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Our second look at the 117th Congress shows how every member of the House and Senate voted on key issues such as abortion, Build Back Better (House only), and COVID vaccine mandates (Senate only).

Infrastructure

Constitutional Vote: No | Vote Cast: No

Cost per Family: \$9,091

H.R. 3684 would spend \$1.2 trillion altogether, with \$550 billion being new spending. Among numerous other provisions, H.R. 3684 would spend \$110 billion on roads and bridges, \$66 billion on rail projects, \$65 billion on broadband, \$62 billion on Energy Department programs, \$55 billion on water infrastructure, \$39 billion on public transportation, \$25 billion on airports, and \$7.5 billion on electric vehicle-charging stations. The bill also mandates that states create carbon-reduction programs subject to federal approval, creates a mileage-tax pilot program, requires car companies to equip all vehicles with “advanced alcohol monitoring systems,” and defines “gender identity” as a protected class.

The Senate passed H.R. 3684 on August 10, 2021 by a vote of 69 to 30 (Roll Call 314). We have assigned pluses to the nays because Congress is failing to address its fiscally irresponsible budgeting and appropriating process that yielded a federal deficit of \$2.77 trillion in fiscal 2021. Moreover, virtually all of the bill’s provisions fall outside the Constitution’s specified powers.

Fracking

Constitutional Vote: Yes | Vote Cast: Yes

During consideration of Senate Concurrent Resolution 14, Senator Kevin Cramer (R-N.D.) offered an amendment to “prohibit the Council on Environmental Quality and the Environmental Protection Agency from promulgating rules or guidance that bans hydraulic fracturing in the United States.” During debate on the Senate floor, Cramer stated, “This amendment would simply prohibit any ban on hydraulic fracturing. Such a ban would raise Americans’ cost of living, weaken our national security, and, of course, actually enhance greenhouse gas emissions. Thanks to the technology of fracking, since 2007, U.S. oil production has doubled, and natural gas production has increased by 60 percent.... And, by the way, banning fracking would lead to triple-digit oil prices and possible global economic shock as per the University of Chicago.”

The Senate adopted Cramer’s amendment on August 10, 2021 by a vote of 57 to 42 (Roll Call 323). We have assigned pluses to the yeas because the federal government should not interfere with energy exploration. Regulation of various industries, such as energy, is not one of the federal government’s enumerated powers under the Constitution. Allowing the United States to fully utilize its energy resources would make the country more self-sufficient and potentially create millions of jobs.

Abortion

Constitutional Vote: Yes | Vote Cast: Yes

During consideration of the Budget Resolution for fiscal 2022 (Senate Concurrent Resolution 14), Senator James Lankford (R-Okla.) offered an amendment to prevent funding from being included in the budget for abortion or abortion-related discrimination. According to a press release from Lankford's office, "The amendment ensures that the budget will comply with the long-standing Hyde Amendment, which bars the use of federal dollars to pay for abortion, and the Weldon amendment, which protects health care providers who refuse to participate in abortion from discrimination."

The Senate adopted Lankford's amendment on August 10, 2021 by a vote of 50 to 49 (Roll Call 336). We have assigned pluses to the yeas because there is no constitutional provision granting a right to abortion, *Roe v. Wade* notwithstanding; and pro-life taxpayers should not be forced to fund a lethal practice that violates their deeply held religious convictions.

Balancing the Budget

Constitutional Vote: Yes | Vote Cast: Yes

Cost per Family: **+\$3,981**

During consideration of the Budget Resolution for fiscal 2022 (Senate Concurrent Resolution 14), Senator Rand Paul (R-Ky.) offered a substitute amendment that would replace the budgetary levels in the resolution with new budgetary levels that would gradually reduce the deficit in order to achieve a budget surplus in fiscal 2026. "Five years ago, I offered a similar amendment," Paul noted. "Had my amendment been adopted, today the budget would be balanced. Instead, we continued to borrow money, money we don't have, and now our debt is rapidly approaching \$30 trillion."

The Senate rejected Paul's alternative amendment to balance the budget on August 10, 2021 by a vote of 28 to 71 (Roll Call 338). We have assigned pluses to the yeas because continuing the federal spending spree will ultimately result in fiscal disaster, and most of the spending in the budget is for programs not authorized by the Constitution's enumerated powers.

Critical Race Theory

Constitutional Vote: Yes | Vote Cast: Yes

During consideration of the Budget Resolution for fiscal 2022 (Senate Concurrent Resolution 14), Senator Tom Cotton (R-Ark.) submitted an amendment to allow for "prohibiting or limiting Federal funding from being used to promote critical race theory or compel teachers or students to affirm critical race theory in prekindergarten programs, elementary schools, and secondary schools, by the amounts provided in such legislation for those purposes."

The Senate adopted Cotton's amendment on August 11, 2021 by a vote of 50 to 49 (Roll Call 342). We have assigned pluses to the yeas because nowhere in the Constitution is Congress authorized to allocate federal funding for education or to promote any particular curriculum in schools. Furthermore, critical Race Theory (CRT) is a radical and divisive theory that forces students to see and acknowledge others primarily by their skin color and racial ancestry, rather than by individual merits. CRT is part of the broader Marxist-inspired "Black Lives Matter" agenda and has its roots in Marxist "Critical Theory" originating from the Frankfurt School and Fabian Socialists. The federal government has no business promoting this extremist, anti-American agenda in our children's schools.

Police

Constitutional Vote: No | Vote Cast: Yes

During consideration of the Budget Resolution for fiscal 2022 (Senate Concurrent Resolution 14), Senator Josh Hawley (R-Mo.) introduced a misguided amendment to fund the hiring of 100,000 new local police officers nationwide with federal money. Even though Hawley's amendment was passed by the overwhelming bipartisan majority of 95-3, it is misguided because it is in conflict with the system of federalism that the Founders bequeathed to us. Since the Constitution does not grant Congress the power of creating and funding local police departments, the 10th Amendment tells us that this power is reserved to the states and to the people.

The Senate adopted Hawley's amendment on August 11, 2021 by a vote of 95 to 3 (Roll Call 345). We have assigned pluses to the nays because the Constitution does not grant to Congress the power to hire and/or control local police officers.

Budget Resolution

Constitutional Vote: No | Vote Cast: No

Cost per Family: \$27,603

The Budget Resolution for fiscal 2022 (Senate Concurrent Resolution 14) sets budgetary levels that Congress uses as a guide for its spending bills. The resolution proposes federal outlays of \$4.7 trillion, revenues of \$3.4 trillion, and a deficit of \$1.3 trillion in fiscal 2022. Trillion-dollar deficits are projected for each succeeding year through fiscal 2031, and the public debt is projected to increase from less than \$30 trillion at the time of this vote to more than \$45 trillion by 2031.

The Senate passed the Budget Resolution on August 11, 2021 by a vote of 50 to 49 (Roll Call 357). We have assigned pluses to the nays because continuing the reckless spending and debt accumulation will result in economic catastrophe, and most federal spending is for programs not authorized by the Constitution.

Federalizing Voting

Constitutional Vote: No | Vote Cast: No

S. 2747 would implement a sweeping federalization of American elections. Among the bill's provisions, S. 2747 would force states to implement nationwide Internet, automatic, and same-day voter registration. The bill would also mandate that states allow mail-in voting and make available ballot "drop boxes" for all voters, and implement early voting that begins at least 15 days prior to an election. Additionally, S. 2747 would make Election Day a federal holiday, limit state legislatures' authority over congressional redistricting, and enact additional campaign-finance regulations.

The Senate did not vote directly on S. 2747, but on a motion to invoke cloture (and thus limit debate) so the bill could be voted on. The motion to invoke cloture was rejected on October 20, 2021 by a vote of 49 to 51 (Roll Call 420; a three-fifths majority of the entire Senate is required to invoke cloture). We have assigned pluses to the nays because, under our system of government, state legislatures possess primary authority over regulating congressional elections.

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Voting Rights

Constitutional Vote: No | Vote Cast: No

S. 4 would reestablish a "preclearance" process similar to what existed under the 1965 Voting Rights Act prior to 2013. Under it, states would be required to obtain permission from the U.S. Department of Justice prior to implementing modifications to their election laws. The types of election laws subject to preclearance under S. 4 include redistricting, and the bill effectively prohibits new voter-ID laws or rollbacks of "multilingual voting materials." S. 4 would also make it easier for the federal government and others to take legal action against state election laws.

The Senate did not vote directly on S. 4, but on a motion to invoke cloture (and thus limit debate) so the bill could be voted on. The motion to invoke cloture was rejected on November 3, 2021 by a vote of 50 to 49 (Roll Call 459; a three-fifths majority of the entire Senate is required to invoke cloture). We have assigned pluses to the nays because not only does this bill undermine election integrity, it infringes upon state sovereignty as established under the 10th Amendment, subjugating it to the whims of federal bureaucrats.