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CONGRESSIONAL SCORECARD

BASED ON THE THE U.S. CONSTITUTION

The Congressional Scorecard is a nationwide, nonpartisan educational program of The John Birch Society intended to inform voters about legislators' voting records. It does not promote any candidate or political party. Bills are chosen for their constitutional implications and taxpayer costs.



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\$290,860

U.S. National Debt Per Household as of June 3, 2026



Howard Berman

Congress
 Representative, California 28th (D)

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16
 Lifetime
 Freedom
 Score

Congressional Scorecard 112-1

Based on the Principles of the U.S. Constitution

★ Constitutional	✗ Unconstitutional	? Did not Vote	Vote
			NONE ?
			NONE ?
			YES ✗
			YES ✗
			NO ✗
			NO ✗
			YES ★

1. **S990 Patriot Act Extension** (Passed 250 to 153 on 5/26/2011, Roll Call 376). Extended for four years three provisions of the Patriot Act that were set to expire.

2. **HR3080 South Korea Trade Agreement** (Passed 278 to 151 on 10/12/2011, Roll Call 783). Both the House and Senate approved three separate trade agreements with South Korea, Colombia, and Panama.

3. **HR2055 Omnibus Appropriations** (Passed 296 to 121 on 12/16/2011, Roll Call 941). This catch-all legislative package (H.R. 2055), which would provide \$915 billion in discretionary appropriations for fiscal 2012.
Estimated cost per household: -\$7,557.00/year.

4. **HR3408 Oil and Gas Development; Keystone XL Pipeline** (Passed 237 to 187 on 2/16/2012, Roll Call 71). Would open up part of Alaska's resource-rich Arctic National Wildlife Refuge to oil and gas development.

5. **Amendment to HR5855 Immigration Enforcement** (Passed 238 to 175 on 6/7/2012, Roll Call 363). Rep. King introduced an amendment to prohibit the use of funds to be used to finalize, implement, administer, or enforce Immigration and Customs Enforcement memos.

6. **HR459 Federal Reserve Audit** (Passed 327 to 98 on 7/25/2012, Roll Call 513). Requires a full audit of the board of governors of the Federal Reserve System by the comptroller general of the United States.

Scorecard Votes: 20%

Why do these votes matter?

1. Patriot Act Extension

This legislation (S. 990) extended for four years three provisions of the Patriot Act that were set to expire: the "roving wiretap" provision that allows the federal government to wiretap any number of a suspect's telephone/ Internet connections without specifying what they will find or how many connections will be tapped; the "financial records" provision that allows the feds to seize "any tangible thing" that has "relevance" to an investigation; and the "lone wolf" provision that allows spying on non-U.S. citizens without a warrant.

The provisions that were extended, as well as the Patriot Act as a whole, violate the Fourth Amendment to the Constitution.

2. South Korea Trade Agreement

On a single day — October 12, 2011 — both the House and Senate approved three separate trade agreements with South Korea, Colombia, and Panama. These measures are three more in a series of "free-trade agreements" intended to transfer the power to regulate trade (and eventually other powers too) to super-national arrangements via a step-by-step process. NAFTA is a prime example of such an arrangement. So is the developing continental government now known as the European Union, which is an outgrowth of a free-trade arrangement once called the Common Market.

Agreements such as this one are intended to transfer trade (and other) powers to super-national arrangements binding the United States, despite the fact that under the Constitution only Congress has the power "to regulate commerce with foreign nations."

3. Omnibus Appropriations

This catch-all legislative package (H.R. 2055), which would provide \$915 billion in discretionary appropriations for fiscal 2012, is comprised of nine appropriations bills for fiscal 2012 that Congress failed to complete separately.

Many of the bill's spending programs -- e.g., education, housing, foreign aid, etc. -- are unconstitutional. Moreover, passing this mammoth appropriations bill in light of the ongoing trillion-dollar annual deficits is grossly fiscally irresponsible. Furthermore, packaging the appropriations bills for so many large federal agencies into one mega-bill greatly reduces the accountability of the Congressmen to their constituents.

4. Oil and Gas Development; Keystone XL Pipeline

This bill (H.R. 3408) would open up part of Alaska's resource-rich Arctic National Wildlife Refuge to oil and gas development. It would also expand lease sales for drilling to include areas off the Southern California and mid-Atlantic coasts and in the Gulf of Mexico. And it would provide for approval of the Keystone XL oil pipeline.

The federal government should allow entrepreneurs to develop energy resources, rather than deny access to the resources.

5. Immigration Enforcement

During consideration of the fiscal 2013 Homeland Security appropriations bill (H.R. 5855), Rep. King introduced an amendment "to prohibit the use of funds to be used to finalize, implement, administer, or enforce" Immigration and Customs Enforcement memos (known as the Morton memos) regarding prosecutorial discretion to prioritize the removal of certain illegal immigrants.

The Obama administration's use of prosecutorial discretion to provide amnesty to illegal immigrants violates the constitutional principle of separation of powers. According to Article I, Section 1, "all legislative powers herein granted shall be vested in a Congress of the United States." In particular, Congress is granted the power "to establish a uniform rule of naturalization" in Article I, Section 8. In contrast, Article II, Section 3 states that the president "shall take care that the laws be faithfully executed."

6. Federal Reserve Audit

Rep. Ron Paul (R-Texas) introduced a bill (H.R. 459) to require a full audit of the board of governors of the Federal Reserve System and the Federal Reserve banks by the comptroller general of the United States.

The Federal Reserve System, essentially a cartel of private banks functioning as a central bank, is unconstitutional and is responsible for much of the nation's current financial problems via its control of money and credit. An audit of the Fed would shed light on its otherwise secretive practices and perhaps open the door for its eventual abolishment.