

Scorecard 118-3

The Congressional Scorecard is a nationwide educational program of The John Birch Society. Its purpose is to create an informed electorate on how members of Congress are voting. The Scorecard is nonpartisan; it does not promote any candidate or political party. Bills are selected for their constitutional implications and cost to the taxpayers.

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U.S. Constitution, Amendment I --- 11 C.F.R. §114(4)(c)(4) --- 616 F.2d 45 (2d Cir. 1980)

The following scorecard lists several key votes in the 118th Congress (January 3, 2023 – January 3, 2025) and ranks congressmen based on his or her fidelity to constitutional and limited-government principles.

Federal debt equals \$266,953 per taxpayer, as of July 16, 2024.



Jeff Merkley

Senator

Oregon

Democrat

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Lifetime Score

This legislator voted constitutionally on **17%** of the votes shown below.

CPH: Estimated cost per household.

★ Constitutional	✗ Unconstitutional	? Did not Vote	CPH	Vote
				No
1. Sen. Rand Paul's (R-Ky.) amendment to HR 4366 Audit the Fed (Rejected 46 to 51 on 11/1/2023, Roll Call 280). Requires a full audit of the Federal Reserve System.				✗
			\$3,557	Yes
2. HR 4366 Consolidated Appropriations (Passed 75 to 22 on 3/8/2024, Roll Call 84). Appropriates \$467.5 billion in federal funding for fiscal 2024. See U.S. Const., Art. I, Sec. 8.				✗
				No
3. Sen. Eric Schmitt's (R-Mo.) amendment to HR 2882 Free Speech (Rejected 47 to 51 on 3/23/2024, Roll Call 109). Prohibits funds from being used by the federal government to label speech as “disinformation or misinformation” or to coerce online platforms to censor such speech. See U.S. Const., amend. 1.				✗
			\$9,130	Yes
4. HR 2882 Consolidated Appropriations (Passed 74 to 24 on 3/23/2024, Roll Call 114). Appropriates \$1.2 trillion in total funding for fiscal 2024. See U.S. Const., Art. I, Sec. 8.				✗
				No
5. Sen. Rand Paul's (R-Ky.) amendment to HR 7888 Surveilling U.S. Citizens (Rejected 11 to 81 on 4/19/2024, Roll Call 147). Prohibits federal officials from requesting orders under FISA to surveil U.S. persons, among other provisions. See U.S. Const., amend. 4.				✗
			\$725	No
6. HR 815 Foreign Aid Package (Passed 79 to 18 on 4/23/2024, Roll Call 154). Provides a total of \$95.3 billion in “emergency” aid for Ukraine, Israel, and Taiwan. See U.S. Const., Art. I, Sec. 8.				★



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The Constitution

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1. 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 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.

2. Consolidated Appropriations

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 for fiscal 2024. Among multiple 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; and \$37.5 billion for the Department of Justice.

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.

3. Free Speech

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 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.

4. Consolidated Appropriations

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; and extend the National Flood Insurance Program through September 30, 2024.

This bill funds many unconstitutional agencies and programs, including funding for our further entanglement in the Ukraine-Russia and Israel-Hamas conflicts without a congressional declaration of war, and this reckless spending is yielding record increases in the national debt.

5. Surveilling U.S. Citizens

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 Fourth Amendment prohibits unreasonable searches and seizures and requires any warrant to be judicially sanctioned and have probable cause.

6. Foreign Aid Package

Senator Chuck Schumer (R-N.Y.) made a motion to pass H.R. 815, which would provide a total of \$95.3 billion in "emergency" aid for Ukraine, Israel, and Taiwan. The bill's provisions include \$60.8 billion for Ukraine (part of this funding is for replenishing U.S. stockpiles of military equipment already provided to Ukraine), \$26.4 billion for Israel, and \$8.1 billion for Taiwan and other U.S. allies in the region.

Foreign aid, not being one of the enumerated powers granted to the federal government in the Constitution, is unconstitutional, and the United States should follow a noninterventionist policy and avoid becoming embroiled in foreign quarrels.