



Ruben Gallego

Senator

Arizona District 3rd

Democrat

Contact: (202) 224-4521

Website: gallego.senate.gov/

Office: 188 Russell Senate Office Building Washington DC 20510



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Our third look at the 115th Congress shows how every member of the House and Senate voted on key issues such as the \$1.3 trillion omnibus spending bill, warrantless surveillance, raw milk (House), and illegal immigration (Senate).

Warrantless Surveillance

Constitutional Vote: No | Vote Cast: --

This bill (S. 139) would reauthorize for six years, through 2023, the Foreign Intelligence Surveillance Act (FISA), which governs electronic surveillance of foreign terrorism suspects. The bill would require the development of procedures for searching the NSA database that would protect the Fourth Amendment-guaranteed rights of U.S. citizens, while allowing the FBI to access information with an order from the secret FISA Court, in certain cases.

The Senate passed S. 139 on January 18, 2018 by a vote of 65 to 34 (Roll Call 12). We have assigned pluses to the nays because FISA, while supposedly put in place to gather intelligence on foreign targets, has been used to spy on U.S. citizens. While the bill does provide provisions to, ostensibly, protect the privacy of U.S. citizens, given the track record of intelligence agencies, it is unlikely that they would actually follow these rules. The FISA Court gives a green light to just about any surveillance request that comes its way, and FISA-approved NSA warrantless surveillance of American citizens has become common knowledge.

Immigration (DACA)

Constitutional Vote: No | Vote Cast: --

During consideration of the immigration bill (H.R. 2579), Senator Christopher Coons (D-Del.) introduced an amendment to provide "conditional permanent residence" (i.e., amnesty) to the unaccompanied minors who illegally entered the United States before turning 18 years old and have been recipients of President Obama's unconstitutional Deferred Action for Childhood Arrivals (DACA) program.

The Senate did not vote directly on Coons' amendment, but on a motion to invoke cloture (and thus limit debate) so the amendment could come up for a vote. The motion to invoke cloture was rejected on February 15, 2018 by a vote of 52 to 47 (Roll Call 33; a three-fifths majority of the entire Senate is required to invoke cloture). We have assigned pluses to the nays because Obama's executive action creating DACA was an unconstitutional usurpation of legislative power belonging to Congress, and because granting amnesty to illegal immigrants will, as has been the case with past amnesties, encourage even more border jumping.

Immigration (Sanctuary Cities)

Constitutional Vote: Yes | Vote Cast: --

During consideration of the immigration bill (H.R. 2579), Senator Pat Toomey (R-Penn.) introduced an amendment to prohibit the disbursement of federal development grants to cities, states, or other political subdivisions that harbor or provide sanctuary for illegal immigrants.

The Senate did not vote directly on Toomey's amendment, but on a motion to invoke cloture (and thus limit debate) so the amendment could come up for a vote. The motion to invoke cloture was rejected on February 15, 2018 by a vote of 54 to 45 (Roll Call 34; a three-fifths majority of the entire Senate is required to invoke cloture). We have assigned pluses to the yeas because the flood of illegal immigrants into the United States has risen to the level of an invasion swamping our Republic, and political entities that provide sanctuary to illegal aliens in contravention of federal immigration laws should not expect to do so while receiving federal aid.

U.S. Military Intervention in Yemen

Constitutional Vote: No | Vote Cast: --

This resolution (Senate Joint Res. 54), according to the text, would "direct the removal of United States Armed Forces from hostilities in the Republic of Yemen that have not been authorized by Congress."

The Senate agreed to table (kill) a motion to discharge this resolution from the Foreign Relations Committee (so that it could be considered by the full Senate) on March 20, 2018 by vote of 55 to 44 (Roll Call 58). We have assigned pluses to the nays because only Congress is vested with the power to declare war. A foreign military intervention is an act of war, and Congress has not authorized any intervention or war in Yemen. Nor should Congress do so, since the civil war in Yemen does not threaten the United States.

Omnibus Appropriations

Constitutional Vote: No | Vote Cast: --

Cost per Family: \$10,189

This bill (H.R. 1625) would provide \$1.3 trillion in discretionary appropriations for the fiscal year ending September 30, 2018 for federal government operations and services. This represents an overall increase in discretionary spending of 12 percent over the 2017 level. The big winner was the Department of Defense, with an increase of 10 percent over last year's appropriations. (See House Vote 25 for more information.)

The Senate passed the omnibus spending bill on March 23, 2018 by a vote of 65 to 32 (Roll Call 63). We have assigned pluses to the nays because with this omnibus bill, members of Congress are failing to address their fiscally and constitutionally irresponsible budgeting and appropriating process that is currently yielding annual federal deficits measured in the hundreds of billions of dollars, as well as minimizing their accountability to the voters by combining all discretionary federal spending for fiscal 2018 into one gigantic "take it or leave it" bill.

Net Neutrality

Constitutional Vote: No | Vote Cast: --

This bill (Senate Joint Resolution 52) would nullify and disapprove of the new Federal Communications Commission (FCC) rule that seeks to deregulate the Internet. In 2015, as a result of fears that providers would “throttle” customers’ Internet connections and charge higher rates for certain times and/or services, the Obama-era FCC imposed common-carrier mandates on broadband Internet service providers, essentially regulating the Internet as a public utility. The Trump FCC under Chairman Ajit Pai overturned this rule, allowing the Internet to be more or less unregulated as it had been before the rule.

The Senate passed Senate Joint Resolution 52 on May 16, 2018 by a vote of 52 to 47 (Roll Call 97). We have assigned pluses to the nays because regulation of the Internet is not a proper function of the federal government under the Constitution. The new FCC rule under Commissioner Pai was more of a hands-off approach to the Internet, allowing service providers to set their own rules. This is the correct approach, as any provider “throttling” service or overcharging customers will lose business to more competitive providers in a free market setting. Government, in scenarios such as these, will nearly always cause more problems than it claims to attempt to solve. Case in point: Regulations are not always applied equally, as under the Obama FCC rule some sites were forced to “play fair,” while some of the big guys, such as Netflix and Google, could still set their own rules.

Haspel Nomination

Constitutional Vote: No | Vote Cast: --

In March 2018, President Trump nominated Gina Haspel to be director of the Central Intelligence Agency. Senator Rand Paul (R-Ky.), who opposed Haspel’s nomination, explained why in a Politico Magazine article: “Haspel ran a secret [CIA ‘black site’] center in Thailand where prisoners were tortured”; “Haspel participated in and helped develop the program that our own government has labeled torture”; and “she helped destroy the very evidence of this program.” Regarding the latter, Haspel ordered the destruction of videos documenting the torture.

The Senate confirmed Trump’s nomination of Haspel on May 17, 2018 by a vote of 54 to 45 (Roll Call 101). We have assigned pluses to the nays because of Haspel’s complicity in the use of torture, including waterboarding, a violation of U.S. law as well as the U.S. Constitution’s Eighth Amendment prohibition against “cruel and unusual punishments.”

Indefinite Detention

Constitutional Vote: No | Vote Cast: --

During consideration of the National Defense Authorization Act (H.R. 5515), Senator Mike Lee (R-Utah) introduced the Due Process Guarantee Act amendment to uphold the right to due process for U.S. citizens and permanent residents on American soil. “This amendment ... simply says that if you are a U.S. citizen or a lawful permanent resident, you may not be indefinitely detained on U.S. soil without trial, without charge, without access to a jury or to counsel,” Lee said on the Senate floor. His amendment would negate language in the fiscal year 2012 NDAA that purportedly authorizes the U.S. military to indefinitely detain American citizens accused of being terrorists, without habeas corpus and without being tried and found guilty in a court of law.

The Senate rejected a motion to table (kill) Lee’s amendment on June 13, 2018 by a vote of 30 to 68 (Roll Call 122). We have assigned pluses to the nays because the war on terror must not be allowed to destroy constitutionally guaranteed legal protections.

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Appropriations Cuts

Constitutional Vote: Yes | Vote Cast: --

This bill (H.R. 3) would cut nearly \$15 billion from previously approved, unspent funding, including \$7 billion from the Children's Health Insurance Program and \$4.3 billion from the Department of Energy's Advanced Technology Vehicles Manufacturing Loan Program.

The Senate rejected a motion to discharge H.R. 3 from the Senate Budget Committee (so that it could be considered by the full Senate) on June 20, 2018 by a vote of 48 to 50 (Roll Call 134). We have assigned pluses to the yeas not only because the spending falls outside the scope of constitutionally authorized federal powers, but also because the federal government needs to start reining in ballooning federal spending (and debt) somewhere in order to avert fiscal disaster. The cuts in this bill comprise only a fraction of one percent of total federal spending, and according to the Congressional Budget Office, most of the unspent funding targeted by the bill would not be spent anyway. Yet modest cuts are better than none at all.