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## Freedom Index 118-3 | Score: 63%

Our third look at the 118th Congress shows how every member of the House and Senate voted on key issues such as federal spending, foreign aid, banning a central bank digital currency (House only), and prohibiting government censorship (Senate only).

The scores are derived by dividing a congressman's constitutional votes (pluses) by the total number he cast (pluses and minuses) and multiplying by 100. The average House score for this index is 31 percent (56 percent for the Republicans and five percent for the Democrats), and the average Senate score is 32 percent (59 percent for the Republicans and seven percent for the Democrats). Thirteen representatives and five senators earned 100 percent. We encourage readers to examine how their own legislators 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.

### Audit the Fed

During consideration of a consolidated appropriations minibus (H.R. 4366), Senator Rand Paul (R-Ky.) offered an amendment to require that the U.S. comptroller general conduct a full audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks.

The Senate rejected Paul's amendment on November 1, 2023 by a vote of 46 to 51 (Roll Call 280). We have assigned pluses to the yeas because the Federal Reserve System, essentially a cartel of private banks functioning as a central bank, is unconstitutional and responsible for many of the nation's current financial problems via its control of money and credit. Auditing the Fed would shed light on its otherwise secretive practices, and perhaps lead to its eventual abolishment.

**Constitutional Vote: Yes | Vote Cast: Yes**

**End the Fed:** The Federal Reserve is unconstitutional and responsible for many of the nation's financial woes, such as the dollar's devaluation. The Senate narrowly rejected an amendment by Senator Rand Paul (R-Ky.) to audit the Fed, a first step toward abolishing it entirely.

### U.S. Military in Syria

Senator Rand Paul (R-Ky.) made a motion to discharge the Senate Foreign Relations Committee from further consideration of Senate Joint Resolution 51, which would direct the president to remove U.S. armed forces "from hostilities in or affecting Syria ... unless and until a declaration of war or specific authorization for such use of United States Armed Forces has been enacted."

The Senate rejected Paul's motion on December 7, 2023 by a vote of 13 to 84 (Roll Call 333). We have assigned pluses to the yeas because under the U.S. Constitution, the power to declare war belongs to Congress, and the United States should follow a policy of noninterventionism, minding its own business in foreign affairs.

**Constitutional Vote: Yes | Vote Cast: No**

## Counting Noncitizens in Census

**Constitutional Vote: Yes | Vote Cast: None**

During consideration of the “Consolidated Appropriations Act, 2024” (H.R. 4366), Senator Bill Hagerty (R-Tenn.) offered an amendment to “require that the census determine basic population statistics like the number of citizens, noncitizens, and illegal aliens that live in this country, and ... require that only U.S. citizens be counted in determining the number of House seats and electoral votes that each State gets,” as he explained on the Senate floor.

The Senate rejected Hagerty’s amendment on March 8, 2024 by a vote of 45 to 51 (Roll Call 83). We have assigned pluses to the yeas because the purpose of the U.S. Census is to determine the allotment of congressional seats and Electoral College votes for each state. Illegal aliens, who are not U.S. citizens, should not be counted toward determining those numbers. Furthermore, changing the demographics of a congressional district or state also changes the voting patterns of those areas.

## Consolidated Appropriations

**Constitutional Vote: No | Vote Cast: None**

**Cost per Family: \$3,557**

Senator Chuck Schumer (R-N.Y.) made a motion to pass H.R. 4366, the “Consolidated Appropriations Act, 2024,” which would appropriate \$467.5 billion in federal funding for fiscal 2024. Among other provisions, it would provide \$307.8 billion for the Department of Veterans Affairs; \$103 billion for federal transportation and housing programs; \$50 billion for the Department of Energy; \$38.6 billion for the Department of the Interior and the Environmental Protection Agency; \$37.5 billion for the Department of Justice; \$26.3 billion for the Department of Agriculture and the Food and Drug Administration; and \$24.9 billion for NASA.

The Senate agreed to Schumer’s motion on March 8, 2024 by a vote of 75 to 22 (Roll Call 84). We have assigned pluses to the nays because most of the spending would go to federal government departments, agencies, and programs that have no authorization or basis in the Constitution. Furthermore, this reckless spending is currently yielding high inflation and record increases in the national debt.

## Free Speech

**Constitutional Vote: Yes | Vote Cast: Yes**

During consideration of the “Further Consolidated Appropriations Act, 2024” (H.R. 2882), Senator Eric Schmitt (R-Mo.) offered an amendment to prohibit funds under the bill from being used by the federal government to label a U.S. citizen’s speech as “disinformation or misinformation” or to coerce online platforms to alter, remove, restrict, or suppress such speech.

The Senate rejected Schmitt’s amendment on March 23, 2024 by a vote of 47 to 51 (Roll Call 109). We have assigned pluses to the yeas because the First Amendment specifically states that “Congress shall make no law ... abridging the freedom of speech, or of the press.” This restrictive clause was designed to protect Americans’ right to free speech from “misconstruction or abuse” of power by the federal government, as expressed in the 1789 Joint Resolution of Congress proposing the Bill of Rights.

## Consolidated Appropriations

Constitutional Vote: No | Vote Cast: No

Cost per Family: \$9,130

H.R. 2882, the “Further Consolidated Appropriations Act, 2024,” would appropriate \$1.2 trillion in total funding for fiscal 2024. Among other provisions, it would provide \$825 billion for the Department of Defense; \$224.7 billion for the Departments of Labor, Health and Human Services, and Education; \$89.8 billion for the Department of Homeland Security; and \$58.3 billion for the Department of State. Furthermore, H.R. 2882 would provide \$300 million for the Ukraine Security Assistance Initiative and \$500 million for Israel defense assistance; extend the National Flood Insurance Program through September 30, 2024; and prohibit funding for the United Nations Relief and Works Agency through fiscal 2025.

The Senate passed H.R. 2882 on March 23, 2024 by a vote of 74 to 24 (Roll Call 114). We have assigned pluses to the nays because of the many unconstitutional agencies and programs that it would fund, including funding for our further entanglement in the Ukraine-Russia and Israel-Hamas conflicts without a congressional declaration of war, and because this reckless spending is yielding record increases in the national debt.

## Greenhouse Gas Emissions

Constitutional Vote: Yes | Vote Cast: Yes

S. J. Res. 61 would reverse a December 2023 Federal Highway Administration (FHWA) rule that requires state transportation agencies to set targets for reducing transportation-related greenhouse-gas emissions and report to the FHWA on their progress.

The Senate passed S. J. Res. 61 on April 10, 2024 by a vote of 53 to 47 (Roll Call 121). We have assigned pluses to the yeas because the 10th Amendment reserves any such regulatory powers to “the States respectively, or to the people,” as opposed to unelected federal bureaucrats. In addition to eroding state sovereignty, the FHWA’s rule is a step toward implementing UN-led global “climate change” policy.

## Surveilling U.S. Citizens

Constitutional Vote: Yes | Vote Cast: No

During consideration of a bill to reauthorize Title VII of the Foreign Intelligence Surveillance Act, or FISA (H.R. 7888), Senator Rand Paul (R-Ky.) offered an amendment to prohibit federal officials from requesting orders under FISA to surveil U.S. persons, including citizens and permanent residents. It would ban officials from querying information collected under Section 702 using search terms connected to a U.S. person. Additionally, the amendment would prohibit information obtained about a U.S. person from being used as evidence against that person in criminal, civil, or administrative proceedings.

The Senate rejected Paul’s amendment on April 19, 2024 by a vote of 11 to 81 (Roll Call 147). We have assigned pluses to the yeas because the Fourth Amendment prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and supported by probable cause.

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## FISA Reauthorization

**Constitutional Vote: No | Vote Cast: Yes**

H.R. 7888, titled the "Reforming Intelligence and Securing America Act," would reauthorize for two years, until 2026, Title VII of the Foreign Intelligence Surveillance Act (FISA), which governs electronic surveillance of foreign terrorism suspects. Among other provisions, the bill would require additional procedures for searches by the Federal Bureau of Investigation (FBI) involving U.S. citizens and FBI surveillance requests to the secret FISA Court. It would also expand the definition of an "electronic communication service provider" and allow congressional leaders to access FISA Court and FISA Court of Review meetings.

The Senate passed H.R. 7888 on April 20, 2024 by a vote of 60 to 34 (Roll Call 150). We have assigned pluses to the nays because FISA has been used to spy on U.S. citizens without a warrant in violation of the Fourth Amendment. While the bill includes provisions ostensibly to protect the privacy of U.S. citizens, those provisions fail to uphold Americans' Fourth Amendment-protected rights. Furthermore, the FISA Court approves just about any surveillance request that comes its way, and given the track record of intelligence agencies, it is unlikely that they would actually follow these rules.