

2010

(664); 22-December; HR 847

HR 847 - James Zadroga 9/11 Health and Compensation Act: NO. The current version of this bill was taken up in the closing minutes of the 111th Congress without time to provide adequate review or analysis. On its face, it is an improvement over earlier versions that were an open invitation to fraud. This version spends an additional \$4.29 billion. Contrary to claims that it only compensates first responders, in reality it provides an open entitlement program for anyone simply in the vicinity of the attack. A bill that spends \$4.29 billion (\$55 for an average family of four) requires more than 30 minutes of consideration and ought to be held over to the 112th Congress that starts in just 14 days.

(663); 21-December; HR6547

H.R. 6547 - To amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees: YES. Requires any state that receives ESEA funds to conduct criminal background checks on all school employees. I would prefer to see these funds restored to the states in the first place along with their rightful prerogatives to decide for themselves how to run their schools. But as long as the federal government is paying, we have an obligation to assure the money is not being spent to hire pedophiles.

(662); 21-December; HR 3082

HR 3082 – Continuing Resolution for FY 2011: NO. Because the House majority was unwilling to adopt a budget or any of the normal appropriations bills that require accountability, the federal government has been funded by a series of “continuing resolutions,” this one being the latest. It continues the Democrats’ spending spree at completely unsustainable levels. This one goes through March of 2011 at a rate for non-emergency discretionary spending 16 percent higher than 2008. That 16 percent raise for the federal government comes at a time when millions of family budgets are being cut dramatically. Some people just don’t get it.

(661); 21-December; HR 2751

HR 2751 - Food Safety and Modernization Act: NO. Since your grocery bills are obviously much too low, Congress has a solution: hire at least 17,800 more government workers to micromanage every conceivable aspect of food production and distribution. Cost to taxpayers? At least \$1.4 billion plus “such sums as may be necessary.” Cost to consumers? **OMG.**

(660); 21-December; HR 2142

H.R. 2142 - Government Efficiency, Effectiveness, and Performance Improvement Act of 2009: NO. This bill failed on a “suspension” vote and has come back to haunt us today. It

creates another layer of bureaucracy to make government more efficient and effective – at the cost of \$75 million. Here’s a novel suggestion: maybe we ought to insist on efficiency to start with.

(659); 21-December; HR 5116

HR 5116 - America COMPETES Act: NO. Oops there goes another \$46 billion (or about \$150 for every man, woman and child in the country -- \$600 for an average family of four). Think of it as a charitable contribution to corporate America, since this is being used to fund research and development that companies used to do – and ought to do – on their own.

(658); 21-December; HR 6540

H.R. 6540 - To require the Secretary of Defense, in awarding a contract for the KC-X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess: NO. This bill is blatantly pro-Boeing and aimed at stopping competition for the KC-X re-fueling tanker. If successful, it will also sink the Pentagon’s efforts to get the best plane at the best price for our military and for American taxpayers.

(N/A); 21-December; S3243

S. 3243 - Anti-Border Corruption Act of 2010: YES. Here are some statistics on Big Sis guaranteed NOT to make you feel all warm and fuzzy: 129 Customs and Border Patrol officials have been arrested on corruption charges since 2003. In 2009, 576 investigations were opened on allegations of improper conduct by CBP officials. As of March 2010, CBP had a backlog of 10,000 background checks for employees. This bill requires Customs and Border Protection to administer polygraph tests before hiring applicants and to clear its backlog of background checks on current employees.

(656); 17-December; S 3874

S 3874 - Reduction of Lead in Drinking Water Act. NO. This reduces lead standards for plumbing fixtures far, far below the proven safe level of 8 percent (down to 0.25 percent) – in other words, 32 times more stringent than necessary. The cost of compliance is at least \$140 million – which will be passed on to consumers through higher prices at the hardware store

(655); 17-December; HR 5510

HR 5510 - Aiding Those Facing Foreclosure Act of 2010. NO. This bill would use federal funds to pay for legal counsel for individuals attempting to delay or forestall foreclosure actions. This in turn will make it much harder for qualified borrowers to obtain loans because of the increased risk of lending.

(654); 17-December; HR 2142

H.R. 2142 - Government Efficiency, Effectiveness, and Performance Improvement Act of 2009. NO. This bill creates another layer of bureaucracy to make government more efficient and effective – at the cost of \$75 million. Here’s a novel suggestion: maybe we ought to insist on efficiency or hire efficient and effective people to start with.

(650); 17-December; HR 6523

HR 6523 National Defense Authorization Act. YES. This is the annual Defense authorization bill. Like most of these it’s a mix of good and bad. The bad is a limited authority to transfer Guantanamo detainees to the United States and \$11.6 billion for Afghan Defense forces, which I believe will not be adequately accounted for. The good: it provides additional armor for troops in Afghanistan, continues vital work on missile defense and holds the line on overall spending increases.

(645); 16-December; S 987

S 987 International Protecting Girls by Preventing Child Marriage Act of 2010. NO. Having solved all of our nation’s problems, Congress now shovels \$108 million out the door to fight child marriage in developing countries. According to the Congressional Research Service, we haven’t been able to account for the money we’ve already spent for this purpose. Obviously it wasn’t enough.

(642); 16-December; S 3447

S 3447 Veterans Education Assistance Improvements. YES. This bill adjusts veterans education benefits to fix a number of inequalities. It is supported by veterans groups and has bi-partisan support. However, to pay for these fixes, some veterans attending private universities will see their benefits decreased due to a new cap of \$17,500 a year.

(641); 16-December; S 3860

S 3860 Arlington National Cemetery. YES. Mismanagement of our nation’s most hallowed ground has been a disgrace with graves mislabeled and urns dumped in landfill piles. One gravesite included the remains of eight people. This bill requires a full accounting to Congress by the Secretary of the Army and a full independent inquiry by the GAO.

(640); 16-December; S 841

S 841 Pedestrian Safety Enhancement Act of 2010. NO. (AKA The Make Priuses Tweet Act). Based on a single study with a very small sample size, the Department of Transportation reported that hybrid cars have a slightly higher pedestrian and bicycle accident rate (0.9%/0.6%) than non-hybrid cars (0.6%/0.3%). Based on this single and

inconclusive study, we now have a bill to require hybrid cars to alert pedestrians to their presence – on the presumption that the cars are “too quiet.” (Never mind that most automobile noise comes from tire friction and not engine noise). In other words, we’re going to have more expensive hybrid cars making “alerting noises” -- and more government spending to develop and enforce the regulations. A final warning: when the pointless and irritating “alerting noise” becomes so annoying that the owner tries to disconnect it – there’s a big new federal fine waiting.

(638); 15-December; HR 2965

HR 2965 Don’t Ask Don’t Tell Repeal. NO - In opposing this bill, I make no moral judgments over homosexuality – people are who they are. This is not the issue presented by this bill. Here, the issue is 1) whether the military may dictate behavior and 2) whether the military should dictate sexual mores, specifically banning openly homosexual behavior. That it may dictate behavior is obvious. Whether it should or not depends upon military necessity and not political correctness. On this question, the matter is highly controversial. The recent DOD study found general acceptance of homosexual behavior throughout the Armed Services (70 percent expect mixed, positive, or neutral results from repeal) – except in combat units where opposition was substantial: 67% of Marine combat units and 60% of Army combat units believed repealing Don’t Ask Don’t Tell would have a negative impact on combat effectiveness. Since the purpose of the military is combat, this opposition should give Congress great pause. Ultimately, the testimony of Army Chief of Staff George Casey to Congress seems prudent and wise: “I think it’s important that we’re clear about the military risks. Implementation of the repeal of Don’t Ask, Don’t Tell would be a major cultural and policy change in the middle of a war. It would be implemented by a force and leaders that are already stretched by the cumulative effects of almost a decade of war...[and] by a force in which substantial numbers of soldiers perceive that repeal will have a negative impact on unit effectiveness, cohesion, and morale, and that implementation will be difficult....I believe that the implementation of repeal in the near term will: one, add another level of stress to an already stretched force; two, be more difficult in our combat arms units; and three, be more difficult for the Army than the report suggests.” I agree.

(626); 9-December; HR 4994

HR 4994: “Doc Fix.” No - Trying to bring soaring Medicare costs under control in 1997, Congress provided a “Sustainable Growth Rate” (or SGR in bureaucratese) factor to try to keep spiraling costs under control. Every year since 2002 the SGR has reduced reimbursement rates but every year since 2003 Congress has prevented these reductions through legislative “fixes.” This has caused an increasing gap between what physicians are paid and what they are supposed to be paid under the SGR – now a whopping 21 percent difference. The situation is untenable and unsustainable – but so is Medicare. This latest suspension is supposedly funded through “savings” from adjustments to “Obamacare,” but everybody knows that’s a farce. This is a can we can’t afford to kick any further down the

road. Paul Ryan and the Debt Commission have offered viable plans to place Medicare on a sound actuarial footing – and it’s time we treated the illness and not the symptom.

(625); 8-December; HR 5281

HR 5281 DREAM ACT. NO – This would legalize hundreds of thousands of illegal aliens under age 30. Merely by filing an application they will be immune from deportation even with a criminal record. They will immediately be eligible for in-state tuition benefits, student loans, federal work study programs and other forms of financial aid at taxpayer expense. They will receive amnesty and permanent residency as long as they have broken our immigration laws continuously for the past five years and attend college or enlist in the military.

(622); 8-December; HR 3082

HR 3082 Continuing Resolution on the budget. NO -- Continues federal spending at a recklessly unsustainable level -- \$1.089 trillion of additional discretionary spending through September 30th – plus a mega-food-regulatory act estimated to cost \$1.4 trillion over the next ten years and \$624 million to fund the new START Treaty with Russia that severely constrains America’s ability to provide a missile defense shield.

(620); 8-December; HR4501

HR 4501 Guarantee of a Legitimate Deal Act. NO -- Requires on-line jewelry purchasers to store jewelry indefinitely until a customer affirmatively accepts or rejects a purchase offer – regardless of the terms of the contract. These are arrangements best left between buyer and seller.

(616); 8-December; HR 6495

HR 6495 Robert C Byrd Mine Safety Protection Act of 2010. NO – This is a federal overreach that assures a lot more miners unemployed with no real increase in mine safety. It restructures the relationship between the Mine Safety and Health Administration (MSHA) and employers that would make it much more difficult for mining companies to operate. For example, the bill lowers the threshold for which a company can be declared to be in a “pattern of noncompliance” and make it almost impossible for the company to be relieved of this sanction. It imposes prejudgment interest penalties on employers and provides no repayment mechanism if the employer prevails in the challenge.

(611); 8-December; HR5987

HR 5987 Seniors Protection Act of 2010. NO – This is a \$250 check for every social security recipient because ... well, just because. This adds \$14 billion to the deficit,

meaning an additional \$180 out of the taxes of an average family of four. And since we don't have it, we'll be borrowing it and letting our kids pay it back.

(N/A); 2-December; S 2847

S 2847 "CALM Act" True, the nation teeters on the brink of bankruptcy, unemployment is stuck near ten percent, every secret our nation has can now be Googled, international thuggery is on the rise while American influence is on the decline, but fear not. Congress has focused its attention on the most frightening scourge of our time -- those annoying commercials that are just too loud. The "CALM" Act requires that TV stations don't broadcast commercials that are any louder than the surrounding programming which will have the possible side-effect something even more irritating: constantly changing variations in programmed sound as stations chase the sound level of the commercials. NO

(604); 2-December; HR 4853

HR 4853 "Middle Class Tax Relief Act of 2010" This measure prevents a tax increase from taking effect for most Americans, but results in a tax increase on those "very rich people" who make over \$250,000. The problem is that most of these "very rich people" aren't very rich and they aren't even people – they're small businesses filing under sub-chapter S. According to the Joint Committee on Taxation, half of all small business income will be impacted by this tax. These are the job generators of our economy and to make them the target of a massive tax increase is simply insane. This bill also institutionalizes \$100 billion of "refunds" paid to "taxpayers" -- who pay no taxes! That's welfare – not tax relief. Fortunately, this is a show vote. The real tax relief bill is being negotiated in the Senate and hopefully will be enacted before the end of the year. If not, the new House will act on the measure that will protect every family and every small business from back-breaking new taxes. NO

(603); 2-December; S 3307

S 3307 Healthy, Hunger-Free Kids Act of 2010. This spends another \$4.6 billion we don't have (figure another \$60 from an average family of four) to expand the size of the government by creating or expanding 17 programs, impose back-breaking unfunded mandates on local school districts and state governments, increase prices for paying families and allow federal bureaucrats to choose what foods our children can and cannot be served at school. But hey, it's for the kids. NO

(593); 1-December; HJRES 101

H.J.Res 101: Continuing Resolution for the Support of the Government. NO Having failed to pass a budget, the Pelosi Majority simply "deemed" – that is, "pretended" – they passed it. In the absence of a budget, a coherent spending plan, or even a traditional

appropriations process, the House just passes “Continuing Resolutions” allowing spending to continue without any review, oversight or approval. This measure continues this practice through December 18th, at which point they will probably do it again. The good news is that this nonsense comes to an abrupt halt at noon on January 3rd, when the Republican House majority is sworn in.

(469); 26-July; HR 3101

HR 3101 21st Century Communications and Video Accessibility Act. This act would require every telecommunications device to include closed caption capability – forcing every consumer to pay for such a feature whether they want it or need it or can afford it. In a free country, consumers make these decisions themselves.

(463); 22-July; HR4213

<http://mcclintock.house.gov/2010/07/creating-unemployment.shtml>

(433); 1-July; HR4899

Amendments 3, 4 and 5: These amendments order an American withdrawal from Afghanistan. I have grave misgivings about the conduct of the war, particularly ludicrous rules of engagement that prevent our troops from defending themselves, woefully inadequate force and the badly muddled objective of so-called “nation-building.” However, I believe that General Petraeus should be given the chance to reverse these policies, as there are perilous ramifications at this stage from an American withdrawal. If these policies are not rapidly changed, I will be reconsidering voting for further support of the war.

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(430);1-July; HR 4899

Amendment 2: Adds \$17 billion – costing every family an average of \$220 – to the emergency war supplemental bill for purposes unrelated to the war – including \$10 billion to subsidize teacher salaries. Teacher salaries are a state responsibility – not a federal one – and the principal effect of this amendment is to bail out irresponsible state and local governments that have failed to balance their budgets at the expense of the federal government that is running an unprecedented deficit.

(422); 1-July; HR5618

HR 5618 – This bill spends \$34 billion – costing every family in America an average of \$450 – in order to continue to extend unemployment benefits to 99 weeks through November 30th. I know the quiet panic that stalks the lives of unemployed families, but the only way to end their nightmare is a job, and it is jobs that are being destroyed by this kind of spending. We don’t help the unemployed by making more of them.

(255); 6-May; HR 5019

<http://mcclintock.house.gov/2010/05/learning-from-experience-not.shtml>

(242); 29-April; HR2499

<http://mcclintock.house.gov/2010/04/subverting-democracy-in-puerto-rico.shtml>

(185); 24-March; HR4899

HR 4899 – Disaster Relief and Summer Jobs Act of 2010 – This measure increases the deficit by another \$5 billion mainly for FEMA (that paragon of government efficiency), make-work programs and questionable loan guarantees.

(183);24-March; HR 4098

HR 4098 – This seems to be a reasonable measure seeking to update security for peer-to-peer file sharing within the federal government. This has become a concern, especially where federal contractors are interfacing with the government network.

(182); 24-March; HR4849

HR 4849 – Small Business and Infrastructure Jobs Tax Act -- This deceptively named bill is actually a net tax increase of \$43 billion to expand state welfare programs.

(181); 24-Marhc; HR 4849

Motion to Recommit on HR 4849: Among the many unfortunate provisions of Obamacare is severely restricting Flexible Savings Accounts and Health Savings Accounts, that allow individuals to use tax-exempt earnings to pay for their health care. This motion removes those restrictions.

(177); 23-March; HR4592

HR 4592 – Teague – Although the intent of this bill is laudable, I think it is a poorly thought-out giveaway to energy companies (\$50 million, or about \$6 per family) in three states for training they would be doing anyway and is unlikely to significantly expand employment opportunities for veterans.

(176); 23-March; HR3976

HR 3976 – Filner: This bill extends the law forbidding banks from foreclosure actions – thus preventing mortgage collections -- from service members until nine months after deployment ends. I support the intent of this bill but not the provision that allows for the abrogation of valid contracts. The same objective could be achieved by establishing a grant or low or no-interest loan program to allow servicemen to meet their mortgage obligations while deployed. I am afraid that an unintended consequence of this measure will make it harder for servicemen to obtain mortgage loans.

(167); 21-March; HR4872

Roll call 167: Final passage of the Reconciliation package. I have written and spoken extensively against this measure and its companion (roll call 165). Bottom line: this package forces every American to buy health insurance according to mandates set forth by the new federal health czar and I believe will result in most Americans suffering a combination of higher premiums, higher taxes and lower wages, while reducing consumer choices and creating shortages of services.

(165); 21-March; HR3590

Roll Call 165: Final passage of the Senate Health Bill. I have written and spoken extensively against this measure and its companion (roll call 167). Bottom line: this package forces every American to buy health insurance according to mandates set forth by the new federal health czar and I believe will result in most Americans suffering a combination of higher premiums, higher taxes and lower wages, while reducing consumer choices and creating shortages of services.

(151); 20-March; HR 1612

HR 1612 – Public Lands Service Corps - This is an open-ended make-work program that among other things removes the \$12 million appropriations limit and provides instead “such sums as may be necessary. The “Public Lands Service Corps Act” has no provisions for forest management or fire prevention, but in the past has been used for training for protests and sit-ins to prevent timber harvests.

(126); 17-March; HR946

Instead of spending \$5,000,000 of taxpayer funds to teach remedial writing to federal employees, why don't we implement a writing test as part of the application process?

(95); 10-March; H RES 1146

<http://mcclintock.house.gov/2010/03/house-concurrent-resolution-248---withdrawal-from-afghanistan---statement-by-congressman-tom-mcclint.shtml>

(92); 9-March; HR 3650

HR 3650 Algal Blooms Task Force – I question the necessity of this additional task force since the federal government already maintains the Ecology and Oceanography of Harmful Algal Blooms Program, the Monitoring and Event Response for Harmful Algal Blooms Program, the Northern Gulf of Mexico Ecosystems and Hypoxia Assessment Program, the Coastal Hypoxia Research Program, and the Prevention, Control, and Mitigation of Harmful Algal Blooms Program. This is \$205 million of additional expenditures and establishes a structure that invites unfunded mandates on the states.

(90); 4-March; HR 2847

Senate Amendments to HR 2847 – Purported to be a jobs bill, this measure makes the same mistake as the other so-called stimulus bills: government cannot inject a single dollar into the economy that it has not first taken out of the same economy. For instance, one provision provides a \$1,000 grant for hiring and retaining employees. This is the same mechanism that was tried by Jimmy Carter in his 1977 stimulus package and failed utterly. Subsidizing retention and hiring creates an employment bubble that lasts only as long as the money holds out, and ultimately is taken from capital that would otherwise produce genuine investment and permanent jobs.

(89); 4-March; H RES 362

H.Res. 362 – Endorsing the Federal School Lunch Program – This program clearly exceeds Congress’s constitutional authority and ought to be returned to the individual states.

(82); 3-March; HR 4247

HR 4247 – Keeping All Students Safe Act – This act places federal restrictions and reporting requirements on the use of restraint or seclusion to keep order in public and private schools and makes grants available for, among other things, “positive behavior support implementation activities.” Although the goals may be laudable, a federal one-size-fits-all approach to public – and private – school discipline is folly. These decisions should be made by individual school boards under the watchful eye of parents – not by Congress. The unintended consequence of this measure will be for schools to default to direct police intervention.

(76); 2-March; HR 3820

HR 3820 – Natural Hazards Risk Reduction. This continues an existing research program begun in 1977 to reduce damage from earthquakes and hurricanes through structural engineering and early warning detection. In many ways, the program resembles the NTSB for earthquake disasters. The cost comes to 50-cents per capita for the next five years.

(73); 26-February; HR 2701

HR 2701 – Intelligence Authorization Act of 2010. This measure continues the administration’s crusade to treat enemy combatants as domestic criminals. The objectionable provisions include authorizing the transfer or release of enemy POW’s at Guantanamo Bay within 120 days of the President submitting a plan to Congress, hampering military interrogation of enemy combatants and by silence allowing the so-called Global Justice Initiative of the administration to blur the distinction between enemy combatants and American citizens.

(70); 26-February; HR 2701

Hastings (FL) Amendment to HR 2701 Intelligence Authorization Act – This amendment makes “diversity” an essential element on all National Intelligence hiring. I vigorously oppose race-based hiring. Multiple warnings about Nidal Hasan were ignored because of the politically-correct excesses of “diversity” policy in the military and we should not repeat those mistakes in our intelligence community.

(67); 25-February; HR3961

HR 3961 – Extending PATRIOT ACT provisions. This measure allows the federal government to continue roving wiretaps and access to records held by third parties in investigations involving foreign nationals or foreign agents engaged in terrorist attacks against the United States. I would vigorously oppose these provisions if applied to American citizens; however, I am satisfied that the provisions are sufficiently precise to be limited to foreign nationals or foreign agents acting as enemy combatants -- classes clearly outside the protection of the American Constitution.

(64); 24-February; HR 4626

If everybody is singing from the same sheet, they’re all singing the same song. Allowing insurance companies to pool risk data assures that price differentials will be minimal. Pooling such data discourages innovation and entrepreneurial risk. It is argued that denying pooled data to small companies disadvantages those companies. That’s true of any pricing or proprietary information. A start-up software company has none of the experience advantages of Microsoft, for example. And most start-up companies will fail as a result. But those that succeed do so precisely because they have developed innovations they otherwise would have avoided if they were trodding the beaten path.

(59) ; 23-February; HR 2314

<http://mcclintock.house.gov/2010/02/hawaiian-separatist-bill-hr-2314.shtml>

(24); 27-January; HR4508

The federal government is not competent to make wise investment decisions. I do not believe it should be in the loan business.