



# Albio Sires

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## 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).

### Major Regulations

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

Under the Regulations from the Executive in Need of Scrutiny Act (H.R. 26), regulations would require congressional approval before any "major rule" issued by an executive branch agency could go into effect. "Major rules" would include any regulation that would have an annual economic impact of \$100 million or more. The intent of the legislation is to rein in the executive branch from usurping legislative powers.

The House passed H.R. 26 on January 5, 2017 by a vote of 237 to 187 (Roll Call 23). We have assigned pluses to the yeas not simply because of the economic impact of the "major rules," but also because all legislative powers in the Constitution are vested in Congress, not the executive branch. Mandatory rules issued by the executive branch might not be called laws, but they have the same effect as laws, and what they are called does not change the reality.

### Federal Funding for Abortion

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

The No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act (H.R. 7) would permanently prohibit federal funds from being used to pay for abortion services or health insurance plans that include abortion coverage, as well as prohibit the District of Columbia from using its own local funds to provide or pay for abortions. Additionally, the Office of Personnel Management would be required to ensure that qualified health plans under the state exchanges were not providing abortion coverage. There is a rape, incest, and life of the mother exemption.

The House passed H.R. 7 on January 24, 2017 by a vote of 238 to 183 (Roll Call 65). We have assigned pluses to the yeas for two reasons. First, the Constitution does not authorize the federal government to fund any healthcare-related programs. Such issues should be left up to the states, or, ideally, left to the free market. Second, abortion is the taking of an innocent human life, period. It is unconscionable that American taxpayers' money should be used to subsidize such a practice.

## 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, Representative Bill Johnson (R-Ohio).

The House passed H. J. Res. 38 on February 1, 2017 by a vote of 228 to 194 (Roll Call 73). 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.

## 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. According to the bill's sponsor, Don Young (R-Alaska): "Not only does this [rule] undermine Alaska's authority to manage fish and wildlife upon refuge lands, it fundamentally destroys a cooperative relationship between Alaska and the federal government. I continue to fight to protect Alaska's sovereignty and management authority and will use every tool at my discretion to strike this rule."

The House passed H. J. Res. 69 on February 16, 2017 by a vote of 225 to 193 (Roll Call 98). 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.

## Federal Family Planning

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

This legislation (House Joint Resolution 43) would disapprove of and nullify a Health and Human Services Department (HHS) rule that prevents states from restricting federal family planning funding to a health provider, such as denying funds to a center that provides abortions, for any basis other than its ability to provide health services. Under the current rule, HHS can withhold family planning grants to any state that restricts the participation of a health provider in the family planning services grant program.

The House passed H. J. Res. 43 on February 16, 2017 by a vote of 230 to 188 (Roll Call 99). 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.

## Veteran Gun Purchases

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

The Veterans 2nd Amendment Protection Act (H.R. 1181) would prohibit a Veterans Affairs Department determination that an individual is mentally incompetent from being used as a basis for that individual's inclusion in the National Instant Criminal Background Check System, which would thereby prevent the individual from purchasing a gun. Under the measure, an individual could not be considered to be mentally defective without a judicial authority's finding that the individual poses a danger to himself or herself or others.

The House passed H.R. 1181 on March 16, 2017 by a vote of 240 to 175 (Roll Call 169). We have assigned pluses to the yeas because the Veterans Affairs Department determination referenced above is a clear violation of the Second Amendment, which states that "the right of the people to keep and bear Arms, shall not be infringed."

## Homeland Security Defense of Agriculture

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

The Securing Our Agriculture and Food Act (H.R. 1238) would expand the War on Terror to the farm and dairy front in order to "share information and quickly respond to agro-terrorism threats," according to the bill's lead sponsor, Representative David Young (R-Iowa). Congressman Young cited the 2015 avian influenza that "wiped out millions of layer hens, turkeys, and backyard flocks" in Iowa to justify the need for his bill, despite the fact that the bird flu was not caused by terrorists.

The House passed H.R. 1238 on March 22, 2017 by a vote of 406 to 6 (Roll Call 187). We have assigned pluses to the nays because this bill expands the "War on Terror" to include the fictitious and non-existent threat of "agro-terrorism" in the American homeland, thereby further interjecting the U.S. government into the agriculture sector, despite the absence of any constitutional power to manage this or any other sector of the American economy.

## Omnibus Appropriations

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

**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: \$20.9 billion for Agriculture, \$56.6 billion for Commerce-Justice-Science, \$593 billion for Defense, \$37.8 billion for Energy-Water, \$21.5 billion for Financial Services, \$42.4 billion for Homeland Security, \$32.2 billion for Interior-Environment, \$161 billion for Labor-HHS-Education, \$4.4 billion for Legislative, \$53.1 billion for State-Foreign Operations, and \$57.7 billion for Transportation-HUD. The measure would also authorize classified amounts of funding for various U.S. intelligence agencies.

The House agreed to the omnibus appropriations bill on May 3, 2017 by a vote of 309 to 118 (Roll Call 249). 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.

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## ObamaCare Replacement

Constitutional Vote: No | Vote Cast: No

Rather than voting to repeal ObamaCare, the House voted instead to retain much of ObamaCare under the guise of "repeal and replace." The legislation (H.R. 1628), known as the American Health Care Act (AHCA), was strongly backed by President Trump and the Republican congressional leadership. Consequently most Republicans voted for the bill, but 20 voted against it. Liberty-minded Representative Thomas Massie (R-Ky.) noted that the AHCA entailed "replacing mandates, subsidies and penalties with mandates, subsidies and penalties." Another Republican lawmaker, Representative Andy Biggs (Ariz.), while "applaud[ing] all the hard work of the House Freedom Caucus, which has made every effort ... to improve this legislation," nonetheless concluded that the "final bill ... does not meet the promises I made to my constituents." Biggs added, "I remain committed to a full repeal of ObamaCare."

The House passed H.R. 1628 on May 4, 2017 by a vote 217 to 213 (Roll Call 256). We have assigned pluses to the nays because ObamaCare should be repealed, not replaced with a Republican variant of unconstitutional government healthcare that more liberty-minded lawmakers have referred to as "ObamaCare Lite" and "ObamaCare 2.0." Admittedly, the Democrats who voted against this GOP alternative have gotten "pluses" on this for the wrong reasons (they do not want to move away from the ObamaCare brand and in many cases want even more socialized medicine), but the Republicans who voted against the bill based on principle as opposed to partisanship are to be applauded.