
3 Lujan (D)	0%		-	-	-	-	-	-	-	-	-	-	8%
NEW YORK													
1 Bishop, T. (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
2 Israel (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
3 King, P. (R)	80%		+	+	+	+	+	-	+	+	+	+	65%
4 McCarthy, C. (D)	10%		-	-	+	-	-	-	-	-	-	-	3%
5 Ackerman (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
6 Meeks, G. (D)	10%		-	-	-	-	-	+	-	-	-	-	8%
7 Crowley (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
8 Nadler (D)	10%		-	-	-	-	-	+	-	-	-	-	10%

	Votes:	31-40	31	32	33	34	35	36	37	38	39	40	1-40
9 Weiner (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
10 Towns (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
11 Clarke (D)	20%		-	-	+	-	-	+	-	-	-	-	15%
12 Velazquez (D)	10%		-	-	-	-	-	+	-	-	-	-	13%
13 McMahon (D)	10%		-	-	-	-	-	-	-	-	-	+	13%
14 Maloney (D)	10%		-	-	-	-	-	+	-	-	-	-	11%
15 Rangel (D)	10%		-	-	-	-	-	+	-	-	-	-	10%
16 Serrano (D)	11%		?	-	-	-	-	+	-	-	-	-	18%
17 Engel (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
18 Lowey (D)	0%		-	-	-	-	-	-	-	-	-	-	0%
19 Hall, J. (D)	0%		-	-	-	-	-	-	-	-	-	?	3%
20 Murphy, S. (D)	10%		-	-	-	-	-	-	-	+	-	-	12%
21 Tonko (D)	10%		-	-	-	-	-	+	-	-	-	-	5%
22 Hinchey (D)	10%		-	-	-	-	-	+	-	-	-	-	8%
23 Owens (D)	20%		-	-	+	+	-	-	-	-	-	-	14%
24 Arcuri (D)	0%		-	-	-	-	-	-	-	-	-	-	15%
25 Maffei (D)	10%		-	-	-	-	-	+	-	-	-	-	15%
26 Lee, C. (R)	80%		-	+	+	+	+	-	+	+	+	+	62%
27 Higgins (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
28 Slaughter (D)	10%		-	-	-	-	-	+	-	-	-	-	5%
29 Vacant													
NORTH CAROLINA													
1 Butterfield (D)	10%		-	-	+	-	-	-	-	-	-	-	3%
2 Etheridge (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
3 Jones (R)	75%		?	+	+	-	-	+	+	+	?	+	76%
4 Price, D. (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
5 Foxx (R)	90%		+	+	+	+	+	-	+	+	+	+	88%
6 Coble (R)	90%		+	+	+	+	+	-	+	+	+	+	83%
7 McIntyre (D)	50%		-	+	+	+	+	-	+	+	+	+	40%
8 Kissell (D)	0%		-	-	-	-	-	-	-	-	-	-	15%
9 Myrick (R)	89%		+	?	+	+	+	-	+	+	+	+	89%
10 McHenry (R)	90%		+	+	+	+	+	-	+	+	+	+	90%
11 Shuler (D)	22%		?	+	-	-	+	-	-	-	-	-	26%
12 Watt (D)	20%		-	-	+	-	-	+	-	-	-	-	10%
13 Miller, B. (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
NORTH DAKOTA													
Pomeroy (D)	0%		-	-	-	-	-	-	-	-	-	-	8%
OHIO													
1 Driehaus (D)	0%		-	-	-	-	-	-	-	-	-	-	13%
2 Schmidt (R)	90%		+	+	+	+	+	-	+	+	+	+	85%
3 Turner (R)	70%		+	+	+	+	-	-	-	+	+	+	65%
4 Jordan (R)	90%		+	+	+	+	+	-	+	+	+	+	90%
5 Latta (R)	89%		?	+	+	+	+	-	+	+	+	+	87%
6 Wilson, Charlie (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
7 Austria (R)	90%		+	+	+	+	+	-	+	+	+	+	73%
8 Boehner (R)	90%		+	+	+	+	+	-	+	+	+	+	89%
9 Kaptur (D)	20%		-	-	-	+	-	+	-	-	-	-	18%
10 Kucinich (D)	10%		-	-	-	-	-	+	-	-	-	-	40%
11 Fudge (D)	20%		-	-	+	-	-	+	-	-	-	-	10%
12 Tiberi (R)	90%		+	+	+	+	+	-	+	+	+	+	72%
13 Sutton (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
14 LaTourette (R)	56%		+	+	+	+	-	-	-	-	?	+	56%
15 Kilroy (D)	0%		-	-	-	-	-	-	-	-	-	-	5%
16 Boccieri (D)	0%		-	-	-	-	-	-	-	-	-	-	10%
17 Ryan, T. (D)	0%		-	-	-	-	-	-	-	-	-	-	3%
18 Space (D)	0%		-	-	-	-	-	-	-	-	-	-	15%
OKLAHOMA													
1 Sullivan (R)	89%		+	+	+	+	+	-	+	+	+	?	85%
2 Boren (D)	38%		?	+	+	+	-	-	-	-	-	?	34%
3 Lucas (R)	90%		+	+	+	+	+	-	+	+	+	+	85%
4 Cole (R)	90%		+	+	+	+	+	-	+	+	+	+	80%
5 Fallin (R)	88%		+	?	+	+	+	-	+	+	+	?	89%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A “?” means a Rep. did not vote; a “P” means he voted “present.” If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 20, 22, and 24.



111TH CONGRESS, VOTES 31-40

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
OREGON												
1 Wu (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
2 Walden (R)	90%	+	+	+	+	+	-	+	+	+	+	75%
3 Blumenauer (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
4 DeFazio (D)	10%	-	-	-	-	-	+	-	-	-	-	15%
5 Schrader (D)	10%	-	-	-	-	-	+	-	-	-	-	13%
PENNSYLVANIA												
1 Brady, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
2 Fattah (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
3 Dahlkemper (D)	10%	-	-	+	-	-	-	-	-	-	-	13%
4 Altmire (D)	10%	-	+	-	-	-	-	-	-	-	-	20%
5 Thompson, G. (R)	90%	+	+	+	+	+	-	+	+	+	+	74%
6 Gerlach (R)	50%	-	+	+	+	-	-	-	-	+	+	52%
7 Sestak (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
8 Murphy, P. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
9 Shuster (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
10 Carney (D)	0%	-	-	-	-	-	-	?	?	-	-	11%
11 Kanjorski (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
12 Critz (D)	30%	-	+	+	+	-	-	-	-	-	-	30%
13 Schwartz (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
14 Doyle (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
15 Dent (R)	60%	-	+	+	+	-	-	-	+	+	+	62%
16 Pitts (R)	90%	+	+	+	+	+	-	+	+	+	+	87%
17 Holden (D)	20%	-	+	+	-	-	-	-	-	-	-	18%
18 Murphy, T. (R)	60%	+	+	+	+	-	-	-	-	+	+	54%
19 Platts (R)	70%	+	+	+	+	-	-	-	+	+	+	60%
RHODE ISLAND												
1 Kennedy (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Langevin (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
SOUTH CAROLINA												
1 Brown, H. (R)	88%	+	?	?	+	+	-	+	+	+	+	89%
2 Wilson, J. (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
3 Barrett (R)	88%	+	?	?	+	+	-	+	+	+	+	90%
4 Inglis (R)	89%	+	?	?	+	+	-	+	+	+	+	85%
5 Spratt (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
6 Clyburn (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
SOUTH DAKOTA												
Herseth Sandlin (D)	20%	-	-	+	-	-	-	-	+	-	-	33%
TENNESSEE												
1 Roe (R)	90%	+	+	+	+	+	-	+	+	+	+	78%
2 Duncan (R)	100%	+	+	+	+	+	+	+	+	+	+	98%
3 Wamp (R)		-	?	?	?	?	-	?	?	?	?	74%
4 Davis, L. (D)	30%	-	+	+	+	-	-	-	-	-	-	26%
5 Cooper (D)	40%	-	-	-	+	+	-	-	+	+	-	18%
6 Gordon (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
7 Blackburn (R)	90%	+	+	+	+	+	-	+	+	+	+	88%
8 Tanner (D)	11%	-	+	-	-	-	-	-	-	?	-	22%
9 Cohen (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
TEXAS												
1 Gohmert (R)	89%	+	?	+	+	+	-	+	+	+	+	89%
2 Poe (R)	90%	+	+	+	+	+	-	+	+	+	+	82%
3 Johnson, S. (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
4 Hall, R. (R)	90%	+	+	+	+	+	-	+	+	+	+	79%
5 Hensarling (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
6 Barton (R)	90%	+	+	+	+	+	-	+	+	+	+	83%
7 Culberson (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
8 Brady, K. (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
9 Green, A. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
10 McCaul (R)	80%	-	+	+	+	+	-	+	+	+	+	82%
11 Conaway (R)	89%	+	+	+	+	+	-	+	+	+	?	90%
12 Granger (R)	89%	+	+	+	+	+	-	?	+	+	+	83%
13 Thornberry (R)	90%	+	+	+	+	+	-	+	+	+	+	88%

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
14 Paul (R)	100%	+	+	+	+	+	+	+	+	+	+	100%
15 Hinojosa (D)	0%	-	-	-	-	-	-	-	-	-	?	3%
16 Reyes (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
17 Edwards, C. (D)	20%	-	+	-	+	-	-	-	-	-	-	20%
18 Jackson Lee (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
19 Neugebauer (R)	89%	+	+	+	+	+	-	+	+	?	+	89%
20 Gonzalez (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
21 Smith, Lamar (R)	89%	?	+	+	+	+	-	+	+	+	+	89%
22 Olson (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
23 Rodriguez (D)	0%	-	-	-	-	?	-	-	-	-	-	8%
24 Marchant (R)	90%	+	+	+	+	+	-	+	+	+	+	87%
25 Doggett (D)	10%	-	-	-	-	-	+	-	-	-	-	20%
26 Burgess (R)	90%	+	+	+	+	+	-	+	+	+	+	87%
27 Ortiz (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
28 Cuellar (D)	10%	-	-	-	+	-	-	-	-	-	-	10%
29 Green, G. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
30 Johnson, E. (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
31 Carter (R)	90%	+	+	+	+	+	-	+	+	+	+	88%
32 Sessions, P. (R)	90%	+	+	+	+	+	-	+	+	+	+	87%
UTAH												
1 Bishop, R. (R)	89%	+	+	+	+	?	-	+	+	+	+	91%
2 Matheson (D)	10%	-	-	-	-	-	-	-	+	-	-	40%
3 Chaffetz (R)	100%	+	+	+	+	+	+	+	+	+	+	93%
VERMONT												
Welch (D)	10%	-	-	-	-	-	+	-	-	-	-	18%
VIRGINIA												
1 Wittman (R)	70%	+	+	+	+	+	-	-	-	+	+	75%
2 Nye (D)	60%	-	+	+	+	+	-	+	+	+	+	48%
3 Scott, R. (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
4 Forbes (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
5 Perriello (D)	10%	-	-	-	+	-	-	-	-	-	-	16%
6 Goodlatte (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
7 Cantor (R)	89%	+	?	+	+	+	-	+	+	+	+	85%
8 Moran, James (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
9 Boucher (D)	20%	-	+	-	+	-	-	-	-	-	-	19%
10 Wolf (R)	60%	-	+	+	+	+	-	-	-	+	+	65%
11 Connolly (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
WASHINGTON												
1 Insee (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
2 Larsen, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
3 Baird (D)	10%	-	-	-	-	+	-	-	-	-	-	23%
4 Hastings, D. (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
5 McMorris Rodgers (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
6 Dicks (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
7 McDermott (D)	11%	?	-	-	-	-	+	-	-	-	-	15%
8 Reichert (R)	70%	-	+	+	+	-	-	+	+	+	+	51%
9 Smith, Adam (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
WEST VIRGINIA												
1 Mollohan (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
2 Capito (R)	78%	-	+	+	+	?	-	+	+	+	+	66%
3 Rahall (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
WISCONSIN												
1 Ryan, P. (R)	89%	?	+	+	+	+	-	+	+	+	+	90%
2 Baldwin (D)	10%	-	-	-	-	-	+	-	-	-	-	16%
3 Kind (D)	10%	-	-	-	-	-	-	-	+	-	-	23%
4 Moore, G. (D)	10%	-	-	-	-	-	+	-	-	-	-	8%
5 Sensenbrenner (R)	90%	+	+	+	+	+	-	+	+	+	+	90%
6 Petri (R)	80%	+	+	+	+	-	-	+	+	+	+	75%
7 Obey (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
8 Kagen (D)	11%	-	-	-	-	-	+	-	?	-	-	15%
WYOMING												
Lummis (R)	90%	+	+	+	+	+	-	+	+	+	+	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 Rep. did not vote; a “P” means he voted “present.” If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 20, 22, and 24.

Senate Vote Descriptions

31 Supplemental Appropriations.

This legislation (H.R. 4899) to appropriate an *additional* \$58.8 billion in “emergency” supplemental spending, most of it for military operations in Iraq and Afghanistan, is identical to that described in House vote #36.

The Senate passed the bill on May 27, 2010 by a vote of 67-28 (Roll Call 176). We have assigned pluses to the nays because the spending is over and above what the federal government already budgeted for the current fiscal year, Congress never declared war against Iraq and Afghanistan, and some of the spending (e.g., foreign aid) is unconstitutional.

32 Greenhouse Gas Regulation.

This legislative measure (Senate Joint Resolution 26) would disapprove an Environmental Protection Agency endangerment finding that greenhouse gases may be regulated as pollutants under the Clean Air Act. The EPA had issued the finding in December 2009, claiming that “six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations.” The supposedly dangerous pollutants include carbon dioxide, even though this natural substance is necessary for the existence of plant life.

A motion to consider Senate Joint Resolution 26 was rejected by the Senate on June 10, 2010 by a vote of 47-53 (Roll Call 184). 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.

33 Financial Regulatory Reform.

This sweeping legislation to tighten federal regulation of the nation’s financial sector (H.R. 4173) is described in House vote #34.

The Senate adopted the final version (conference report) of H.R. 4173 on July 15, 2010 by a vote of 60-39 (Roll Call 208). We have assigned pluses to the nays because ramping up regulatory control



Arizona Governor Jan Brewer is shown signing bill S.B. 1070 into law. The Obama administration sued Arizona because it claims that immigration falls solely under the purview of the federal government, though this is not in the Constitution. Republicans tried to defund the lawsuit.

of the financial sector by the Fed and the federal government is not only unconstitutional but will make it exceedingly more difficult for the economy to recover.

34 Estate Tax. During consideration of a bill to extend unemployment benefits (H.R. 4213), Sen. Jim DeMint (S.C.) offered a measure to submit the bill to the Finance Committee with instructions to include language to permanently repeal the estate tax. Under current law, the estate tax, which expired at the end of 2009 after being incrementally reduced, will rise to 55 percent next year with an exemption of \$1 million. The estate tax often forces the sale of family farms and other businesses that owners want to bequeath to their children.

A motion to allow for a vote on DeMint’s measure was rejected on July 21, 2010 by a vote of 39-59 (Roll Call 213). We have assigned pluses to the yeas because the estate tax should be permanently eliminated.

35 Arizona Immigration Law. During consideration of the bill to extend unemployment benefits (H.R. 4213), Sen. Jim DeMint (S.C.) offered a measure to recommit the bill to the Judiciary Committee with instructions to include language that no funds in any provision of law may be used to participate in a lawsuit against Arizona’s immigration law. The Obama administration opposes the Arizona law (S.B. 1070) despite the fact

that it does not actually create new powers of government but instead makes illegal under state law the illegal immigration that is already illegal under federal law.

A motion to allow for a vote on DeMint’s measure was rejected on July 21, 2010 by a vote of 43-55 (Roll Call 214). We have assigned pluses to the yeas because Arizona (like any other state) has the right to stem the tide of illegal immigration into the state.

36 Medicaid and Education Assistance. This legislation (H.R. 1586) to provide \$26.1 billion in state aid for Medicaid and education is the same as that described in House vote #39.

The Senate agreed to this legislation on August 5, 2010 by a vote of 61-39 (Roll Call 228). We have assigned pluses to the nays because the federal government has no constitutional authority to pay for health-care for the poor or to fund education.

37 Kagan Confirmation. The Senate confirmed President Obama’s nomination of Elena Kagan to be an Associate Justice of the U.S. Supreme Court on August 5, 2010 by a vote of 63-37 (Roll Call 229). We have assigned pluses to the nays because Kagan is not committed to adhering to the original intent of the Constitution in her judicial decisions. Instead, her public record indicates that she is a legal positivist who will interpret law based on



Senate Vote Scores

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
ALABAMA												
Shelby (R)	100%	+	+	+	+	+	+	+	+	+	+	80%
Sessions, J. (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
ALASKA												
Murkowski (R)	86%	-	+	+	+	+	+	+	?	?	?	62%
Begich (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
ARIZONA												
McCain (R)	100%	+	+	+	+	+	+	+	+	+	+	92%
Kyl (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
ARKANSAS												
Lincoln (D)	56%	?	+	-	+	+	-	-	+	+	-	23%
Pryor (D)	40%	-	+	-	-	+	-	-	+	+	-	18%
CALIFORNIA												
Feinstein (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Boxer (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
COLORADO												
Udall, Mark (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
Bennet (D)	10%	-	-	-	-	-	-	-	+	-	-	5%
CONNECTICUT												
Dodd (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Lieberman (I)	0%	-	-	-	-	-	-	-	-	-	-	3%
DELAWARE												
Carper (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Kaufman (D)	0%	-	-	-	-	-	-	-	-	-	-	8%
FLORIDA												
Nelson, Bill (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
LeMieux (R)	90%	-	+	+	+	+	+	+	+	+	+	88%
GEORGIA												
Chambliss (R)	100%	?	+	+	+	+	+	+	+	+	+	89%
Isakson (R)	100%	+	+	+	+	+	+	+	+	+	+	87%
HAWAII												
Inouye (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Akaka (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
IDAHO												
Crapo (R)	100%	+	+	+	+	+	+	+	+	+	+	88%
Risch (R)	100%	+	+	+	+	+	+	+	+	+	+	88%
ILLINOIS												
Durbin (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
Burriss (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
INDIANA												
Lugar (R)	80%	-	+	+	+	+	+	-	+	+	+	58%
Bayh (D)	25%	-	+	-	?	?	-	-	+	-	-	37%
IOWA												
Grassley (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
Harkin (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
KANSAS												
Brownback (R)	100%	+	+	+	+	+	+	+	+	+	+	80%
Roberts (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
KENTUCKY												
McConnell (R)	90%	-	+	+	+	+	+	+	+	+	+	85%
Bunning (R)	100%	+	+	+	+	+	+	+	+	+	+	94%
LOUISIANA												
Landrieu (D)	10%	-	+	-	-	-	-	-	-	-	-	5%
Vitter (R)	100%	?	+	+	?	?	+	+	+	+	+	86%

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
MAINE												
Snowe (R)	50%	-	+	-	-	+	-	-	+	+	+	35%
Collins (R)	50%	-	+	-	-	+	-	-	+	+	+	35%
MARYLAND												
Mikulski (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
Cardin (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
MASSACHUSETTS												
Kerry (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Brown, Scott (R)	80%	-	+	-	+	+	+	+	+	+	+	69%
MICHIGAN												
Levin, C. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Stabenow (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
MINNESOTA												
Klobuchar (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
Franken (D)	0%	-	-	-	-	-	-	-	-	-	-	7%
MISSISSIPPI												
Cochran (R)	90%	-	+	+	+	+	+	+	+	+	+	72%
Wicker (R)	100%	+	+	+	+	+	+	+	+	+	+	83%
MISSOURI												
Bond (R)	90%	-	+	+	+	+	+	+	+	+	+	63%
McCaskill (D)	0%	?	-	-	-	-	-	-	-	-	-	18%
MONTANA												
Baucus, M. (D)	10%	-	-	-	-	+	-	-	-	-	-	8%
Tester (D)	10%	-	-	-	-	+	-	-	-	-	-	5%
NEBRASKA												
Nelson, Ben (D)	50%	-	+	-	+	+	-	+	+	-	-	33%
Johanns (R)	80%	-	+	+	+	-	+	+	+	+	+	77%
NEVADA												
Reid, H. (D)	10%	-	-	-	-	-	-	-	-	+	-	5%
Ensign (R)	100%	+	+	+	+	+	+	+	+	+	+	97%
NEW HAMPSHIRE												
Gregg (R)	89%	+	+	+	+	+	+	-	?	+	+	65%
Shaheen (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
NEW JERSEY												
Lautenberg (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Menendez (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
NEW MEXICO												
Bingaman (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Udall, T. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
NEW YORK												
Schumer (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Gillibrand (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
NORTH CAROLINA												
Burr (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
Hagan (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
NORTH DAKOTA												
Conrad (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
Dorgan (D)	0%	-	-	-	-	-	-	-	-	-	-	13%
OHIO												
Voinovich (R)	80%	+	+	+	-	-	+	+	+	+	+	51%
Brown, Sherrod (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
OKLAHOMA												
Inhofe (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
Coburn (R)	100%	+	+	+	+	+	+	+	+	+	+	97%

	Votes: 31-40	31	32	33	34	35	36	37	38	39	40	1-40
OREGON												
Wyden (D)	10%	+	-	-	-	-	-	-	-	-	-	10%
Merkley (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
PENNSYLVANIA												
Specter (D)	0%	-	-	-	-	-	-	-	-	-	-	13%
Casey (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
RHODE ISLAND												
Reed, J. (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Whitehouse (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
SOUTH CAROLINA												
Graham (R)	90%	+	+	+	+	+	+	-	+	+	+	87%
DeMint (R)	100%	+	+	+	+	+	+	+	+	+	+	98%
SOUTH DAKOTA												
Johnson, Tim (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Thune (R)	100%	+	+	+	+	+	+	+	+	+	+	93%
TENNESSEE												
Alexander, L. (R)	90%	-	+	+	+	+	+	+	+	+	+	59%
Corker (R)	100%	+	+	+	+	+	+	+	+	+	+	79%
TEXAS												
Hutchison (R)	100%	?	+	+	+	+	+	+	+	+	?	81%
Cornyn (R)	100%	+	+	+	+	+	+	+	+	+	+	93%
UTAH												
Hatch (R)	100%	+	+	+	+	+	+	+	+	+	+	84%
Bennett (R)	90%	-	+	+	+	+	+	+	+	+	+	73%
VERMONT												
Leahy (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Sanders (I)	0%	-	-	-	-	-	-	-	-	-	-	15%
VIRGINIA												
Webb (D)	10%	-	-	-	-	-	-	-	-	+	-	10%
Warner (D)	10%	-	-	-	-	-	-	-	-	+	-	8%
WASHINGTON												
Murray (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Cantwell (D)	0%	-	-	-	-	-	-	-	-	-	-	13%
WEST VIRGINIA												
Rockefeller (D)	10%	-	+	-	-	-	-	-	-	-	-	5%
Goodwin (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
WISCONSIN												
Kohl (D)	0%	-	-	-	-	-	-	-	-	-	-	3%
Feingold (D)	20%	+	-	+	-	-	-	-	-	-	-	33%
WYOMING												
Enzi (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
Barrasso (R)	100%	+	+	+	+	+	+	+	+	+	+	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 27 and 29.

her own ideological bent and effectively revise and rewrite law by judicial fiat.

38 ObamaCare 1099 Requirement.

One of the most unpopular provisions in the massively unconstitutional ObamaCare law is the requirement for businesses to file 1099 forms with their vendors and the IRS for any purchases totaling more than \$600 per year with a vendor. This will force 40 million business entities to file untold billions of new reports with their vendors and the IRS each year.

Pressure has been building on Congress to repeal the 1099 reporting requirement. On September 14 the Senate considered an amendment by Senator Mike Johanns (Neb.) to repeal this requirement.

The Senate failed to invoke cloture (limiting debate and allowing a vote) on the Johanns amendment on September 14, 2010 by a vote of 46-52 (Roll Call 231). We have assigned pluses to the yeas because invoking cloture would have permitted a vote on an amendment to repeal the highly unpopular 1099 IRS reporting provision of the unconstitutional ObamaCare law.

39 DREAM Act. The Development, Relief, and Education for Alien Minors (DREAM) Act of 2009 would, as described by *Congressional Quarterly*, “pro-

vide a pathway to citizenship for children of illegal immigrants who attend college or join the military.” This act would provide amnesty for up to 2.1 million children of illegal immigrants. It would also permit states to offer them in-state tuition rates.

The DREAM Act was first introduced in the Senate in 2001. Although it was voted down as a stand-alone measure in the Senate in 2007, pro-amnesty forces have continued to promote its passage. Since the DREAM Act had not been brought up for a stand-alone vote in this session, Democratic leaders attempted to add it as an amendment to the fiscal 2011 defense authorization bill (S. 3454) by scheduling a pre-election cloture vote on proceeding to the defense bill with a limitation that only three amendments could be considered: (1) the DREAM Act; (2) a limitation on Senators’ use of secret holds on bills or nominations; and (3) striking the defense bill’s repeal of the 1993 “don’t ask, don’t tell” law. Although the DREAM Act shared billing with two other amendments, it was clear that the DREAM Act, with its obvious implications for wooing the Hispanic vote, was the centerpiece of this pre-election cloture vote.

The Senate failed to invoke cloture (limiting debate and allowing a vote) on the motion to proceed to the defense autho-

rization bill on September 21, 2010 by a vote of 56-43 (Roll Call 238). Sixty votes are required to invoke cloture. We have assigned pluses to the yeas because invoking cloture would have permitted a vote on, and likely approval of, the DREAM Act amendment to provide amnesty to certain groups of illegal immigrants.

40 Campaign Finance Disclosure.

Back on June 24, 2010, the House passed the DISCLOSE Act (“Campaign Finance Disclosure”), H.R. 5175, which would establish new regulations for corporations, unions, and advocacy and lobbying groups for campaign-related activities (see House vote #33 for more information). A companion DISCLOSE bill, S. 3628, was introduced in the Senate on July 21, 2010.

The Senate failed to invoke cloture (limiting debate and allowing for a vote) on the motion to proceed to the DISCLOSE Act, S. 3628, on September 23, 2010 by a vote of 59-39 (Roll Call 240). Sixty votes are required to invoke cloture. We have assigned pluses to the yeas because invoking cloture would have permitted a vote on, and certain passage of, the unconstitutional DISCLOSE Act to restrict the free-speech rights of corporations, unions, and special interest groups. ■