



Written by [Christian Gomez](#) on July 4, 2016

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## Ayotte or Not?

Senator Kelly Ann Ayotte of New Hampshire (shown) is a freshman “moderate Republican” seeking reelection in what is expected to be a tough race in the blue-leaning Granite State. Referring to Ayotte’s vulnerable senate seat, top Senate Democrat campaign strategist Tom Lopach told *The Hill*, “If I were going out on a race, I’d go out on New Hampshire.”



Her opposition to a myriad of liberal programs and causes, such as abortion, ObamaCare, a campaign finance reform amendment to the Constitution in order to overturn the Supreme Court decision in *Citizens United*, Common Core, the UN Arms Treaty, and gun control legislation, has earned her the disdain of liberals and Democrats.

Despite strong opposition from Democrats who hope to capture her Senate seat, Ayotte is certainly no conservative, much less a constitutionalist, as this article will reveal. According to The New American’s “Freedom Index,” which measures the fidelity of congressmen to the Constitution based upon their votes in either the House or Senate, Ayotte has a lackluster score of 61 percent.

While her record on the aforementioned issues is fairly conservative, it does not provide a full and accurate assessment of her performance in the Senate. Unfortunately, a third (39 percent) of her votes are against the Constitution, according to the “Freedom Index.” Among some of her most anti-constitutional votes are those she has cast on appropriations bills and other budget-related issues, so-called clean energy, the crony capitalist Export-Import Bank, “immigration reform” (i.e., amnesty), and ObamaTrade with regard to Trade Promotion Authority.

## Appropriations and Budget

On her 2010 campaign website, Kelly Ayotte rightly stated, “Congress cannot continue to spend money that we do not have, and burden our children with a debt they cannot afford.” She also stressed, “We need to return to a fiscally responsible, common sense approach to spending,” further vowing to “eliminate out of control, wasteful government spending.” Unfortunately her voting record in this regard has not always reflected her campaign promises.

On October 16, 2013, following an impasse with the House of Representatives over the continuing appropriations bill, Senator Ayotte voted for a bipartisan version of the bill (H.R. 2775) that did not defund ObamaCare but instead suspended the federal debt limit through February 7, 2014, and continued to fund government operations through January 15, 2014 at the 2013 post-sequestration spending levels.



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A few months later, Ayotte yet again broke her promise to “rein-in wasteful spending” when she voted for the omnibus appropriations bill (H.R. 3547) on January 16, 2014. Providing about \$1.1 trillion in discretionary spending for numerous federal departments and agencies in fiscal 2014, this amounted to “a 2.6 percent increase in discretionary spending compared to the sequester-reduced level for fiscal 2013,” according to the “Freedom Index.”

Ayotte’s vote was both fiscally and constitutionally irresponsible, as it authorized hundreds of billions of taxpayer dollars to fund federal departments not authorized under the Constitution, such as Agriculture, Education, Energy, Commerce, Homeland Security, Labor, Transportation, and Veteran Affairs. Nevertheless, Ayotte and the other so-called “moderates” in her party, such as Senators Lisa Murkowski (R-Alaska), Susan Collins (R-Maine), and Mark Kirk (R-Ill.), joined with Harry Reid (D-Nev.) and the Democrats to pass this behemoth-sized spending bill.

## **Environment**

Another notable instance when Senator Ayotte broke with conservatives and sided with President Obama and progressive liberal Democrats was when she announced her support for the Obama administration’s sweeping new EPA “clean power plan” (CPP). The CPP calls for existing power plants to reduce their carbon emissions 32 percent from 2005 levels by 2030.

NERA Economic Consulting, an independent non-partisan global firm that is “dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges,” according to its website, released an analysis of the economic ramifications of complying with the CPP regulations. The costs for complying with the CPP will run as much as \$39 billion a year for both consumers and businesses. NERA also projects that the plan “could total nearly \$300 billion from 2022 to 2033.” Ultimately consumers are likely to foot the expensive bill. NERA estimates that 41 states will face double-digit increases in the cost of electricity, with “28 states potentially facing peak year electricity price increases of at least 20 percent.”

Despite these implications, Ayotte stands firm with President Obama in combating the supposed threat of anthropogenic global warming or “climate change.” In a press statement, Ayotte said:

After carefully reviewing this plan and talking with members of our business community, environmental groups, and other stakeholders, I have decided to support the Clean Power Plan to address climate change through clean energy solutions that will protect our environment.

On November 17, 2015, Senator Ayotte voted against Senate Joint Resolution 24, introduced by Senator Shelley Moore Capito (R-W.V.), which would block the CPP regulations for existing power plants. That same day, Ayotte also voted against Senate Joint Resolution 23, introduced by Senate Majority Leader Mitch McConnell (R-Ky.), which would also block the implementation of the EPA’s CPP standards for newly built or modified power plants.

Despite initially vowing to vote against any new radical environmental initiatives that would result in price increases, Ayotte has come out of the closet as a full-fledged greenie, eager to advance the president’s supposed anti-climate change agenda. Under “Energy and Water,” on Ayotte’s official Senate website, it states: “Kelly believes that climate change is real, humans significantly contribute to it, and it needs to be addressed.”

In order to address this alleged threat to the environment, on October 29, 2015, Senator Ayotte joined



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with three of the Senate's top moderate and liberal Republicans, Lamar Alexander (R-Tenn.), Mark Kirk (R-Ill.), and Lindsey Graham (R-S.C.), to establish the Senate Energy and Environment Working Group.

During consideration of the Keystone XL Pipeline Act (S.1), Senator Ayotte voted against an amendment offered by Senator Pat Toomey (R-Pa.) that would have exempted power plant units that burn coal refuse from complying with the EPA's unconstitutional and burdensome Cross State Air Pollution Rule and the Mercury and Air Toxics Standards. She also voted against an amendment offered by Senator Mike Lee (R-Utah) that would have expedited applications to drill on federal public lands and limit further government interference.

Ayotte also voted against the "U.S.-China Greenhouse Gas Agreement Amendment." This amendment, offered by Republican Senator Roy Blunt of Missouri, would have expressed the sense of the Senate that "the United States should not be a signatory to any bilateral or other international agreement on greenhouse gases if it would result in serious harm to the economy of the United States." Ayotte voted against another amendment offered by fellow Republican Senator Steve Daines of Montana that would have expressed the sense of Congress that the designation of national monuments on federal lands should require the approval of the governor and state legislature of the state in which that portion of federal land resides.

Instead of voting for those Republican- or conservative-sponsored amendments, Ayotte voted for amendments offered by liberal Democrats and other pro-environmentalist "moderate Republicans" such as herself. Not surprisingly, Ayotte voted for an amendment offered by Senator Brian Schatz (D-Hawaii) that expressed the sense of Congress that climate change is real and that man-made pollution significantly contributes to climate change.

Ayotte also voted for an amendment offered by Senator Ron Wyden (D-Ore.) to close a tax code "loophole" that exempts tar sands producers from paying into the Oil Spill Liability Trust Fund (OSLTF), which was enacted into law by President George H. W. Bush when he signed the Oil Pollution Act (OPA) in 1990. Two years after President Bush signed the OPA, he attended the United Nations Earth Summit in Rio de Janeiro — where he signed Agenda 21, the UN's global socialist scheme for "sustainable development."

She also voted for an amendment offered by Senator Tom Udall (D-N.M.) that would set a goal for 25 percent of the United States' electricity consumption to come from renewable sources by 2025, despite the fact that no renewable source has proven to be effective — with the exception of hydroelectric power, which realistically cannot be increased.

All of these no and yes votes Ayotte cast during consideration of the Keystone bill were of a "pro-environment position," according to the League of Conservation Voters' "National Environmental Scorecard." However, Ayotte ultimately voted for the Keystone pipeline, a vote that she is sure to boast about to her conservative constituents in the primary while touting her "pro-environment" votes to prospective moderate and liberal voters in the general election.

Other votes she can add to her environmentalist repertoire include voting for Senator Michael Bennet's (D-Colo.) amendment to the Senate version of the fiscal 2016 budget (S. Con. Res. 11) that called for creating a deficit-neutral reserve fund related to responding to the economic and national security "threat" climate change poses to the United States. And during consideration of the Every Child Achieves Act of 2015 (S. 1177), Ayotte voted for an amendment offered by Senator Ed Markey (D-Mass.)



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that would establish a K-12 grant program for “climate change education.” According to the League of Conservation Voters, “Participating states would compete for grants in order to create climate change science and solutions curriculum, teacher trainings, and to achieve sustainable building standards.” Unfortunately, her liberal progressive streak doesn’t end here.

## **Export-Import Bank**

Senator Ayotte has been a faithful and consistent supporter of the crony capitalist Export-Import Bank, voting to reauthorize it in 2012 and 2015. In fact, on July 30, 2015, the Senate passed a bipartisan highway transportation bill (H.R. 22) that included an amendment reauthorizing the Export-Import Bank, which she co-sponsored.

“It’s encouraging that the Senate has voted on a strong bipartisan basis to renew the Export-Import Bank, which helps support American jobs and returns billions to the Treasury for deficit reduction,” Ayotte said in a press release shortly after passage of the bill with her amendment. Interestingly, the press release also noted that in December 2014, “Ayotte hosted Export-Import Bank Chairman Fred Hochberg in Nashua, where they met with New Hampshire exporters to discuss Ex-Im.”

For those unfamiliar with the Export-Import Bank, it was originally created under President Franklin Roosevelt’s New Deal in order to subsidize U.S. exports during the Great Depression and World War II. Since then it has become the embodiment of crony capitalism in America. As this author has previously explained in *The New American*, the Ex-Im Bank receives its funds from the U.S. Treasury from money created out of thin air, which eventually results in increased taxes and inflation. After the Ex-Im Bank gets these funds, it then loans them at lower-than-market-value rates with long-term deferred due dates to countries such as Russia, China, and Pakistan, which in turn use those funds to purchase goods from specific U.S. companies, such as Boeing.

In fact, a nickname for the Ex-Im Bank is the “Bank of Boeing,” because Boeing receives nearly 40 percent of the funds that the Ex-Im Bank discharges so that countries purchase its aircraft. In the event that the loan recipient country becomes delinquent or fails to repay the loan, the U.S. taxpayer foots the bill. To put it succinctly, in the words of former Congressman Ron Paul (R-Texas) from a newsletter he penned in 1980, “The Soviets get the goods. The big banks and companies get the profits. And the taxpayer gets the bill.”

## **Immigration Reform**

When it comes to illegal immigration, Senator Ayotte again sides with President Obama, while opposing Republican efforts to thwart his unconstitutional actions.

On December 13, 2014, during consideration of the omnibus appropriations bill (H.R. 83), Senator Ayotte voted against a constitutional point of order raised by Senator Ted Cruz (R-Texas) that the appropriations bill violated the Constitution’s separation of powers, enumeration of powers, and the president’s obligation to faithfully execute the laws, because the bill’s DHS (Department of Homeland Security) funding would be used to implement President Obama’s unconstitutional executive order granting “deferred action” (aka amnesty) to an estimated four to five million illegal aliens in the United States.

On February 27, 2015, Ayotte voted for a new version of the Department of Homeland Security



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appropriations bill (H.R. 240), in the form of an amendment (S. Amdt. 255) introduced by Senator Thad Cochran (R-Miss.), which would eliminate the DHS bill's provisions prohibiting the use of funds to carry out President Obama's illicit executive amnesty decree. In both instances, Ayotte and other members of the GOP's liberal and amnesty-wing, such as Senators Cochran, Kirk, McCain, and Murkowski, sided with Democrats to prevent blockage of the president's radical amnesty agenda.

Another unsurprising yet disappointing vote by Ayotte was her vote in favor of the 2013 "Gang of Eight" "comprehensive immigration reform" bill (S. 744). This proposed legislation was the product of another collaborative effort between establishment Republicans and progressive Democrats seeking to deliver President Obama yet another landmark victory, while undermining the nation's borders and sovereignty. This bill would have granted immediate legal status to the majority of illegal immigrants residing in the United States (i.e., amnesty) and established new visa programs for a wide range of low-skilled to high-skilled workers. Fortunately, Congress rejected this immigration bill, no thanks to Ayotte.

## **Obama Trade**

A final key policy objective that Senator Ayotte and President Obama share is "fast track" of the major trade agreement schemes via passage of Trade Promotion Authority (TPA). In 2015, Ayotte twice voted for TPA, which relinquished what is constitutionally, under Article II, Section 2, Clause 2, Congress' power to provide advice and consent to the president in order to make treaties. TPA relinquished this power completely to the executive branch, thus empowering President Obama to continue what at the time were secret negotiations for the Trans-Pacific Partnership (TPP) and the still-secretive Transatlantic Trade and Investment Partnership (TTIP).

Despite not taking a public position about whether or not she supports the controversial TPP and TTIP agreements, her TPA votes make it much easier for Congress to pass both agreements with little to no obstruction. Because of TPA, Congress can limit debate and prohibit the attachment of amendments to either the TPP or TTIP when they are brought up for a vote. Furthermore, TPA lowers the threshold necessary for passage to a simple majority (50 percent plus one) of voting senators. If brought up in a lame duck session, Ayotte is considered a favorable vote to advance Obama's so-called free-trade agenda. The TPP and TTIP are not "trade" agreements in the traditional meaning of the word, but rather schemes to establish regional economic unions patterned after the European Union. More honestly called a Trans-Pacific Union and Transatlantic Union, both the TPP the TTIP would undermine U.S. sovereignty.

While certainly not all of her votes have been against the Constitution, those outlined above are but some of the most glaring examples of why Senator Ayotte cannot be regarded as a constitutionalist. It is because of Republicans like her that even when the Democratic Party is voted out of power, their liberal, unconstitutional, big-government agenda proceeds unfettered. Her present inconstancy to constitutional principles, which initially propelled her into office, leaves little wonder why she is currently struggling in her bid for reelection.

*Photo of Sen. Ayotte: AP Images*





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