



# Freedom Index 115-1 | Score: 10%

Our first look at the 115th Congress shows how every member of the House and Senate voted on key issues such as the GOP's ObamaCare replacement bill (House), federal funding for abortion (House), and NATO (Senate).

### **Balancing the Budget**

#### Constitutional Vote: Yes | Vote Cast: No

#### Cost per Family: \$+76027

During consideration of the congressional budget for fiscal 2017 (Senate Concurrent Resolution 3) on January 4, 2017, Senator Rand Paul (R-Ky.) pointed out in a speech on the Senate floor that this proposed budget would add nearly \$10 trillion to our national debt over the next 10 years without ever balancing the budget. He added: "I'm not for it. That's not why I ran for office. It's not why I'm here. It's not why I spend time away from my family and from my medical practice. It's because debt is consuming our country." Paul went on to introduce a substitute amendment that would balance the budget by 2024.

The Senate rejected Paul's substitute amendment on January 9, 2017 by a vote of 14 to 83 (Roll Call 3). We have assigned pluses to the yeas because fiscal responsibility is an excellent first step toward constitutional responsibility.

### Social Security, Medicare, and Medicaid Constitutional Vote: No | Vote Cast: Yes

During consideration of the congressional budget for fiscal 2017 (Senate Concurrent Resolution 3), Senator Bernie Sanders (I-Vt.) offered an amendment to prevent the reduction of Social Security, Medicare, and Medicaid benefits; an increase of the retirement age; or privatizing Social Security.

The Senate did not vote directly on Sanders' amendment but on a motion to waive all applicable sections of the budget law with respect to a point of order against Sanders' amendment. The Senate rejected this motion on January 10, 2017 by a vote of 49 to 49. (Roll Call 6; a three-fifths majority of the entire Senate -- 60 votes -- was needed to waive the applicable sections of the budget law). We have assigned pluses to the nays because the rapid projected growth in future spending for these programs under current law is unsustainable due to both the declining ratio between workers and Social Security recipients, and also the fact that people are living longer. Plus, there is no constitutional authorization for these programs. Those who genuinely want to help the needy should recognize that the best way to do it is to phase out government social-welfare programs in favor of private alternatives.



### **Stream Protection Rule**

Constitutional Vote: Yes | Vote Cast: No

This legislation (House Joint Resolution 38) would disapprove of and nullify the "Stream Protection Rule" issued by the Department of the Interior's Office of Surface Mining Reclamation and Enforcement in 2016. This new rule would "jeopardize thousands of coal and coal-related jobs, devastate coal producing communities, and put a majority of the country's coal reserves off limits," according to the bill's lead sponsor in the House, Representative Bill Johnson (R-Ohio).

The Senate passed H. J. Res. 38 on February 2, 2017 by a vote of 54 to 45 (Roll Call 43). We have assigned pluses to the yeas not only because the federal government has no constitutional authority to issue environmental regulations, but also because environmental regulations such as the "Stream Protection Rule" destroy jobs and increase energy costs. Also, states already protect streamwater.

### **Firearms Purchases**

#### Constitutional Vote: Yes | Vote Cast: No

This legislation (House Joint Resolution 40) would disapprove of and nullify a Social Security Administration rule that outlines reporting of information by the agency on certain non-elderly individuals who receive disability insurance or Supplemental Security Income benefits for inclusion in the National Instant Criminal Background Check System for gun purchases if they receive benefits based on a finding of mental impairment and use a "representative payee" because they cannot manage their benefit payments.

The Senate passed H. J. Res. 40 on February 15, 2017 by a vote of 57 to 43 (Roll Call 66). We have assigned pluses to the yeas because the Social Security Administration rule violates the Second Amendment to the U.S. Constitution by infringing on the right of people to keep and bear arms.

# **Predator Control**

#### Constitutional Vote: Yes | Vote Cast: No

This legislation (House Joint Resolution 69) would disapprove of and nullify a U.S. Department of Interior rule, "Non-Subsistence Take of Wildlife, and Public Participating and Close Procedures, on National Wildlife Refuges in Alaska," which was released in final form on August 5, 2016.

The Senate passed H. J. Res. 69 on March 21, 2017 by a vote of 52-47 (Roll Call 92). We have assigned pluses to the yeas because it reaffirms Alaska's sovereign power to manage its wildlife. Since the power of wildlife management was not granted to the federal government by the Constitution, it is reserved to Alaska and the other 49 states according to the 10th Amendment.

### **Montenegro NATO Membership**

#### Constitutional Vote: No | Vote Cast: Yes

This resolution of ratification (Treaty Document 114-12) would allow the Balkan country of Montenegro to join the North Atlantic Treaty Organization. The NATO military alliance was created in 1949 for the stated purpose of countering the threat posed by the Soviet bloc. Under the North Atlantic Treaty establishing NATO, member nations "agree that an armed attack against one or more of them ... shall be considered an attack against them all." At first there were 12 countries in the alliance, but the number of member nations has more than doubled over the years to 28 - 29 with Montenegro's entry into NATO.

The Senate approved the treaty of ratification for admitting Montenegro into NATO by the very lopsided vote of 97 to 2 on March 28, 2017 (Roll Call 98; a two-thirds majority of those present and voting in the Senate is required to ratify a treaty). We have assigned pluses to the nays not only because the United States should stay clear of entangling alliances such as NATO but also because the NATO provision that obligates the United States to go to war if any member of NATO is attacked undermines the provision in the U.S. Constitution that assigns to Congress the power to declare war. Montenegro, which was part of communist Yugoslavia during the Cold War era, is now one of 28 countries the United States is obligated to defend under NATO.

### **Federal Family Planning**

This legislation (House Joint Resolution 43) would disapprove of and nullify a Health and Human Services Department rule that prevents states that distribute federal family funding from prohibiting participation and receipt of funds by healthcare providers, such as Planned Parenthood, for any reason other than their ability to provide family planning services.

The Senate passed H. J. Res. 43 on March 30, 2017 by a vote of 50 to 50 with Vice President Mike Pence casting a tiebreaking "yea" vote (Roll Call 101). We have assigned pluses to the yeas because this bill limits the power of an unconstitutional federal government agency. The U.S. Constitution does not authorize the federal government to get involved in healthcare, much less establish a Department of Health and Human Services, so any attempt to limit the power of an unconstitutional federal agency is a step in the right direction.

# **Omnibus Appropriations**

Cost per Family: \$9,190

### Constitutional Vote: No | Vote Cast: Yes

Constitutional Vote: Yes | Vote Cast: No

The Consolidated Appropriations Act or omnibus bill (H.R. 244) would provide \$1.16 trillion in discretionary appropriations through September 30, 2017 for the following federal departments and agencies: Agriculture, Commerce-Justice-Science, Defense, Energy-Water, Financial Services, Homeland Security, Interior-Environment, Labor-HHS-Education, Legislative, State-Foreign Operations, Transportation-HUD, and various U.S. intelligence agencies.

The Senate agreed to the omnibus appropriations bill on May 4, 2017 by a vote of 79 to 18 (Roll Call 121). We have assigned pluses to the nays because with this fiscal 2017 omnibus appropriations bill, Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars that contribute directly to the dramatic growth of our nearly \$20 trillion national debt.



### **Omnibus Appropriations**

#### Cost per Family: \$9,190

The Consolidated Appropriations Act or omnibus bill (H.R. 244) would provide \$1.16 trillion in discretionary appropriations through September 30, 2017 for the following federal departments and agencies: Agriculture, Commerce-Justice-Science, Defense, Energy-Water, Financial Services, Homeland Security, Interior-Environment, Labor-HHS-Education, Legislative, State-Foreign Operations, Transportation-HUD, and various U.S. intelligence agencies.

The Senate agreed to the omnibus appropriations bill on May 4, 2017 by a vote of 79 to 18 (Roll Call 121). We have assigned pluses to the nays because with this fiscal 2017 omnibus appropriations bill, Congress is failing to address its fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars that contribute directly to the dramatic growth of our nearly \$20 trillion national debt.

#### Blocking U.S. Arms Sales to Saudi Arabia Constitutional Vote: Yes | Vote Cast: Yes

Senator Rand Paul (R-Ky.) introduced this bill (Senate Joint Resolution 42) to block the sale of "certain defense articles" to Saudi Arabia, including laser-guided weapons systems and fighter aircraft. Paul has opposed selling arms to Saudi Arabia because the regime oppresses its own people, is engaged militarily in the civil war in Yemen, and has supported ISIS. "Who in their right mind would give money, arms, or share our technology with a country that has been supporting ISIS?" Paul asked on the Senate floor.

The Senate did not vote directly on S. J. Res. 42 but on a motion to discharge the Senate Foreign Relations Committee (where the resolution was pending) from further consideration of the resolution so that it could be considered by the full Senate. The discharge motion, which was made by Paul, was rejected on June 13, 2017 by a vote of 47 to 53 (Roll Call 143). We have assigned pluses to the yeas because the United States should not interject itself in foreign conflicts such as the civil war in Yemen (via arms sales to one of the combatants in that conflict -- Saudi Arabia), and should not take steps tantamount to going to war without a declaration of war by Congress.

