



# EAGLE FORUM NEWS

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## *What Happened in the 111<sup>th</sup> Congress?*

With Democrats' overwhelming majorities in both the House and Senate (256-187 in the House, and 55-58 to 39-41 in the Senate), it was essential to inform the grassroots about the many fronts on which Congress was helping President Barack Obama fulfill his campaign promise to "fundamentally transform the United States." Great damage was done, but the speed and intensity with which the liberals attempted to move the country toward Socialism provoked grassroots activists to take action and inspired many Americans who had never been involved in the political process to get involved.

The grassroots' impact in stopping the Obama/Reid/Pelosi agenda can not be overestimated. Even though legislation — including bank and industry bailouts; takeovers of the automobile, student loan, and health care industries; and massive spending legislation like the so-called "stimulus" and the 2009 Omnibus budget — were enacted into law, grassroots involvement raised awareness about these efforts. This grassroots involvement resulted in historic Democrat losses in the 2010 elections.

The grassroots' efforts also stopped potentially devastating aspects of the Obama/Reid/Pelosi agenda like "Card Check," which would have done away with secret ballots for workers when deciding whether to unionize; Cap and Trade, which narrowly passed the House of Representatives in the summer of 2009, but by all accounts is dead in the Senate; and stopped radical nominees like White House nominee for the Office of Legal Counsel Dawn Johns, a radical pro-abortion activist who made such outlandish statements as referring to women as "fetal containers," and likening pregnancy to slavery.

With Eagle Forum helping to lead the charge, the grassroots "did the impossible" by challenging — and in some cases stopping — a radical liberal agenda, despite the Democrats' overwhelming majorities in both houses. We need your help, as we must continue this fight!

The following report is an overview of the battles in which Eagle Forum was involved throughout the 111<sup>th</sup> Congress. Many of the vote counts fell along party lines, but we have listed the Republicans who voted the wrong way and Democrats who voted the right way on these issues to assist grassroots activists in future activism.

### Health Care

#### *Children's Health Insurance Reauthorization Act (known as "S-CHIP" or "CHIP") (H.R. 2)*

The Children's Health Insurance Reauthorization Act of 2009, H.R. 2, was the Democrats' first step towards its ultimate goal of massively expanding the federal government's role in health care at American taxpayers' expense. H.R. 2 called for a direct federal spending increase of over \$32.3 billion beyond the current levels over the next five years, and allowed for a 156% price hike on the price of tobacco, amounting to an additional 61 cent charge per pack of tobacco products.

H.R. 2 also eliminated the requirement in current law that states verify the identity of Medicaid and S-CHIP applicants and it severely weakened states' ability to verify that SCHIP applicants' U.S. citizenship by prohibiting states from asking for applicants' Social Security Number as proof of U.S. citizenship. H.R. 2 also removed the requirement that new, legal immigrants wait five years before becoming eligible to receive federal benefits.

The Senate passed the bill on January 29, 2009 by a vote of 66-32. Republicans voting YES: Alexander, Collins, Corker, Hutchison, Lugar, Martinez, Murkowski, Snowe, Specter. No Democrats voted NO.

The House passed the bill on February 4, 2009 by a vote of 290-135. Republicans voting YES: Austria; Bono Mack; Buchanan; Cao; Capito; Castle; Dent; Diaz-Balart, L.; Diaz-Balart, M.; Ehlers; Emerson; Frelinghuysen; Gerlach; King (NY); Kirk; Lance; LaTourette; Lee (NY); LoBiondo; McCotter; McHugh; Miller (MI); Moran (KS); Murphy, Tim; Paulsen; Petri; Platts; Rehberg; Reichert; Rogers (AL); Ros-Lehtinen; Simpson; Smith (NJ); Thompson (PA); Tiberi; Turner; Upton; Wolf; Young (AK); Young (FL). Democrats voting NO: Bright; Marshall.

President Obama signed the bill into law on February 4, 2009.

## **Comprehensive Health Care Legislation**

*Affordable Health Care for America Act (H.R. 3962), Patient Protection and Affordable Care Act (H.R. 3590)*

The House passed the Affordable Health Care for America Act (H.R. 3962) in November 2009. The Senate, however, did not pass the bill; instead, it passed an alternative plan discussed below. Eagle Forum opposed H.R. 3962 because it:

- Provided for a “health care czar” called the Health Choices Commissioner, who could forcibly enroll individuals in government-run insurance and whose tasks would include requiring random compliance audits on Americans’ health benefits plans. (*Sec. 223, 241*).
- Allowed for “community organizations” like ACORN to assist the Health Choices Commissioner in enrolling individuals in the Health Insurance Exchange. (*Sec. 305*)
- Encouraged identity fraud for illegal immigrants seeking to gain taxpayer-subsidized health benefits through inadequate citizenship and legal status verification standards. *Page 255, Section 345 of H.R. 3962*
- Included language requiring verification of income for individuals wishing to receive federal health care subsidies (and while the bill did include a requirement for applicants to verify their citizenship, it did not include a similar requirement to verify that person’s identity—a key component of effective verification).
- Provided for 13 new and different tax *increases*, including an employer mandate excise tax of 8% of wages. (*Sec. 512*)
- “Grandfathered” out of existence individual health insurance coverage. (*Sec. 202*)
- Retained the “death panels” by providing for bureaucrats working for a new comparative effectiveness institute funded by a tax on health benefits (the institute could publish protocols needed to deny patients access to life-saving treatments on cost grounds).
- Contained no ban on federal promotion of assisted suicide and/or rationing of health care treatments.
- Facilitated leftist, social engineering policies such as rewriting current tax law to allow domestic partners to be treated as “spouses.”
- Retained mandates on both individuals and employers, requiring that they purchase health insurance or face financial penalties (compliance with this mandate would have been enforced by the IRS). (*Sec. 7201, 7203*)
- Imposed a 2.5% tax on an individual’s modified adjusted gross income if they fail to purchase “acceptable” health care coverage. (*Sec. 501*)
- Failed to hold Members of Congress to the same health care system requirements that Americans would have to live by under the public health insurance option. (*Sec. 330*)
- Slashed Medicare payments to providers by more than \$400 billion.
- Created dozens of new bureaucracies (118 to be exact) including the Health Benefits Advisory Committee and the Health Choices Administration.
- Authorized Medicare to pay doctors for providing advice to patients on end-of-life care.

- Considered individuals to be treated as “children” up to the age of 26 for the purpose of remaining on their parents’ insurance plan.
- Imposed an excise tax on medical devices.
- Cut \$170 billion from the Medicare Advantage program.
- Instituted \$729.5 billion in job-killing tax increases on all Americans, fines those who can’t afford to purchase government-forced insurance, and cripples businesses by taxing health benefits.
- Allowed for federal funding for abortion
- Allowed illegal aliens access to federal health benefits.

The Stupak-Pitts amendment to H.R. 3962, which sought to prohibit public funding from being used to pay for abortions and solidified conscience protections for medical workers was adopted by a vote of 240-194.

Democrats who voted YES on Stupak Pitts include: Altmire, Baca, Barrow, Berry, Bishop (GA), Boccieri, Boren, Bright, Carney, Chandler, Childers, Cooper, Costa, Costello, Cuellar, Dahlkemper, Davis (AL), Davis (TN), Donnelly (IN), Doyle, Driehaus, Ellsworth, Etheridge, Gordon (TN), Griffith, Hill, Holden, Kanjorski, Kaptur, Kildee, Langevin, Lipinski, Lynch, Marshall, Matheson, McIntyre, Melancon, Michaud, Mollohan, Murtha, Neal (MA), Oberstar, Obey, Ortiz, Perriello, Peterson, Pomeroy, Rahall, Reyes, Rodriguez, Ross, Ryan (OH), Salazar, Shuler, Skelton, Snyder, Space, Spratt, Stupak, Tanner, Taylor, Teague, Wilson (OH).

All Republicans voted YES except John Shadegg, who voted PRESENT.

The House passed the bill on November 7, 2009 by a vote of 220-215. The only Republican who voted YES was Louisiana Representative Joseph Cao.

The Senate, however, passed an alternative plan — the Patient Protection and Affordable Care Act (H.R. 3590) — on Christmas Eve, the last day of the 2009 session. All Republicans voted NO, all Democrats voted YES.

The Senate’s version of the bill, H.R. 3590, the Patient Protection and Affordable Care Act, does not contain the Stupak Pitts Amendment and allows the federal government to directly fund abortion. Senators Orrin Hatch (UT) and Ben Nelson (NE) offered an amendment that would have codified the Hyde Amendment to limit federal funding from being used for abortion services. The Nelson-Hatch amendment (#2962) was defeated on December 8, 2009 by a vote of 54-45.

Because the House and Senate bills contained different provisions, the measure had to go back to the Senate floor. In the meantime, Massachusetts held a special election to fill the Senate vacancy created by Senator Ted Kennedy’s death. Republican Scott Brown won the January 19, 2010 special election largely because of his promise to be the 41<sup>st</sup> vote against the health care bill. Brown’s victory prompted Senate Majority Leader Harry Reid to break his oft-repeated promise not to use reconciliation, a procedural process reserved for breaking gridlock on budget matters that requires only a majority vote, not a typical 60 vote threshold, to pass the health care bill.

All hopes of stopping the massive government health care takeover were pinned on Michigan Democrat Bart Stupak and the group of pro-life Democrat Members of Congress he led in the fight to block the reconciled bill in the House of Representatives unless sufficient language was added to prevent the bill from funding abortions. Ultimately, Stupak, and a sufficient number of his so-called pro-life Democrat caucus caved to pressure from President Obama and Nancy Pelosi, and the measure passed by a vote of 220-211.

All Republicans and 34 Democrats voted NO on the bill. Democrats who voted NO include: Adler (NJ), Altmire, Arcuri, Barrow, Berry, Boren, Boucher, Bright, Chandler, Childers, Cooper, Davis (AL), Davis (TN), Edwards (TX), Herseth Sandlin, Holden, Kissell, Kratovil, Marshall, Matheson, McIntyre, McMahan, Melancon, Minnick, Nye, Peterson, Ross, Shuler, Skelton, Space, Tanner, Taylor, Teague.

## Cap and Trade

### ***Waxman-Markey American Clean Energy and Security Act, H.R. 2454***

The American Clean Energy and Security Act would have instituted a “cap-and-trade” system to combat so-called “global warming.” Under the system, the government would set a national cap on carbon emissions. Companies would be required to purchase permits for the emissions they are allowed, and then purchase or trade additional permits if their emission levels exceed the amount allowed by their initial permits.

Eagle Forum opposed the bill because such plans effectively implement a “national energy tax,” forcing companies to pay for carbon emissions that they currently emit for free. This national energy tax would drastically increase companies’ cost of doing business, and the cost would be passed along to every American in the form of higher prices.

The House narrowly passed H.R. 2454 on June 26, 2009 by a vote of 219-212. Republicans voting YES: Bono Mack, Castle, Kirk, Lance, LoBiondo, McHugh, Reichert, and Smith (NJ). Democrats voting NO: Altmire, Arcuri, Barrow, Berry, Boren, Bright, Carney, Childers, Costa, Costello, Dahlkemper, Davis (AL), Davis (TN), DeFazio, Donnelly (IN), Edwards (TX), Ellsworth, Foster, Griffith, Herseth Sandlin, Holden, Kirkpatrick (AZ), Kissell, Kucinich, Marshall, Massa, Matheson, McIntyre, Melancon, Minnick, Mitchell, Molloy, Nye, Ortiz, Pomeroy, Rahall, Rodriguez, Ross, Salazar, Stark, Tanner, Taylor, Visclosky, Wilson (OH).

The Senate did not approve the bill.

## Nominations

### ***Executive***

#### **Dawn Johnsen -Nominee for Assistant Attorney General to the Office of Legal Counsel**

President Obama nominated Dawn Johnsen, Indiana University Constitutional Law professor and former Legal Director of the National Abortion Rights Action League, to run the Office of Legal Counsel, where she served as a deputy director during the Clinton Administration. Johnsen is well known for her extreme views on abortion.

In addition to serving as Legal Director for NARAL, Johnsen served as Staff Counsel to the far left American Civil Liberties Union’s (ACLU) “Reproductive Freedom Project,” where she received attention for her comments on the ACLU’s position on abortion: “Our position is that there is no ‘father’ and no ‘child’ — just a fetus.” In *Webster v. Reproductive Health Services*, Johnson co-authored a brief on behalf of seventy-seven feminist organizations in which she stated, “Legal abortion remains safer than childbirth.” Johnsen called the long-standing Hyde Amendment, which prohibits federal funding of abortion, “callous” and “discriminatory,” and she has compared restrictions on abortion to violations of the Thirteenth Amendment, which prohibits slavery and involuntary servitude.

In addition to her radical views on abortion, Johnsen is known for advocating a “pre-9/11” approach to national security. She was a vocal critic of the Bush Administration’s policies regarding the treatment of enemy combatants.

Although Johnsen’s nomination passed out of the Senate Judiciary Committee on March 9, 2009 on a party line basis (with then-Republican Senator Arlen Specter voting against her), pro-life grassroots opposition to Johnsen was so intense that her nomination never came to the Senate floor. Instead, on December 24, 2009, the Senate sent her nomination back to the White House.

President Obama ignored the controversy surrounding Johnsen and promptly re-nominated her. However, on April 9, 2010, Johnsen withdrew her name from consideration.

## **David Ogden - Deputy Attorney General**

Eagle Forum opposed David Ogden as President Obama's nominee for Deputy Attorney General because of Ogden's radical liberal views, which are far left of mainstream America. Ogden is a strong abortion proponent, has worked to protect pornographers, and believes the U.S. Constitution should be interpreted in light of international law and U.N. statements.

Ogden argued in amicus briefs that abortion has no detrimental impact on women, and began his career as a law clerk to Supreme Court Justice Harry Blackmun, the Justice who wrote the majority opinion in *Roe v. Wade*. Ogden also argued radically pro-abortion positions on behalf of the National Organization for Women, the American Psychological Association, People for the American Way, and other liberal groups, arguing against parental notification, spousal notification, and limits on Title X fund recipients. Throughout his legal career, he worked on behalf of pornography distributors such as Playboy and Penthouse Magazine, and in a brief filed before the Supreme Court, Ogden argued against filter systems that block pornography, in favor of "unfettered Internet access" at public libraries — even for children.

The Senate confirmed Ogden on March 12, 2009 by a vote of 65-28. Republicans voting YES: Alexander, Bond, Collins, Graham, Gregg, Kyl, Lugar, McCain, Snowe, Specter, and Voinovich. Democrats voting NO: Casey.

## **Elena Kagan - Solicitor General**

Eagle Forum opposed Elena Kagan as President Obama's nominee for Solicitor General because she lacked experience as a litigator, held radical anti-military views, and had strong ties to abortion advocacy organizations. Additionally, it was well known that President Obama was grooming Kagan to be a Supreme Court nominee.

Prior to her nomination, Kagan had never argued a case before the Supreme Court or any other appellate court, so it was doubtful that she was the most qualified candidate to be the Federal Government's primary Supreme Court litigator. As Dean of Harvard Law School, Kagan barred military recruiters from campus, and called the military's recruiting policy "a profound wrong," and "a moral injustice of the first order." Kagan fought intensely at the Third Circuit Court of Appeals and at the Supreme Court of the United States to overturn the Solomon Amendment, which allows federal grants to be denied to "institutions of higher education that prevent ROTC access or military recruiting on campus." The Solomon Amendment is necessary because of elitists like Kagan, who have a practice of excluding these groups from campuses.

A far cry from being a constitutionalist who respects the original intent of our Founding Fathers, Kagan supports the use of foreign law to interpret the U.S. Constitution, and has expressed admiration for activist judges who have worked to advance social policy rather than impartially interpret the law.

The Senate confirmed Kagan as Solicitor General on March 19, 2009 by a vote of 61-31. Republicans voting YES: Coburn, Collins, Gregg, Hatch, Kyl, Lugar, Snowe. No Democrats voted NO.

## **Harold Koh – Legal Advisor to the State Department**

Eagle Forum opposed Harold Koh as President Obama's nominee for the chief legal position at the State Department because as a self-proclaimed transnationalist, Koh intends to change the U.S. Constitution without obtaining the approval of the American people through the amendment or legislative process. He aims to use international and foreign law to interpret American law, making such outside law binding in America and depriving American citizens of their constitutional rights. He is so radical in his push to apply customary international law to U.S. law, that he has stated that the invasion of Iraq violated international law and thus, *the Senators who voted for the war have themselves participated in war crimes.*

Koh wants to use self-executing treaties to limit America's sovereignty, and believes that even if the U.S. rejects the terms of a treaty, the treaty still can be enforced against us. For example, the United States has not ratified a number of dangerous United Nations Treaties — the *UN Convention on the Rights of the Child* (which **attacks parents' rights**), the *UN Convention on the Elimination of All Forms of Discrimination Against Women* (which **imposes the radical feminist agenda internationally**), and the *UN Convention on the Law of the Sea* (which **severely diminishes the sovereignty of the U.S. and its control over its own waters**) — but under the leadership and advise of Koh, the State Department would see to it that the U.S. adheres to the terms of those highly problematic, unratified treaties.

Eagle Forum opposed Koh because it certainly does not want to import law through unratified international treaties or corrupt foreign countries that recognize polygamy, arranged marriages between cousins, so-called “honor killings” of women who reject such arrangements, cutting off hands as punishment for theft, stoning women to death as punishment for adultery, and prohibiting the private ownership of guns.

The Senate confirmed Koh on June 25, 2009 by a vote of 62-35. Republicans voting YES: Collins, Lugar, Martinez, Snowe, and Voinovich. No Democrats voted NO.

## **Judicial**

### **Sonia Sotomayor – U.S. Supreme Court Justice**

Eagle Forum opposed Sonia Sotomayor as President Obama's nominee to fill retiring Justice David Souter's seat on the U.S. Supreme Court because of Sotomayor's willingness to expand constitutional rights beyond the text of the Constitution. Additionally troubling was Sotomayor's vision of judges as policy makers, instead of strict interpreters of the rule of law. She actually once said that policy is made in the U.S. Courts of Appeals.

Sotomayor believes it is permissible for a judge's individual life experiences to dictate her decisions on the bench, instead of requiring that such decisions be controlled by the rule of law. As an appellate judge, Sotomayor summarized her view in the following way: “I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life. . . . Personal experiences affect the facts that judges choose to see.”

The Senate confirmed Sotomayor on August 6, 2009 by a vote of 68-31. Republicans voting YES: Alexander, Bond, Collins, Graham, Gregg, Lugar, Martinez, Snowe, and Voinovich. Republican Pat Toomey, then a candidate for U.S. Senator, said he would vote YES. No Democrats voted NO.

### **Elena Kagan – U.S. Supreme Court Justice**

Eagle Forum opposed Elena Kagan as President Obama's nominee to fill retiring Justice John Paul Stevens' seat on the U.S. Supreme Court because Kagan possessed limited judicial experience, and fit comfortably into President Obama's plan to “break free from our Constitution” and “fundamentally transform” America. At the time of her nomination, Kagan had never decided a case, and had argued only six cases before the U.S. Supreme Court in her role as Solicitor General.

As mentioned in the section above pertaining to her nomination as Solicitor General, when Kagan was Dean of Harvard Law School, she excluded military recruiters from the school's Office of Career Services, and expressed “regret” when she was forced to lift the ban. She also joined a brief submitted to the Supreme Court that attempted to obtain a constitutional right for schools to exclude military recruiters.

Kagan openly supports the use of foreign law to interpret the U.S. Constitution, and has expressed admiration for activist judges who have worked to advance social policy rather than impartially interpret the law.

In an article that Kagan wrote in 1995, she argued strongly that judicial nominees should answer Senators' questions during confirmation hearings, stating, "When the Senate ceases to engage nominees in meaningful discussion of legal issues, the confirmation process takes on an air of vacuity and farce." Kagan did not, however, apply the same standard to her own confirmation hearing. Instead, she refused to answer Senators' questions about whether she believed the Supreme Court decided correctly when it struck down the District of Columbia's handgun ban and ruled that the death penalty was inappropriate in a Louisiana child rape case.

The Senate confirmed Kagan on August 5, 2010 by a vote of 63-37. Republicans voting YES: Collins, Graham, Gregg, Lugar, Snowe. Democrats voting NO: Nelson.

### **David Hamilton – Judge for 7<sup>th</sup> Circuit Court of Appeals**

Eagle Forum opposed David Hamilton as President Obama's nominee to the Seventh Circuit Court of Appeals because of his radical interpretation of the liberal dogma of the separation of church and state. As a District Court Judge, Hamilton prohibited the Speaker of Indiana's House of Representatives from allowing "sectarian" prayers. Hamilton ruled that using "Christ's name or title" is sectarian, but that it is not sectarian for a Muslim imam to offer a prayer to Allah.

Earlier in his career, Hamilton was a fundraiser for ACORN and a leader of the Indiana chapter of the ACLU.

The Senate confirmed Hamilton on November 19, 2009 by a vote of 59-39. Republicans voting YES: Lugar. No Democrats voted NO.

### **Czars**

During President Obama's time in office, his appointment of numerous czars has been consistently troubling. Eagle Forum opposes the un-American notion of running the country through Russian-style czars who are empowered to issue edicts that carry the weight of law but are not produced through the legislative process. The czars have broad power, and are not accountable to the American people.

If President Obama's practice of appointing czars to run the country were not troubling enough, some of his appointees are alarming in their own right. A few of Obama's most troubling czars include the following:

#### **Car Czar – Steve Rattner**

Steve Rattner was a top executive involved in an illegal kickback scheme between his company and New York state's pension fund, according to an SEC complaint. Rattner arranged for a \$1.1 million kickback to political consultant Hank Morris, in exchange for Morris arranging for the state's pension fund to invest in Rattner's company. Rattner was also a top Democratic fundraiser.

#### **Health Czar – Donald Berwick**

Donald Berwick was appointed the top administrator over Medicare and Medicaid. The life-and-death powers he will exercise, the huge sums of taxpayers' money he will direct, and the dishonest way Obama evaded the Senate's constitutional right to interrogate and reject him, make this the most shocking of all Obama's appointments. Czar Berwick is on record as saying, "Excellent health care is by definition redistributive." He used this favorite Obama term in the context of praising Britain's socialized medicine system as "a global treasure" and "I love it." Berwick admits that redistributing health care means rationing health care, which is why he has been called a one-man Death Panel. Last year he admitted in an interview, "The decision is not whether or not we will ration care — the decision is whether we will ration with our eyes open."

## **Regulatory Czar – Cass Sunstein**

Cass Sunstein is troubling on multiple accounts. In his 2008 book, Sunstein wrote that the government “owns the rights to body parts of people who are dead or in certain hopeless conditions, and it can remove their organs without asking anyone’s permission.” He believes in limiting free speech for the “common good,” and does not believe that the Constitution protects commercial advertising. Sunstein also believes that animals are entitled to have lawyers to sue humans in court, and he has proposed that marriage no longer receive any government recognition.

## **Safe Schools Czar – Kevin Jennings**

Kevin Jennings founded the Gay, Lesbian, Straight Education Network (GLSEN), a homosexual activist group that now has thousands of chapters at high schools across the nation. GLSEN chapters and materials have promoted sex between young teens and adults and sponsored “field trips” to gay pride parades. Jennings was the keynote speaker at a notorious GLSEN conference at Tufts University in 2000 at which HIV/AIDS coordinators discussed in detail, before an audience including area high school students, how to perform various homosexual acts. After Jennings’ appointment, fifty-three members of the U.S. House of Representatives sent a letter to President Obama, asking for Jennings’ removal. The letter listed numerous concerns, including Jennings’ failure to report an instance of pedophilia, which a student revealed to him while Jennings was a teacher; his “integral role in promoting homosexuality and pushing a pro-homosexual agenda in America’s schools;” and his “use of illegal drugs without expressing regret or acknowledging the devastating effect illegal drug use can have.”

## **Science Czar – John Holdren**

John Holdren has promoted population control through forced sterilization, forced abortion, and adding sterilization agents to drinking water.

## **Spending**

### **So-Called “Stimulus”**

Eagle Forum opposed the so-called “stimulus,” the American Reinvestment and Recovery Act, H.R. 1, because it was a nearly 1,500-page spending bill chock full of paybacks to liberal interests. We focused our opposition to the bill on the fact that it laid the groundwork for Obamacare. The spending bill paved the way for rationed health care by establishing a federal database to track every American’s medical records. The Bill also created a new bureaucracy, the National Coordinator of Health Information Technology, which sets the stage for the government to track treatments of every American in order to ensure that your medical procedures are deemed “cost effective” to the federal government. And, the Bill imposes penalties on hospitals and doctors that are not “meaningful users,” meaning that those who do not abide by the mandates will be penalized.

The silver lining on the dark cloud of the massive spending bill is that House Republican leadership worked very hard and managed to keep Republicans united. Not a single Republican voted for the Bill.

Democrats who voted against the Stimulus include: Boyd, Bright, Cooper, Ellsworth, Griffith (Parker Griffith, AL-5, was a Democrat when he voted against the Stimulus. He later switched to the Republican Party.), Kanjorski, Kratovil, Minnick, Peterson, Shuler, Taylor.

The bill passed the Senate when three Republicans, Maine Senators Snowe and Collins and then still-Republican Pennsylvania Senator Arlen Specter voted for it.



## Budget

### **Omnibus Appropriations Act, 2009, H.R. 1105**

Eagle Forum opposed the 2009 Omnibus Appropriations Act because it went well beyond simply funding necessary government expenditures. Instead, the measure recklessly allocated billions of dollars to pet projects, and provided a second helping of pork to many projects that were already grossly overfunded in the “stimulus,” including the following:

- \$50 million — in addition to the \$1.1 billion already allocated in the “stimulus” — to institute “Comparative Effectiveness Research,” which lays the groundwork for nationalized and rationed healthcare
- \$155 million for the National Endowment for the Arts — in addition to the \$50 million already provided to the agency in the “stimulus” bill
- \$3.13 billion for the controversial 2010 Census, which received \$1 billion from the “stimulus”
- \$31 million in additional funding for the Capitol Visitor Center, which is already more than \$300 million over budget

We also opposed the wasteful spending and numerous earmarks for left-wing interests, including:

- \$20 million to reimburse state and local governments, and \$39 million to D.C., for costs associated with the 2009 Presidential inauguration
- \$181 million for housing counseling, which will go to groups like ACORN
- \$950,000 for a National Council of La Raza loan fund, for “community development activities”
- \$76 million for computers in the West Wing
- \$7 million for “Environmental Justice” programs

The bill also instituted anti-life and other liberal policies by providing \$545 million for international family planning; by requiring funding for the U.N. Family Planning Fund, which promotes coercive abortion practices; and by gutting abstinence education funding. The bill provided windfall profits for already federally funded family planning facilities like Planned Parenthood by securing them “nominal pricing” for birth control pharmaceuticals, including “Plan B.” It also removed protections against reimplementing of the “fairness doctrine,” and urged the Office of Personnel Management to “consider” federal health benefits for same-sex domestic partners of federal employees.

The House passed H.R. 1105 on February 25, 2009 by a vote of 245-178. Republicans voting YES: Bono Mack; Brown-Waite, Ginny; Cao; Capito; Castle; Dent; Emerson; Gerlach; LoBiondo; McHugh; Miller (MI); Murphy, Tim; Reichert; Upton; Whitfield; Young (AK). Democrats voting NO: Bean; Cardoza; Childers; Cooper; Costa; Donnelly (IN); Driehaus; Giffords; Hill; Kind; Kratovil; Marshall; Matheson; Minnick; Mitchell; Nye; Peterson; Speier; Tanner; Taylor.

The Senate passed H.R. 1105 on March 10, 2009 by a voice vote.

President Obama signed the bill into law on March 11, 2009.

### **Consolidated Appropriations Act, 2010, H.R. 3288**

Eagle Forum opposed the Consolidated Appropriations Act because it eliminated the long-standing Dornan Amendment, which until that time had effectively banned both federal and local tax dollars from being used to fund abortion in the District of Columbia.

The language of the bill lifted the restriction on local D.C. funds being used to pay for abortions in the District; and since Congress appropriates all federal and local taxpayer dollars that D.C. receives, the language basically facilitated federal taxpayer funding of abortion.

Eagle Forum also opposed the bill because it

- Allowed local D.C. funds to be used for needle exchanges;
- Facilitated the elimination of the D.C. Opportunity Scholarship program;
- Eliminated the long-standing prohibitions on the use of federal funds for a D.C. employee health benefits program for domestic partners;
- Eliminated funding for abstinence education and replaced it with a \$110 million program likely to be directed to condom promotion education;
- Provided \$317.5 million for Title X family planning funds, a majority of which will go to the scandal-ridden Planned Parenthood;
- Increased funding for international family planning by \$103 million over the previous year's level. Eagle Forum strongly objected to the increase, since such funds are no longer protected by the Mexico City Policy, which previously had prevented such funds from going to organizations that perform or promote abortions.

The House passed H.R. 3288 on December 10, 2009 by a vote of 221-202, with 1 voting present. No Republicans voted YES. Democrats voting NO: Adler (NJ), Baird, Boren, Bright, Carney, Childers, Costello, Dahlkemper, Donnelly (IN), Driehaus, Ellsworth, Gordon (TN), Kind, Kratovil, Kucinich, Lipinski, Marshall, Matheson, Melancon, Minnick, Mitchell, Owens, Peterson, Shuler, Skelton, Stupak, Tanner, Taylor. Democrats voting PRESENT: Corrine Brown.

The Senate passed H.R. 3288 on December 13, 2009 by a vote of 57-35. Republicans voting YES: Cochran, Collins, Shelby. Democrats voting NO: Bayh, Feingold, McCaskill.

President Obama signed the bill into law on December 16, 2009.

### **Federal Employees Paid Parental Leave Act of 2009, H.R. 626**

The Federal Employees Paid Parental Leave Act would allow liberal legislators to take credit for providing federal workers with four weeks of paid parental leave taken at their discretion, and would impose the cost on private sector employee taxpayers. Contrary to claims that the measure “[would] not cost taxpayers a dime,” the CBO has estimated that the cost of the new entitlement would exceed \$938 million over the first five years.

Federal employees already enjoy generous benefits packages and enviable job security. Eagle Forum opposed the bill because, at a time when unemployment rates were at a seven-year high, it would have been unconscionable to impose an additional burden on taxpayers to provide federal employees with four weeks of paid leave.

The House passed H.R. 626 on June 4, 2009 by a vote of 258-154, with 1 voting present. Republicans voting YES: Buyer; Cao; Capito; Castle; Diaz-Balart, L.; Diaz-Balart, M.; Fortenberry; Johnson (IL); Kirk; Lance; LaTourette; LoBiondo; McHugh; Murphy, Tim; Platts; Reichert; Rogers (AL); Ros-Lehtinen; Smith (NJ); Smith (TX); Turner; Upton; Wittman; Wolf. Democrats voting NO: Kanjorski; Kosmas; Minnick; Schrader; Stupak.

The Senate did not consider the matter.

## Feminist Pork

### **Lilly Ledbetter Fair Pay Act, S. 181**

The Lilly Ledbetter Fair Pay Act was the first bill that President Obama signed into law. Eagle Forum opposed the bill because it effectively eliminated time limits on filing employment discrimination claims, encouraging the filing of frivolous lawsuits. By dismantling a forty-year-old statute of limitation provided in Title VII of the 1964 Civil Rights Act, which required the timely filing of discrimination charges, the new law leaves the door wide open for discrimination claims alleging injustices that occurred ten, twenty, or even more years prior.

The Senate passed S. 181, the final version of the bill, on January 22, 2009 by a vote of 61-36. Republicans voting YES: Collins, Hutchison, Murkowski, Snowe, Specter. No Democrats voted no.

The House passed S. 181 on January 27, 2009 by a vote of 250-177. Republicans voting YES: Lance, Smith (NJ), Whitfield. Democrats voting NO: Boren, Boyd, Bright, Childers, Griffith.

President Obama signed the bill into law on January 29, 2009.

### **Paycheck Fairness Act, S. 3772**

Eagle Forum opposed the Paycheck Fairness Act because it presumed wage discrimination against women and exposed employers to unlimited compensatory and punitive damages, even when there is no proof that they intended to discriminate. The bill — a feminist’s dream come true — would have instituted a “comparable worth scheme,” which would have required that an employee’s compensation level be based on her “worth,” instead of on concrete factors like her education, experience, time in the work force, and hours worked per week. The Paycheck Fairness Act would not have ensured equal pay for equal work for men and women, something that is already required under the Equal Pay Act of 1963.

The House passed the Paycheck Fairness Act as H.R. 12 early during the 111<sup>th</sup> Congress, but the Senate did not pass it.

Sen. Harry Reid reintroduced the Paycheck Fairness Act as S. 3772 in September of 2010, but thanks to the action taken by grassroots activists, cloture was not invoked on the motion to proceed. The motion, which required 60 votes to pass, failed by a vote of 58-41 on November 17, 2010. All Republicans voted NO. Democrats voting NO: Nelson.

## Immigration

### **Sen. Vitter’s Amendment to the Hiring Incentives to Restore Employment Act, H.R. 2847**

Eagle Forum supported Amendment #2644, Sen. Vitter’s amendment to H.R. 2847. The amendment addressed the issue of non-citizens being counted in the U.S. Census, and would have prohibited any funds in H.R. 2847 from being used for the census if the census form did not include a citizenship and legal-status question.

Nothing in the Vitter amendment interfered with the census being used to count both citizens and non-citizens. It simply required that the census form include *an additional question* addressing the legal status of those being counted. The amendment was an appropriate and necessary change to H.R. 2847 because in 2010, for the first time ever, the Census Bureau’s census form lacked the simple question: *Are you a citizen of the United States of America?*

The Vitter amendment was ruled non-germane to H.R. 2847, and was therefore not included in the final version of the bill.

### **Sen. Sessions’ Amendment to the Omnibus Appropriations Act of 2009, H.R. 1105**

Eagle Forum supported Amendment # 604, Sen. Sessions’ amendment to the Omnibus Appropriations Act, which would have reauthorized the E-Verify program for five years. H.R. 1105 contained a provision to temporarily reauthorize the program, but Eagle Forum believed that brief extension was inadequate.

E-Verify is the highly effective web-based, workplace verification system run by the Department of Homeland Security and the Social Security Administration. The program quickly determines the authenticity of the personal information and credentials offered by potential new employees. It is inexpensive for employers to use, and is in wide use. Currently, one out of every ten new hires in the United States is screened through the system. Because E-Verify is so accurate in verifying potential new hires, the program's opponents have not been able to find a single instance in which legal U.S. citizens have lost their jobs due to an E-Verify error.

At a time when U.S. unemployment had reached record levels, Eagle Forum believed that long-term reauthorization of E-Verify was vital in ensuring that newly created jobs were going to American citizens, and not to illegal aliens.

The Sessions amendment was not included in the final version of the bill.

### **Sen. Coburn's Amendment to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, H.R. 2996**

Eagle Forum supported Amendment #2523, Sen. Coburn's amendment to H.R. 2996, which prohibits funds in the bill from being used for activities that would interfere with the Department of Homeland Security's progress on the border fence between the U.S. and Mexico. It also prohibits such funds from being used for activities that would prevent the enforcement of U.S. law — including immigration law — on public lands near the border.

Restrictions on the enforcement of existing law endanger U.S. border guards, and the increased illegal activity that results from reduced law enforcement has led to adverse impacts on the affected public lands, including contamination of pristine areas with bio-hazardous waste and communicable diseases, contamination of water supplies for animals and local ranchers, and an increase in wildfires.

Eagle Forum supported the Coburn amendment because it was a common-sense step in America's fight against illegal drug and human trade, helped to secure our border, and helped to restore wilderness areas that border Mexico.

The Senate approved the amendment by unanimous consent, so it became law when H.R. 2996 was signed by President Obama on October 30, 2009.

### **President Obama's White House Takes Control of the U.S. Census**

Historically, the Commerce Department has conducted the U.S. census every ten years. The results of the census have significant impact, as they affect the way congressional districts are redrawn, the composition of the Electoral College, and the way federal funds are distributed. However, just after President Obama took office, he moved operation of the census into the White House, to be overseen by Rahm Emanuel. Obama made this change in operation after he nominated Republican U.S. Senator Judd Gregg to be his commerce secretary.

This move was especially troubling, since crucial determinations are made on the basis of the U.S. census — a supposedly apolitical process. The administrator of the U.S. census has significant power over America's representative form of government, since each state's participation in the Electoral College, which elects the President, and each state's number of members in the House of Representatives are based on the census results. Control of this crucial procedure never should have been given to the highly-political White House Chief of Staff, Rahm Emanuel.

## **DREAM Act**

One of the major conservative victories in the 111<sup>th</sup> Congress was the grassroots' ability to put sufficient pressure on liberal Republicans and Red state Democrats to stop the DREAM Act, the Development, Relief and Education for Alien Minors Act, which would have facilitated a back door route to amnesty for potentially millions of illegal immigrants.

While the DREAM Act was characterized as a plan that would allow innocent “children” brought into the U.S. illegally to obtain legal status and a path to citizenship, if they complete educational requirements or a specified length of military service, the Act was fraught with loopholes and insufficient validation requirements that would have invited abuse.

The Act was introduced in both the House and Senate on March 26, 2009 after having been defeated through a Senate filibuster in 2007. In 2010, a new version of the bill, S.3992, which addressed some of the concerns that had been voiced about the bill, was introduced in the Senate.

The first Senate vote on the Act came on September 21, 2010, when the Act was incorporated into the National Defense Authorization Act for the Fiscal Year 2011, along with the repeal of the ban on homosexuals openly serving in the military and the ban on abortions on military facilities. The cloture vote on the controversy-packed bill failed in a 56-43 vote, with all Republicans and two democrats, Mark Pryor of Arkansas and Harry Reid voting NO. Reid switched his YES vote to NO for procedural reasons. That allowed him the option to bring the Act to a vote again.

The House of Representatives passed the DREAM Act along mostly partisan lines in December, 2010, with 38 Democrats voting against the bill and 8 Republicans supporting it.

Democrats voting NO: Altmire, Arcuri, Baird, Barrow, Boccieri, Boren, Boucher, Bright, Carney, Chandler, Childers, Costello, Critz, Dahlkemper, Donnelly (IN), Ellsworth, Higgins, Holden, Kanjorski, Kaptur, Kissell, Kratovil, Lipinski, Matheson, McIntyre, Murphy (Patrick), Nye, Owens, Peterson, Rahall, Ross, Schrader, Shuler, Space, Stupak, Taylor, Visclosky, Wilson (OH)

Republicans voting YES: Cao, Castle, Diaz-Balart, L., Diaz-Balart, M., Djou, Ehlers, Inglis, Ros-Lehtinen.

On Dec. 18, the cloture motion on the DREAM Act failed again in a 55-41 vote. This time Republicans Lugar (R-Ind.), Murkowski and Bennett (Utah) voted YES and Democrats: Nelson (Neb.), Pryor, Tester, Baucus and Hagan voted NO.

## **Supreme Court**

### **The “Mojave Cross” Case, *Salazar v. Buono***

In April of 2010, the U.S. Supreme Court decided that a cross that had stood in the Mojave Desert since 1937 as a memorial to soldiers who died in World War I could remain in place. Lower courts previously had demanded the cross' removal, as the courts said that a cross on public land was an unconstitutional endorsement of religion by the government.

Justice Kennedy, writing for the majority of the Supreme Court, explained that the Constitution does not require the removal of all religious symbols from the public realm. Neither does the Constitution require that the government ignore “religion’s role in society.” The cross was placed in the Mojave Desert, not as “a Christian message,” or government endorsement of a specific religious creed, but simply as a memorial to fallen American soldiers — a historical meaning that the monument had developed over seventy years.

Eagle Forum celebrated this decision as an accurate interpretation of the U.S. Constitution, as it applies to religion's permissive role in society. We praised the Supreme Court's reversal of the radical Ninth Circuit Court of Appeals, which consistently attempts to stamp out every vestige of religion from the public realm.

### ***Citizens United v. Federal Election Commission***

The Supreme Court's decision in *Citizens United v. Federal Election Commission* removed a ban that had restricted corporations and unions from participating in federal elections. The Court found the restriction unconstitutional, saying the First Amendment does not limit corporations from making independent expenditures in federal elections.

The case arose out of a dispute that occurred when Citizens United, a non-profit corporation, wanted to air a film that was critical of Hillary Clinton within thirty days of the 2008 Democratic primary. Under a provision of the McCain-Feingold Act in place at the time, corporations were not allowed to air "a broadcast, cable, or satellite communication that mentioned a candidate within sixty days of a general election or thirty days of a primary." The Supreme Court found that the First Amendment could not be used to limit groups of citizens from "simply engaging in political speech." The Court left in place a restriction that prohibits corporations and unions from giving directly to candidates or political parties.

### ***Ricci v. DeStefano***

In *Ricci v. DeStefano*, the Supreme Court held that it was racial discrimination when a group of nineteen firefighters — seventeen white and two Hispanic — who all passed the test for a promotion, had their tests invalidated because none of the black firefighters scored high enough on the test to be considered for the positions. The city invalidated the tests of the white and Hispanic firefighters, because the city was afraid that it would be sued for the test's negative impact on the black firefighters.

The Supreme Court's decision — that the city's failure to promote the white and Hispanic firefighters was racial discrimination — reversed a lower court decision to the contrary. Current Supreme Court Justice Sotomayor, one of President Obama's recent nominees to the Court, was one of the judges at the lower court whom the Supreme Court reversed.

### ***Christian Legal Society v. Martinez***

In *Christian Legal Society v. Martinez*, the Supreme Court ruled that it was constitutional for a public university to deny official recognition and funding to the Christian Legal Society (CLS) because of the group's Statement of Faith, which voting members were required to sign. The statement affirmed that "unrepentant participation in or advocacy of a sexually immoral lifestyle" is inconsistent with their Christian faith. As a result, homosexual students were not allowed to become voting members, although all students were invited to attend CLS meetings.

The university's actions were based on its nondiscrimination policy, which denied official recognition to any group that excluded people because of their religious beliefs or sexual orientation. The Supreme Court decided that the school's decision to withhold recognition and funding from the CLS did not violate the group's Constitutional rights of free speech, free exercise of religion, or freedom of association.

## Constitutional Issues

### **Puerto Rican Democracy Act of 2010, H.R. 2499**

The Puerto Rican Democracy Act laid out a federally sanctioned process through which U.S. territory Puerto Rico could become America's 51<sup>st</sup> state. The act — which has reared its head a number of times over the past few Congresses without success — would authorize Puerto Ricans to hold a national referendum to decide whether they want Puerto Rico to become the 51<sup>st</sup> state. The referendum would be set up in a way that would effectively deceive Puerto Ricans into voting for statehood.

Eagle Forum opposed Puerto Rico's admission as the 51<sup>st</sup> state because

- The U.S. would transform, overnight, into a bilingual nation.
- It would bring immediate demands for massive federal spending, both to pay down Puerto Rico's deficit and to sustain what would be by far America's poorest state.
- Puerto Rico is already a democracy
- Statehood would give Puerto Rico more congressional representation than 24 of our 50 states.

The House passed H.R. 2499 on April 29, 2010 by a vote of 223-169, with 1 voting present. Republicans voting YES: Bartlett; Biggert; Blackburn; Brown-Waite, Ginny; Buchanan; Burton (IN); Buyer; Campbell; Cantor; Cao; Castle; Coffman (CO); Cole; Crenshaw; Dent; Diaz-Balart, L.; Diaz-Balart, M.; Ehlers; Flake; Frelinghuysen; Hensarling; Issa; King (NY); Kirk; Kline (MN); Lungren, Daniel E.; Mack; McCarthy (CA); Mica; Murphy, Tim; Pence; Posey; Putnam; Reichert; Ros-Lehtinen; Schock; Thompson (PA); Walden; Young (AK). Democrats voting NO: Altmire, Bean, Berry, Boren, Bright, Carney, Chandler, Childers, Cooper, Costello, Courtney, Davis (IL), DeLauro, Donnelly (IN), Ellison, Frank (MA), Giffords, Gutierrez, Holden, Honda, Kanjorski, Kucinich, Lipinski, Marshall, Matheson, McIntyre, McMahan, Minnick, Mitchell, Moore (WI), Murphy (CT), Nye, Perriello, Quigley, Ross, Rush, Sherman, Space, Velázquez, Weiner. Democrats voting PRESENT: Slaughter.

The Senate has not approved the bill.

### **District of Columbia House Voting Rights Act of 2009, S. 160**

The D.C. House Voting Rights Act would establish full House of Representatives voting representation for the District of Columbia, while adding an additional seat in the House for Utah, a traditionally Republican stronghold. Although the Senate passed the legislation, House Majority Leader Steny Hoyer indicated that the 111<sup>th</sup> Congress probably would not pass the legislation.

Eagle Forum opposed the bill because it is in direct conflict with the U.S. Constitution, as D.C. is neither a congressional district nor a state. Granting full House voting rights to D.C. would require a constitutional amendment, which requires a two-thirds majority in both houses of congress to propose the amendment, and approval by three-fourths of the states to ratify the amendment.

The legislation would undermine *Article I, Section 8, clause 17* of the Constitution, which classifies D.C. as a federal city whose final governing authority rests with the U.S. Congress. D.C. is the “Seat of the Government of the United States,” and a territory outside of and independent from every state. The Constitution states that the House shall be composed of “Members chosen . . . by the People of the several *States*.” This means D.C. does not have its own Senators and Representatives. The decision was not a mistake by the Founding Fathers, but an integral part of the original constitutional design to keep the seat of our Federal Government out of the political process.

In addition, the legislation contains a troubling provision that aims to silence critics of D.C. voting rights by buying them off with a “sure Republican” seat, since the D.C. seat would likely be solidly Democrat. In fact, in the last 12 elections since D.C. was granted the right to cast presidential electoral votes, it has never cast less than 74.8 percent of its popular vote for the Democratic presidential candidate. The move to grant Republicans an additional “sure seat” is simply a partisan trade-off by the congressional liberal Majority, desiring to add a permanent Democratic vote to their tallies.

The D.C. House Voting Rights Act is a dangerous precursor to the ultimate liberal goal of establishing 2 permanent Democratic Senate seats for D.C. If the initial move to treat D.C. as a *congressional district* for purposes of representation in the House were successful, the push to treat D.C. as a *state* for purposes of representation in the U.S. Senate would not be far down the road.

The Senate passed S. 160 on February 26, 2009 by a vote of 61-37. Republicans voting YES: Collins, Hatch, Lugar, Snowe, Specter, Voinovich. Democrats voting NO: Baucus, Byrd.

The House did not approve the bill.

### **Native Hawaiian Government Reorganization Act of 2009, H.R. 2314**

Eagle Forum opposed H.R. 2314, which would create a racially separate government for people with Native Hawaiian blood living anywhere in the United States. The new government would operate like an Indian tribe with its own laws and racial voting restrictions.

The bill is inherently racially discriminatory, since the people under this new government’s jurisdiction would be defined only by race. Native Hawaiians are not, and have never been, members of a tribe. Indian tribes saw their land seized by the federal government, while Hawaiians exercised self-determination when they voted to become the 50<sup>th</sup> state. The contrived “tribe” would be a fraud, since anyone with even a drop of the right kind of blood would be included, regardless of whether they have ever lived in Hawaii or had any affiliation with Native Hawaiian culture, language, or politics.

Congress does not possess the constitutional authority to extend tribal recognition to Native Hawaiians under the Indian Commerce Clause (*Article I, Section 8 of the U.S. Constitution*). Discrimination based on race has been prohibited by the 15<sup>th</sup> Amendment to the Constitution for 140 years, but this Congress chose to force the U.S. to take a giant step backwards into the stone age of race relations by giving serious consideration to this segregationist piece of legislation. Native Hawaiians should be treated as American citizens, just like the rest of us. H.R. 2314 is offensive to the U.S. Constitution and to our national ideal of equal justice for all.

The House passed H.R. 2314 on February 23, 2010 by a vote of 245-164. Republicans voting YES: Cao; Cole; Ehlers; Jones; Murphy, Tim; Young (AK). Democrats voting NO: Bright, Giffords, Himes, McMahon.

The Senate did not approve the bill.



## Social Engineering

### **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act**

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act — President Obama’s first major federal gay rights legislation — made it a federal offense to target a person as the victim of a crime because of his sexual orientation or gender identity. The bill passed as an amendment to the National Defense Authorization Act. Eagle Forum opposed the bill itself, and believed it was inappropriate to attach hate crimes legislation to a defense bill, since it forced conservative lawmakers to choose between supporting American troops and opposing the Left’s radical social engineering policy.

The bill made hate crimes federal offenses by mandating *federal* criminal prosecution for *state* offenses when those crimes are motivated by the “actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person.” The bill changed existing law to make homosexual and transgender people protected classes of victims.

The bill violated the U.S. Constitution by infringing upon the guarantees of religious expression, freedom of speech, and equal protection under the law. It also aimed to silence and punish opposing viewpoints, target those who hold traditional beliefs on homosexuality, and grant more government protection to certain classes of people.

The House passed the final version of the Defense Authorization Bill, H.R. 2647 — which included the hate crimes amendment — on October 8, 2009 by a vote of 281-146. Republicans voting YES: Austria; Biggert; Bilbray; Bono Mack; Brown-Waite, Ginny; Calvert; Cao; Capito; Cassidy; Castle; Dent; Diaz-Balart, L.; Diaz-Balart, M.; Frelinghuysen; Gallegly; Guthrie; Hall (TX); Heller; Hunter; Jenkins; King (NY); Kirk; Lance; Lee (NY); Lewis (CA); LoBiondo; Luetkemeyer; Lungren, Daniel E.; McCotter; McKeon; Miller (MI); Paulsen; Platts; Rehberg; Reichert; Rooney; Ros-Lehtinen; Terry; Tiberi; Turner; Upton; Walden; Young (AK); Young (FL). Democrats voting NO: Baird; Boren; Bright; Conyers; Davis (TN); Filner; Griffith; Jackson (IL); Kucinich; McIntyre; Michaud; Peterson; Shuler; Stark; Welch.

The Senate passed H.R. 2647 on October 22, 2009 by a vote of 68-29. Republicans voting YES: Bond, Collins, Cornyn, Ensign, Gregg, Hutchison, Lugar, McCain, Snowe, Voinovich. Democrats voting NO: Feingold.

President Obama signed the bill into law on October 28, 2009.

### **Repeal of the 1993 Law Prohibiting Homosexuals from Openly Serving in the Military**

After two failed attempts, Congressional liberals voted to repeal the 1993 law prohibiting homosexuals from openly serving in the military, commonly mislabeled “Don’t Ask, Don’t Tell.” Just as liberals had attached hate crimes legislation to the 2010 Defense Authorization Act, the repeal was incorporated into the 2011 Defense Authorization Act.

On May 27, 2010, the U.S. House of Representatives approved an amendment to the National Defense Authorization Act for Fiscal Year 2011 on a 234-194 vote. On the same day the U.S. Senate Armed Services Committee advanced the identical measure in a 16-12 vote to be included in the Defense Authorization Act. The amended defense bill passed the U.S. House on May 28, 2010. On September 21, 2010, John McCain led a successful (Yea 56, Nay 43) filibuster against the debate on the Defense Authorization Act.

Harry Reid brought the issue to the Senate floor again December 9, 2010. However, all 42 Senate Republicans had signed a letter declaring that as the Bush era tax cuts were set to expire, they would filibuster any matter other than a bill dealing with the tax issue.

On December 9, 2010 the Defense Authorization Act was again thwarted through a filibuster when it came to the Senate floor during the lame duck session of Congress. However, Susan Collins of Maine broke her word and voted in favor of cloture on the bill despite her promise not to vote for any matters other than those dealing with tax issues. Newly-seated West Virginia Senator Joe Manchin, who won a special election to fill the vacancy created by Robert Byrd's death, voted against cloture.

Senators Joe Lieberman and Susan Collins introduced bill S.4022 on December 9, 2010, in reaction to the failure to open discussion on the Defense Authorization Act. It includes the policy-related portions of the Defense Authorization Act which are considered by Lieberman and Collins as more likely to pass as a stand-alone bill. The stand-alone bill H.R. 6520 was sponsored by lame duck Congressman Patrick Murphy and passed the House of Representatives via H.R. 2965 in a vote of 250 to 175 on December 15, 2010.

House Republicans who voted in favor of repeal include Biggert, Bono Mack, Campbell, Cao, Castle, Dent, Diaz-Balart, Djou, Drier, Ehlers, Flake, Paul, Platts, Reichert, Ros-Lehtinen.

House Democrats who vote against the repeal include: Boren, Bright, Childers, Critz, Davis (GA), Davis (TN), Marshall, McIntyre, Ortiz, Peterson, Rahal, Ross, Skelton, Tanner, Taylor.

On December 18, 2010, the Senate passed S.4023, the Senate's bill identical to H.R.2965, a vote of 65-31. Republicans who vote for the measure include: Burr, Kirk, Ensign, Brown, Voinovich, Murkowski, Snowe and Collins.

President Obama signed the repeal into law on December 22, 2010.

### ***Serve America Act, H.R. 1388***

Eagle Forum opposed the Serve America Act because we have opposed AmeriCorps since it was founded in 1993, and continue to oppose it and any efforts to expand it. Our president and founder, Phyllis Schlafly, wrote extensively on AmeriCorps during the Clinton Administration. Eagle Forum has serious concerns about programs that require taxpayers to subsidize "volunteers."

Programs such as AmeriCorps undermine true volunteerism and community involvement by paying college students to go into communities that they have no ties to, or personal interests in, and do chores. The Corps' programs also reflect liberal ideologies and methods that undermine their effectiveness. One example is the failed 1997 \$2.5 billion AmeriCorps project, "America Reads," which paid college students to act as reading tutors, using a curriculum that did not include teaching "phonics."

AmeriCorps also— provides funding to left-wing organizations such as Planned Parenthood — which uses its funding to hire "volunteers" to promote sex education programs — and the Los Angeles Gay and Lesbian Center (LAGLC) — the nation's largest gay rights organization, which received \$200,000 in funds from AmeriCorps as of 2008 for students to go into schools and prevent what the group referred to as "society's last acceptable bias, anti-gay bias."

Directing more taxpayer money to expensive, ineffective, and politically-driven projects is irresponsible, especially during a time that liberal leaders have labeled as one of the worse economic downturns our country has seen since the Great Depression.

The Senate passed H.R. 1388 on March 26, 2009 by a vote of 79-19. Republicans voting YES: Alexander, Bennett, Bond, Burr, Chambliss, Cochran, Collins, Enzi, Grassley, Gregg, Hatch, Hutchison, Isakson, Johanns, Lugar, Martinez, McCain, Murkowski, Snowe, Specter, Voinovich, Wicker. No Democrats voted NO.

The House passed H.R. 1388 on March 31, 2009 by a vote of 275-149. Republicans voting YES: Biggert, Bono Mack, Buchanan, Camp, Cao, Capito, Cassidy, Castle, Crenshaw, Ehlers, King (NY), Kirk, Lance, Lee (NY), LoBiondo, McHugh, McKeon, Miller (MI), Platts, Reichert, Smith (NJ), Souder, Terry, Thompson (PA), Turner, Upton. No Democrats voted NO.

President Obama signed the bill into law on April 21, 2009.

***Sen. Vitter's Amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009, H.R. 627***

Eagle Forum supported Senator Vitter's amendment to H.R. 627, which would have given the Federal Reserve authority to make rules requiring, at minimum, that credit card issuers establish a consumer's identity in order to prevent and deter illegal immigrants and terrorists from obtaining credit cards. The amendment was not included in the final version of H.R. 627.

The amendment simply would have required financial institutions to:

- Verify the identity of a person seeking a credit card account through one of four forms of identification.
- Maintain records of the information used to verify the customer's identity.
- Consult lists of known or suspected terrorists or terrorist organizations provided by the appropriate government agency.

The Senate voted against Senator Vitter's amendment on May 13, 2009 by a vote of 28-65. Republicans voting NO: Alexander, Bennett, Collins, Corker, Ensign, Gregg, Hatch, Lugar, Martinez, Murkowski, Snowe. No Democrats voted YES.

**Building a Culture of Life**

President Obama set the tone for his presidency when he included among his first Executive Orders, an order overturning the so-called "Mexico City" Policy, a policy statement President Reagan announced in 1984 (President Clinton rescinded the policy, but President George W. Bush reinstated it), prohibiting taxpayer money from funding abortion overseas. Every one of the massive spending bills the 111<sup>th</sup> Congress considered or passed contained increased funding for Planned Parenthood and other similar abortion providing organizations. See the discussion areas on Health Care and Spending for further details.

***Consolidated Appropriations Act, 2010, H.R. 3288***

The Consolidated Appropriations Act enacted six of the seven spending bills that remained outstanding from fiscal year 2009. Eagle Forum opposed the bill because it further undermined the culture of life by significantly weakening the long-standing Dornan Amendment, which had prevented both federal and local tax dollars from being used to fund abortion in the District of Columbia. The bill kept the ban on federal dollars being used to pay for abortion in D.C., but lifted the restriction on local funds being used, effectively allowing for publicly funded abortion. Since Congress appropriates both federal and local taxpayer dollars to D.C., the bill's language effectively facilitated federal funding of abortion.

The House passed H.R. 3288 on December 10, 2009 by a vote of 221-202 with 1 voting present. No Republicans voted YES. Democrats voting NO: Adler (NJ), Baird, Boren, Bright, Carney, Childers, Costello, Dahlkemper, Donnelly (IN), Driehaus, Ellsworth, Gordon (TN), Kind, Kratovil, Kucinich, Lipinski, Marshall, Matheson, Melancon, Minnick, Mitchell, Owens, Peterson, Shuler, Skelton, Stupak, Tanner, Taylor. Democrats voting PRESENT: Brown, Corrine.

The Senate passed H.R. 3288 on December 13, 2009 by a vote of 57-35. Republicans voting YES: Cochran, Collins, Shelby. Democrats voting NO: Bayh, Feingold, McCaskill.

### ***Defense Authorization Bill FY 2011***

As is mentioned in the sections pertaining to Immigration and Social Engineering, Senate Majority Leader Harry Reid started a new and highly inappropriate tradition in the 111<sup>th</sup> Congress, adding highly controversial, non-germane liberal social policy to defense authorization bills. He added hate crimes legislation to the defense authorization bill for fiscal year 2010.

This year Reid outdid himself by including a repeal of the 1993 law prohibiting homosexuals from openly serving in the military, a back door attempt at amnesty for illegal immigrants called the DREAM Act, and a repeal of the historic ban on abortions on military bases in the United States and abroad in the authorization bill for 2011.

Thankfully, this inappropriate maneuver was met with overwhelming grassroots opposition, and the controversy-packed authorization bill failed two Cloture votes.

Ultimately, in one of its last acts before adjourning the lame duck session, Congress passed a pared down FY 11 Defense Authorization bill devoid of controversial policy. The language that would have repealed the ban on abortion at military facilities (which had been added by an amendment offered by Illinois Senator Roland Burris, who was appointed to fill the vacancy created when Barack Obama left the Senate) was not included in the authorization bill.

### **Women Veterans Bill of Rights**

The liberals continued to use the U.S. military as a forum for instituting social engineering. As liberals attempted to use the FY11 Defense Authorization Act to repeal the ban on abortion on military facilities, they also introduced HR 5953, the so-called Women Veterans Bill of Rights.

The first section of HR 5953 established a “Women Veterans Bill of Rights,” which enumerates 24 rights to be “displayed prominently and conspicuously in each facility of the Department of Veterans Affairs and distributed widely to women veterans.” The rights that women veterans “should have” according to HR 5953 include rights to health care and health care providers. Eagle Forum opposed this bill, because there was great concern these “rights” would be used as a basis to require funding for abortion and access to abortion at veterans facilities, particularly if the FY11 Defense Authorization Act lifted the ban on military abortions.

The Women Veterans Bill of Rights was approved by voice vote. But, the version approved by the House contains language requested by Rep. Chris Smith, Chair of the House Pro-life Caucus, ensuring that nothing in the bill can be construed to establish a right to abortion, IVF, gender alterations, treatment not approved by the FDA and memberships to spas or gyms.

## Education

### *The Student Aid and Fiscal Responsibility Act of 2009*

The version of the Student Aid and Fiscal Responsibility Act (SAFRA) that was ultimately signed into law hugely expanded the federal government's authority over the education system by federalizing the student loan system. Eagle Forum opposed the measure because it gave the U.S. Department of Education a total monopoly over the industry, tasking it with administering and supporting all student loans. The bill stopped private lenders from making government-subsidized loans to students, instead requiring that all federal student-loan funds be used as direct loans from the government to students (cutting the private lenders out of the process).

Although the House passed SAFRA as H.R. 3221 in the fall of 2009, the bill was held up in the Senate, since the body was primarily focused on the healthcare debate.

The Senate ultimately passed SAFRA as a rider to the Health Care and Reconciliation Act of 2010, H.R. 4872 on March 25, 2010 by a vote of 56-43. No Republicans voted YES. Democrats voting NO: Lincoln, Nelson, Pryor.

The House passed H.R. 4872, agreeing to the Senate amendments, on March 25, 2010 by a vote of 220-207. No Republicans voted YES. Democrats voting NO: Adler (NJ), Altmire, Arcuri, Barrow, Berry, Boren, Boucher, Bright, Chandler, Childers, Cooper, Davis (TN), Edwards (TX), Herseth Sandlin, Holden, Kissell, Kratovil, Marshall, Matheson, McIntyre, McMahan, Melancon, Minnick, Nye, Peterson, Ross, Shuler, Skelton, Space, Tanner, Taylor, Teague.

President Obama signed the bill into law on March 30, 2010.

## Treaties and International Law

Through his policies and appointments, President Obama has made it clear that he is a "transnationalist." He believes that the United States is not exceptional and sovereign, but should be governed by customary international law, dictates determined by international elites, not merely policies enacted by duly elected representatives. Harold Koh, the chief State Department counsel is one of the nation's foremost transnationalists. Eagle Forum has been terribly concerned that the rabidly liberal Congress would ratify several terrible UN treaties we have yet been able to keep at bay. So far, we have succeeded in resisting terrible UN treaties, but we were unable to block ratification of the so — called New START Treaty arms control agreement with Russia.

### *New START Treaty*

Eagle Forum strongly opposed the ratification of the so-called New START arms control agreement with Russia, because it ties America's hands against building anti-missile defenses. Despite strong grassroots opposition, the Senate ratified the treaty in the final hours of the lame duck session.

Republicans voting for the treaty include: Alexander, Bennett, Brown (MA), Cochran, Corker, Gregg, Isakson, Johanns, Lugar, Murkowski, Snowe and Voinovich.

### *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

In the closing days of the lame duck session, the Senate Judiciary Committee held a hearing on CEDAW, the UN treaty known as the Convention on the Elimination of All Forms of Discrimination against Women. The fact that the Judiciary Committee held the hearing is frightening, because treaties are under the Senate Foreign Relations Committee's Jurisdiction.

Samuel R. Bagenstos, a witness who testified on behalf of the Obama Administration, indicated that the Administration is approaching the “final stages” of its review of the treaty, and will urge ratification. He went so far as to testify that the chances for ratification are higher in 2011 than in 2012 because it’s an election year. Bagenstos testified that the Administration is not only planning to urge ratification of the treaty, but the Department of Justice is preparing to implement the treaty’s dictates administratively even before the treaty is ratified.

No action was taken regarding other treaties such as the Convention on the Rights of the Child (CRC) and the Convention on the Law of the Sea (LOST), but we will be urging vigilance against all damaging treaties in the new Congress.

### ***The International Violence Against Women Act (I-VAWA)***

The International Violence Against Women Act, I-VAWA, would export American tax dollars to support liberal organizations and feminist rhetoric overseas. Eagle Forum worked in conjunction with Stopping Abusive and Violent Environments (S.A.V.E) and Concerned Women for America to discourage the House Foreign Relations Committee from taking up the bill, and they never did.

The Bill was passed out of the Senate Foreign Relations Committee on December 14, 2010, but was never brought to the Senate floor for final passage.

### **Patent Reform**

Eagle Forum has had an impact in the battle to protect the U.S. patent system, largely because our involvement catches legislators’ attention. They wonder why a pro-family organization would care about patent reform. That allows Phyllis a platform to explain that America is responsible for 90% of all new inventions. Our unique way of life, including our respect for individuals and private property encourage innovation. We must protect inventors if we are to protect the unique aspect of American society. Liberals, and even some conservatives, believe it is necessary to “harmonize” our patent system with the rest of the world’s to compete in a global market. We disagree and have fought efforts to harmonize our patent system and to publish patents on the internet where “pirates” from other countries can steal and capitalize on Americans’ ideas without penalty.

Although the House held a hearing and Eagle Forum hosted a very successful briefing on the issue, the major battle over Patent Reform was fought on the Senate over S. 515, a bill that resulted from a compromise between our dear friend, Ranking Member of the Senate Judiciary Committee Jeff Sessions and Senate Judiciary Chair Patrick Leahy. Eagle Forum worked with several other conservative groups to urge Senator Sessions not to move forward with the bill because although some improvements were made to the terrible bill Leahy proposed, the bill still weakens our patent system and leaves American inventors vulnerable to having their ideas stolen by pirates. A conservative staffer arranged for Phyllis to discuss the bill with Senator Sessions over lunch in the Senate dining room. Our position is that the bill does more harm than good, and it is best left in a drawer. That is exactly what happened. Other matters took precedence, and S. 515 did not come to the Senate floor in the 111<sup>th</sup> Congress.

### **Internet Gambling**

H.R. 2267, The Internet Gambling Regulation, Consumer Protection, and Enforcement Act was passed out of the House Financial Services Committee on July 29, 2010. As written, the bill would legalize and regulate Internet gambling other than Internet sports wagering. Thankfully, the matter never came up for a vote before the full House of Representatives. There was talk about Harry Reid attaching some variety of Internet Gambling legislation to a “must pass” bill, like the Omnibus spending bill, in the Senate in order to repay his political allies, however, time ran out and this threat did not materialize in the 111<sup>th</sup> Congress.