FreedomWorks vs. Reality

A few weeks back, FreedomWorks started circulating a document they called "Will the REAL Orrin Hatch please stand up?" Their purpose, apparently, was to try to expose Senator Hatch as a closet liberal – or at least a closet RINO. The document listed a total of 77 "key votes" that Senator Hatch cast over a 30-year period. The document purports to be a scathing indictment of Senator Hatch, unless, of course, you take the time to actually read through it and check the details.

First of all, no honest person or organization would ever try to use 77 votes to draw conclusions about a Senate tenure that spans 35 years and over 12,000 votes. Indeed, FreedomWorks would have their readers believe that a little more than one-half of one percent – that's 1/200th – of Senator Hatch's votes define his Senate service. That's beyond bad math, it's simply deliberate misdirection.

Even worse, the paltry list of votes in FreedomWorks' document is wildly disingenuous. For the vast majority of the votes, they've engaged in selective outrage – attacking Senator Hatch for voting with other conservative Republicans, including some of FreedomWorks' favorites like Jim DeMint, Tom Coburn, Paul Ryan and Michele Bachmann as well as conservative legends like Ronald Reagan, Barry Goldwater, Phil Gramm, and Don Nickles. In fact, with many of the votes cited on the list, FreedomWorks' own Chairman Dick Armey voted the exact same way. Yet, despite the good company he's kept, FreedomWorks has smeared Senator Hatch as being unfit to serve.

Below is a complete examination of FreedomWorks' list of "key votes." As you can see, many of the votes are cited out of context and/or with descriptions that are intentionally misleading. Many others come with descriptions so slanted that they border on being out-and-out lies. And, a number of them *are* lies, plain and simple. Then there are some Orwellian claims where FreedomWorks lists a vote by Senator Hatch that was the universally established conservative position, but FreedomWorks says the vote is liberal. Day is night, two plus two equals five, and, apparently, real conservatives are against lower taxes, smaller government, and balanced budgets.

Senator Hatch does not claim to have voted perfectly 100 percent of the time. He is on record saying there were a few times he wishes he had voted differently. That said, he stands by his Senate record and is willing to debate it with anyone. But, if there's going to be a debate, it should be honest and straightforward. If this list is any indication, that is not the type of debate FreedomWorks wants to have.

• Roll Call 5: "Hatch refused to vote against eliminating the second round of TARP bailout funds."

Here, FreedomWorks is being intentionally dishonest. Senator Hatch was present at the vote and stated his support for eliminating the second round of TARP funds on the record.¹ A Senator who opposed the measure was necessarily absent and Senator Hatch withheld his vote from the final count so as to offset the loss of the absent Senator's vote. This practice is very common in the Senate – officially referred to as giving a "live pair." The action had no effect on the outcome of the vote and, once again, Senator Hatch's support for eliminating the funds is noted in the Congressional Record and in several public statements.

• <u>Roll Call 90</u>: "Hatch voted to protect the power of special interest trial lawyers to gouge fees from American taxpayers."

This was actually a vote on an amendment that would have limited the ability of state attorneys general to allocate their resources with regard to outside legal services or expert witnesses. It wasn't a bad amendment. But, Senator Hatch voted against this amendment because State of Utah officials expressed concerns about the proposed policy. Contrary to FreedomWorks' claims, Senator Hatch has been a leader in numerous reform efforts designed to eliminate frivolous lawsuits and reduce the negative influence of trial lawyers, including limits on non-economic and punitive damages as well as medical malpractice liability reform.

• <u>Roll Call 148</u>: "Hatch voted to allow taxpayer dollars to be taken to bail out auto manufacturers."

This was not a vote on the auto bailout. Senator Hatch opposed the auto bailout from the very beginning, voting against it in December 2008.² The vote listed by FreedomWorks was on an amendment that would have only reduced the Department of Commerce's funding by the amount the Obama Administration used for its bailout. There was no way to ensure that this amendment would prevent the Administration from continuing with the bailout. They could have simply re-routed the funds. Senator Hatch voted against the amendment because it would have been unenforceable and likely ineffective, not because he supported the auto bailout.

 $^{^{\}rm 1}$ Congressional Record, 155:9 p. S587 (January 15, 2009).

² December 11, 2008, Senate Roll Call Vote 215. H.R. 7005 was designated as the legislative vehicle for the auto bailout. Senator Hatch voted against cloture on the motion to proceed to the bill.

• Roll Call 272: "Hatch voted to use taxpayer money to promote travel."

This was a vote on the Travel Promotion Act, bill that was endorsed by the Utah Office of Tourism as well as the U.S. Chamber of Commerce. In addition to having the support of majority of Senate Republicans, including conservatives like John Thune and David Vitter, the bill was also supported by the vast majority of House Republicans, including Representatives Paul Ryan and Jason Chaffetz.³

2008 Key Votes

• <u>Roll Call 10</u> – "Hatch voted for this stimulus bill, which expanded the welfare state, increased FHA loan limits, and encouraged more risky loans from Fannie Mae and Freddie Mac."

Unlike the Obama "stimulus" in 2009, this bill consisted mostly of tax cuts for individuals and families. The tax relief in the bill amounted to \$134 billion over five years. The FHA provisions of the bill had no budgetary impact whatsoever⁴ and there is no credible link between this bill and the mortgage crisis. Because of the significant tax cuts involved, the vast majority of Republicans in both the House and Senate supported it, including tea party luminaries like Michele Bachmann, and Paul Ryan.

• <u>Roll Call 75</u> – "Hatch voted against establishing an earmark moratorium to end the gratuitous and corrosive process of pork-barrel spending."

This was a vote on an amendment that would have created a one-year moratorium on earmarks. It would have had no impact on overall spending levels, it would have just eliminated earmarks for a year. Senator Hatch joined a majority of Republicans in voting against this amendment, believing at the time that the earmark process could be improved with more oversight and transparency. Senator Hatch has since voted on multiple occasions to ban earmarks⁵ and was the first Senator to withdraw his few earmark requests in 2010 when the across-the-board ban was finally imposed.⁶

³ October 7, 2009, House Roll Call Vote 762. H. Res. 806, which was the House vehicle for approving the Travel Promotion Act, was agreed to in the House by a vote of 358-66.

⁴ February 11, 2008, Congressional Budget Office Cost Estimate, H.R. 5140, Economic Stimulus Act of 2008. http://www.cbo.gov/ftpdocs/89xx/doc8973/hr5140pgo.pdf

⁵ See, for example: November 30, 2010, Senate Roll Call Vote 255; March 18, 2010, Senate Roll Call Vote 60.

⁶ December 15, 2010, Talking Points Memo "Attention GOP Porkers: Hatch Had His Earmark Requests Stripped From Spending Bill" by Brian Beutler. http://tpmdc.talkingpointsmemo.com/2010/12/attn-gop-porkers-hatch-had-his-earmark-requests-stripped-from-spending-bill.php.

• Roll Call 153 – "Hatch voted against removing a \$300 billion earmark in FHA Insurance."

This was a procedural vote – a motion to waive the budget act regarding an amendment to strike the Hope for Homeowners program from the Housing and Economic Recovery Act of 2008. It can hardly be said that Senator Hatch supported the program or the earmark, however, as he voted against the final bill.⁷

• Roll Call 186 – "Hatch voted to bailout the mortgage industry, Fannie Mae and Freddie Mac, nationalized much of the mortgage industry, raising the ceiling on risky loans, and instituting another \$4 billion housing subsidy program."

This claim is false. Senator Hatch voted against Conference Report for the mortgage bailout.8

• Roll Call 213 – "Hatch voted for the infamous Wall Street bailout (TARP), which allocated \$700 billion in taxpayer funds to buy "toxic assets."

Senator Hatch was hardly alone in his initial support for TARP, which was, at the time, the only legislative option on the table to address the financial meltdown of late 2008. Other conservative Senators voting in favor of TARP included Tom Coburn, Jon Kyl, and John Cornyn. In the House, the bill was supported by Paul Ryan, Lamar Smith, and Eric Cantor. Outside of Congress, TARP was supported by Sarah Palin⁹, Mitt Romney¹⁰ and Glenn Beck.¹¹ Yet, in FreedomWorks' view, early support for TARP is only an indictment against Senator Hatch. For the record, Hatch has since acknowledged that, due to the Obama Administration's misuse of TARP funds, he regrets voting for TARP.¹²

2007 Key Votes

• Roll Call 42 – "Hatch voted for Big Labor's job-killing minimum wage hike."

This bill included tax breaks for small businesses impacted by the increase in minimum wage, and would have negated the negative impact of the increase and

⁷ July 26, 2008, Senate Roll Call Vote 186.

⁸ July 26, 2008, Senate Roll Call Vote 186.

⁹ See, e.g. October 21, 2008, CNN's "The Situation Room." Governor Palin, referencing TARP said, "Now, as for the economic bailout provisions and the measures that have already been taken, it is a time of crisis and government did have to step in playing an appropriate role to shore up the housing market to make sure that we're thawing out some of the potentially frozen credit lines and credit markets, government did have to step in there." http://edition.cnn.com/2008/POLITICS/10/21/palin.sitroom.transcript/

¹⁰ February 27, 2009, CPAC Speech. Governor Romney said: "I know we didn't all agree on TARP. I believe that it was necessary to prevent a cascade of bank collapses. For free markets to work, there has to be a currency and a functioning financial system." http://www.politico.com/blogs/bensmith/0209/Romney_at_CPAC.html.

¹¹ September 22, 2008, CNN Headline News, "Glen Beck." Beck said: "I thought about it an awful lot this weekend, and while it takes everything in me to say this, I think the bailout is the right thing do. The "REAL STORY" is the \$700 billion that you're hearing about now is not only, I believe, necessary, it is also not nearly enough, and all of the weasels in Washington know it." http://transcripts.cnn.com/TRANSCRIPTS/0809/22/gb.01.html.

¹² February 11, 2011, CPAC Speech. http://www.sltrib.com/sltrib/home/51236442-76/hatch-conservative-vote-uhler.html.csp.

helped businesses in the process. Senator Hatch voted to filibuster a proposed "clean" minimum wage increase (an increase without the tax breaks). ¹³ He was joined by almost all other Republican Senators – including staunch conservatives like Jim Bunning, John Cornyn, and Jeff Sessions – in supporting the bill with the tax provisions included. Senator Hatch has consistently voted against stand-alone increases in the minimum wage. ¹⁴

- <u>Roll Call 105</u> "Hatch voted to increase taxes in order to reauthorize and expand SCHIP."
- <u>Roll Call 307</u> "Hatch voted to expand the federal government's role in health care through reauthorize SCHIP."

Senator Hatch stands by his original support of SCHIP, which was designed to be a block-grant program allowing the federal government to assist the states in providing health insurance to the children of the working poor. Unlike Obamacare, SCHIP was narrowly tailored to assist a certain segment of the population and provided choice and flexibility to participating states. The program was designed to assist the children of the working poor -- the only people left out of the health care system -- whose parents could not afford health insurance for their children but made too much money to qualify for Medicaid. In those cases, the parents could either keep their jobs and not insure their children or quit their jobs, go on welfare, and put their entire family on Medicaid. Put simply, SCHIP was designed to keep workers in the workforce and whole families off of more expensive and burdensome government programs. In Senator Hatch's view, that's a conservative goal. Under Senator Hatch's original bill, there were 50 state laboratories that controlled the program, not the federal government. However, when President Obama took office, he and congressional Democrats expanded SCHIP to cover too many people and increased federal control over the program. Senator Hatch was among the most outspoken critics of these changes and voted against reauthorizing SCHIP in 2009.15

• <u>Roll Call 347</u> – "Hatch voted for this pork-laden bill which contained over 900 special interest earmarks and contained excessive spending."

FreedomWorks is criticizing Senator Hatch for voting for a bill supported by the likes of John Cornyn, Mitch McConnell, and Jim Inhofe in the Senate and Michele Bachmann and Paul Ryan in the House. 16

Roll Call 354 – "Hatch voted to increase the debt limit by \$850 billion."

 $^{^{\}rm 13}$ January 24, 2007, Senate Roll Call Vote 27

¹⁴ November 18, 1989, Senate Roll Call Vote 292; October 7, 1977, Senate Roll Call Vote 548.

 $^{^{\}rm 15}$ January 29, 2009, Senate Roll Call Vote 31.

¹⁶ August 1, 2007, House Vote 790.

See Appendix.

• Roll Call 400 – "Hatch voted to spend more taxpayer money on the failed passenger rail monopoly."

Senator Hatch actually supported the Bush Administration's efforts to scale back federal control and eventually privatize Amtrak. However, he did not believe that Amtrak should be defunded and abandoned while Congress and the White House squabbled over a long-term solution for Amtrak. For this reason, he supported maintaining Amtrak funding. On this particular vote, Senator Hatch was, as usual, joined by the majority of Republicans in the Senate.

• Roll Call 403 – "Hatch voted to increase funding for SCHIP by \$50 billion."

See the above comments on SCHIP.

• <u>Roll Call 425</u> – "Hatch voted for this flawed energy bill which contained ethanol subsidies, and marked another victory for special interests and proponents of higher taxes and mandates in our energy policy."

First of all, FreedomWorks is incorrect. Senator Hatch was one of the few Senators of either party who voted against final passage of the Democratic energy bill, joining Senators Tom Coburn and Jim DeMint. FreedomWorks citation is in reference to the cloture vote on the bill. This flawed energy bill was expected to move with overwhelming support. Yet, prior to the cloture vote, Senator Hatch was able to convince the Democratic managers of the bill to make some muchneeded changes, including the elimination of taxes on offshore oil drilling and the extension of tax incentives for U.S. refinery capacity. In return, he agreed to vote for cloture on the bill in hopes that additional improvements would be made, including the elimination of the ethanol mandate, renewable electricity standards, and the expansion of Davis-Bacon. When those changes did not come, Senator Hatch voted against the bill. Senator Hatch spoke on the details of his discussions on the Senate floor. 17

• <u>Roll Call 434</u> – "Hatch voted for a massive \$300 billion subsidy for agriculture businesses."

¹⁷ Congressional Record, 153:191, pgs. S15427-28 (December 13, 2007).

Hatch was joined on this vote in the Senate conservatives like Tom Coburn, Jim Inhofe, and Wayne Allard. Why has FreedomWorks singled him out for criticism?

2006 Key Votes

• Roll Call 13 – "Hatch voted with the special interest trial lawyers to create a new system for resolving claims of injury caused by asbestos exposure."

FreedomWork's characterization of this vote -- on an amendment to the Fairness in Asbestos Injury Resolution (FAIR Act) of 2006 - is simply incorrect. This was a bill intended to create a fairer system to resolve the asbestos litigation crisis brought on by frivolous claims and unpredictable jury awards. The "special interest trial lawyers" actually opposed this legislation because they stood to lose billions in attorneys' fees if it passed. Groups like the American Trial Lawyers Association (now renamed the American Association for Justice) and unions like the AFL-CIO successfully lobbied to kill the bill in the Senate. 18

- Roll Call 52 "Hatch voted for a gigantic \$500 million earmark for Amtrak."
 See the above comments regarding Amtrak.
- Roll Call 54 "Hatch voted to increase the debt limit by \$781 billion."

See Appendix.

• Roll Call 81 – "Hatch voted against including federal entities in the definition of earmarks."

Senator Hatch was actually a strong supporter of increasing transparency in the earmarking process. However, this particular amendment would have effectively made every item of federal discretionary spending – any authorization or appropriation – an earmark under the rules. This would have made the appropriations process entirely unmanageable and undermined the effort to expose truly wasteful earmarks. Hatch joined with the majority of Senate Republicans in voting to table the amendment. In 2007, when Senate was finally able to pass real earmark reform, Senator Hatch voted in favor of the amendment that expanded the definition of earmarks to include federal entities, but was more directed at actual earmarks -- funds for specific entities, localities, congressional districts, etc. -- rather than discretionary spending in general.¹⁹

¹⁸ See, e.g., Feb. 15, 2006, The New York Times, "Asbestos Bill Is Sidelined by the Senate" by Stephen Labaton. http://www.nytimes.com/2006/02/15/politics/15asbestos.html.

¹⁹ 110th Congress, S. Amdt. 11. January 16, 2007, Senate Roll Call Vote 11.

- Roll Call 97 "Hatch voted against another measure to prevent wasteful increases in spending".
- Roll Call 99 "Hatch voted to suspend consideration for an amendment that would cure rail line pork."
- Roll Call 100 "Hatch voted against eliminating sea food promotion pork-barrel spending."

These were all votes on amendments to the 2006 Emergency Supplemental Appropriations bill, which predominately included funds for American troops and Hurricane Katrina relief. **Like another one of FreedomWorks' favorite Senators, Jim DeMint, Senator Hatch is admittedly a "recovering earmarker"**²⁰ and, quite simply, these votes were the product of a by-gone era when Senators trusted each other to ensure that their earmarks were funding worthy projects. That time is gone, and, as noted above, Senator Hatch has been a leader in bringing about change to the system.

2005 Key Votes

• Roll Call 118 – "Hatch voted to increase funds in the highway bill".

Another distortion. This was not a vote to increase funds, but simply a procedural vote to let the highway bill move forward. When the first vote on the substance of the highway bill finally came, almost all Senate Republicans voted with Senator Hatch, including conservatives like Tom Coburn, Wayne Allard, Rick Santorum, and Jeff Sessions.²¹

• <u>Roll Call 138</u> – "Hatch voted for an arbitrarily-mandated ethanol subsidy which even Al Gore has recently declared a failure and a politically-motivated handout to the first Presidential primary state, Iowa."

This was a vote to table an amendment that would have stripped ethanol provisions from the Energy Policy Act of 2005. Senator Hatch, along with Senators Jim DeMint, John Cornyn, Jeff Sessions, and the vast majority of Senate Republicans, voted to table this amendment to move the debate on the energy

²⁰ November 14, 2010, Washington Times, "DeMint: T'm a recovering earmarker" by Joseph Weber. http://www.washingtontimes.com/news/2010/nov/14/demint-im-recovering-earmarker/

bill forward. These same fiscal conservatives also all voted for final passage of the energy bill, with the ethanol provisions included.²² For the record, Senator Hatch has actually been an outspoken critic of America's ethanol policy²³ and recently voted to eliminate ethanol subsidies entirely.²⁴

• <u>Roll Call 220</u> – "Hatch voted for this notorious \$300 billion highway spending bill stuffed with nearly 6,500 earmarks, exemplifying the worst of Republican excesses just before they lost control of Congress."

If Senator Hatch was wrong to vote in favor of this bill, he was joined by many of FreedomWorks' favorite Republicans, people like Jim DeMint, Tom Coburn, Rick Santorum in the Senate and Paul Ryan in the House.²⁵

• <u>Roll Call 262</u> – "Hatch voted against cutting the infamous "bridge to nowhere" in Alaska, which was the leading symbol of government waste and profligate spending in the 109th Congress."

This vote would not have saved any taxpayer funds as the amendment would have simply shifted the funds for the "Bridge to Nowhere" and used them for another earmark. Furthermore, when it came time to vote on final passage for the bill that contained the "Bridge to Nowhere" earmark, the Senate voted to pass it by a vote of 93-1. Among the many fiscal conservatives who also supported final passage of the bill were Jim DeMint, Tom Coburn, John Kyl, and Rick Santorum.²⁶

• Roll Call 286 – "Hatch voted against responsibly reducing non-defense discretionary spending."

With this vote, Senator Hatch voted against waiving a point-of-order on an amendment to the Deficit Reduction Act of 2005.²⁷ Without this amendment, the overall bill still included over a \$100 billion in spending cuts – including savings to entitlement programs like Medicare and Medicaid – and, even though this particular amendment failed, the bill was supported by every conservative Republican in the Senate. Conservative Senators Tom Coburn, Jim DeMint, Rick Santorum, and Jon Kyl all supported the final bill, as did Senator Hatch.²⁸

²² June 28, 2005, Senate Roll Call Vote 158.

²³ See, e.g., July 24, 2008, The Denver Post, Guest Commentary, "Things you didn't know about oil shale" by Senator Orrin Hatch. http://www.denverpost.com/headlines/ci_9973753

²⁴ June 16, 2011, Senate Roll Call Vote 90.

 $^{^{\}rm 25}$ July 29, 2005, House Roll Call Vote 453.

²⁶ October 20, 2005, Senate Roll Call Vote 264.

²⁷ P.L. 109-171

²⁸ November 3, 2005, Senate Roll Call Vote 303.

• <u>Roll Call 65</u> – "Hatch voted for more superfluous government spending and mandates on states."

Is FreedomWorks really conservative? Someone should ask them because, quite literally, every conservative and Republican organization on the planet supported this vote. This was a cloture vote on the Republican effort (H.R. 4) to improve and reauthorize the welfare reforms enacted by the Republican Congress in the 1990s. These reforms are universally considered to be among the most significant conservative reforms ever enacted. H.R. 4 was unanimously supported by Senate Republicans and by all but two House Republicans. Virtually all the Democrats in both chambers opposed the bill. FreedomWorks apparently believes that Senator Hatch should have voted with the Democrats and against one of the great landmarks of conservative policy.

• Roll Call 77 – "Hatch voted against permanently halting taxes on electric commerce imposed by the Internet Tax Freedom Act."

FreedomWorks' description of this vote is so dishonest that it's laughable. This was a vote in favor of the Internet Tax Nondiscrimination Act, which explicitly banned taxation on the Internet in the United States. So, to be clear, Senator Hatch's vote on this bill was, without dispute, the conservative vote. It's not really clear, but it appears as though FreedomWorks believes Senator Hatch should have voted against this bill because the tax ban wasn't permanent.²⁹ That is strange, given that Senator Hatch's vote in favor of this bill was actually scored as a positive in the American Conservative Union's 2004 ratings. Indeed, had Hatch voted against this bill, FreedomWorks undoubtedly would have said he voted in favor of Internet taxation, something he would not do.

• Roll Call 213 – "Hatch voted to increase the debt limit by \$800 billion."

See Appendix.

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²⁹ The ban in this bill expired in 2007. It was subsequently extended by the Internet Tax Freedom Act Amendment Act of 2007 (P.L. 110-108), a bill that passed unanimously in both the House and Senate.

- Roll Call 202 "Hatch voted to increase the debt limit by \$984 billion."
 - See Appendix.
- Roll Call 205 "Hatch voted to keep unnecessary and expensive military bases open."

This was a vote to rescind authority for the Defense Department's 2005 Base Realignment and Closure Commission (BRAC). Utahns should remember the years leading up to the 2005 BRAC report very well as there was a time when Hill Air Force Base was thought to be under consideration for closure. This vote was to ensure that Hill Air Force Base – which employs 26,000 Utahns and is worth roughly \$5 billion a year to Utah' economy – remained open. Had the base been closed, the economic impact for Utah would have been devastating. In any event, Hill Air Force Base is, by most accounts, crucial to the military defense of our country. Is FreedomWorks really attacking a Senator for fighting for his state's interests?

 Roll Call 409 – "Hatch voted to increase federal control over the state and local elections."

Again, FreedomWorks has intentionally mischaracterized Senator Hatch's vote.

This was a vote in favor of an amendment to provide the funding authorized by the Help America Vote Act, which was supported by overwhelming majorities in both parties in 2002 and in no way increased federal control over state and local elections. Instead, the law provides assistance to state and local governments in conducting federal elections. FreedomWorks is free to disagree with the Help America Vote Act, but they may want to ask their own Dick Armey why he voted for it in the House, along with Paul Ryan, Mike Pence and Jim DeMint.³⁰ Senators voting in favor of the law included: Don Nickels, Rick Santorum, and Jon Kyl. ³¹

• Roll Call 459 – "Hatch voted for Medicare Part D, a huge entitlement program which added trillions in unfunded liabilities to Medicare."

Senator Hatch stands by his support of Medicare Part D. This program is one of very few major government programs in history that delivers a high quality benefit at costs that are lower than expected. The Part D drug benefit is projected to cost nearly 40 percent less than the figures cited at the time the program became

³⁰ October 10, 2002, House Roll Call Vote 462.

³¹ October 16, 2002, Senate Roll Call Vote 238.

law.³² This is unheard of in Washington, where cost projections are usually significant underestimates. In addition, participants in the program support it overwhelmingly. FreedomWorks' is engaging in some major selective outrage here, given that the vast majority of Republicans in both the House and Senate supported this program, including fiscal conservatives like Jon Kyl and John Cornyn in the Senate and Paul Ryan, Rob Portman, and Darrell Issa in the House.

2002 Key Votes

• Roll Call 141 – "Hatch voted to quintuple the funding for AIDS programs in Africa, from \$100 million to \$500 million."

Senator Hatch stands by his support of AIDS programs in Africa and for AIDS funding in general. The vast majority of Republicans in Congress apparently agreed with him because, just a year after this vote, Congress passed the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 – a bill that authorized \$15 billion over five years for global HIV/AIDS – with overwhelming Republican support.³³ It passed in the House with the support of conservatives like Paul Ryan, Jim DeMint, and Mike Pence.³⁴ The bill passed by Unanimous Consent in a Senate that included Don Nickles, Phil Gramm, and Rick Santorum.³⁵

Roll Call 148 – "Hatch voted to increase the debt limit by \$450 billion."

See Appendix.

1998 Key Votes

• <u>Roll Call 123</u> – "Hatch voted to include a member of the IRS employees' union on an Internal Revenue Service Oversight Board."

One of the few instances in which Hatch voted differently than Republican mainstream. However, one should not read too much into this vote, which was on an amendment to the Internal Revenue Service Restructuring and Reform Act of 1998³⁶, a law that significantly limited the authority of the IRS and gave more process rights to taxpayers. **Though the amendment stripping the employees' union of**

³² March 24, 2009, Centers for Medicare and Medicaid Services, Comparison of the Office of the Actuary's Cost Estimates for Part D.

³³ P.L. 108-25

³⁴ May 1, 2003, House Roll Call Vote 158.

^{35 108}th Congress, H.R. 1298.

³⁶ Public Law 105-206.

membership on the Oversight Board did not pass, the overall bill passed in the Senate without a single dissenting vote.³⁷ Conservative Senators who voted in favor of the final bill – the bill that included representation for the employees' union -- included Phil Gramm and Don Nickels.

Roll Call 143 – "Hatch voted to increase the tobacco tax."

Once again, FreedomWorks is being dishonest. This was a procedural vote on an amendment to the National Tobacco Policy and Youth Smoking Reduction Act, a bill that would have not only increased taxes, but would have imposed a multitude of new federal regulations and civil liabilities. This vote would have stricken the tax provisions. Senator Hatch did, indeed, vote to table this amendment. But, he also voted four times to filibuster the overall bill.³⁸ The bill eventually died when it failed to overcome a budget point-of-order. Senator Hatch also voted against waiving that point-of-order³⁹, which effectively killed the bill. Long story short, Senator Hatch voted against the tobacco taxes in this bill, not in favor of them.

• <u>Roll Call 256</u> – "Hatch voted against accountability measures regarding how the International Monetary Fund uses U.S. Aid."

This was a vote on a motion to table an amendment that would have imposed additional accountability requirements on the IMF. The majority of Republicans, including Senator Hatch and Phil Gramm voted to table the amendment. The overall bill passed overwhelmingly the same day, with the support of all but two Senate Republicans. So, tabling the IMF amendment was not significant enough to prevent any conservative from supporting the final bill.⁴⁰ For the record, Senator Hatch has long supported oversight and accountability of the IMF. Most recently, he and Senator Jim DeMint introduced legislation to repeal the government's authority to provide loans to the IMF for the purpose of bailing out European governments in debt crisis.⁴¹

• Roll Call 269 – "Hatch voted to continue taxpayer funding of the National Endowment for the Arts (NEA)."

This was another procedural vote. Senator Hatch was among the majority of Republicans who voted to table an amendment that would have eliminated funding for the NEA. **It should be noted that this amendment would not have saved**

 $^{^{\}rm 37}$ July 9, 1998, Senate Roll Call Vote 189.

³⁸ June 9, 1998, Senate Roll Call Vote 150; June 10, Senate Roll Call Vote 153; June 11, Senate Roll Call Vote 156; June 17, Senate Roll Call Vote 161.

³⁹ June 17, 1998, Senate Roll Call Vote 162.

⁴⁰ September 2, 1998, Senate Roll Call Vote 259.

⁴¹ 112th Congress, S. 1276, A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes.

American taxpayers any money whatsoever – it would have simply channeled NEA money into another program.

1997 Key Votes

• <u>S.674</u> – "Hatch teamed up with Ted Kennedy to cosponsor the Children's Health Insurance Provides Security (CHIPS) Act."

This was the legislation that eventually led to the passage of SCHIP. **See the above comments regarding SCHIP.**

• <u>H.R. 2015</u> – "Hatch voted to increase the debt limit by \$450 billion and create the State Children's Health Insurance Program (SCHIP), the largest expansion of taxpayer funded health insurance coverage for children in the U.S. since Medicaid."

Conveniently, FreedomWorks leaves out the title of this legislation – the Balanced Budget Act of 1997. True enough, this bill did create SCHIP and it raised the debt ceiling, but it also represented the first balanced federal budget in over 40 years. SCHIP provided the glue necessary to get Democrats to support this bill that, by all accounts, was a major conservative victory. Would FreedomWorks have opposed this bill? If so, they may want to ask why their Chairman, Dick Armey, voted in favor it, along with stalwart conservatives like Don Nickles, Jon Kyl, and Rick Santorum.

1996 Key Votes

• <u>H.R. 3136</u> – "Hatch voted to increase the debt limit by \$600 billion."

This is a false claim. There was no vote in the Senate on this legislation – it passed by unanimous consent because no one in the Senate viewed it as controversial. This was the Contract with America Advancement Act of 1996. It included many elements of the Contract with America — the centerpiece of the 1994 Republican Revolution – including the scaling back of business regulations and greater congressional oversight on the regulatory process. This was, in virtually all respects, a Republican bill with conservative objectives. That's probably why FreedomWorks Chairman Dick Armey⁴² supported it, as did every single Republican Senator, including fiscal conservatives like Phil Gramm and Don Nickles.

⁴² March 28, 1996, House Roll Call Vote 102.

• Roll Call 408 – "Hatch voted against requiring the most able-bodied, non-elderly food stamp recipients to work for 40 hours during every 4-week period."

This was a vote on an amendment during the Senate's consideration of the Work Opportunity Act of 1995, a welfare reform proposal that was ultimately was vetoed by President Clinton. The following year, Senator Hatch was a leader in Congress's efforts to finally pass a welfare reform bill that President Clinton would sign.⁴³ This was widely hailed as a major triumph for conservatives. The latter bill actually included a stronger work requirement than the one FreedomWorks listed here.⁴⁴ For the record, Senator Hatch has long supported work and conduct requirements for welfare and food stamps recipients.

• <u>Roll Call 601</u> – "Hatch voted against legislation which provided congressional oversight of U.S. taxpayer dollars sent to murky and volatile regions such as war-stricken Bosnia."

Prior to this vote, Senator Hatch strongly criticized President Clinton's Bosnia policy on the Senate floor.⁴⁵ He had already publicly advocated alternatives to U.S. intervention into Bosnia.⁴⁶ However, he ultimately believed that politics should not be inserted into a conflict wherein American troops may be put in harm's way.

Therefore, along with most of the Republicans in the Senate, he voted against this measure, which would have tied the hands of the President and effectively defunded the troops that were already in Bosnia. This was consistent with his efforts to prevent Democrats from micro-managing the war in Iraq when President George W. Bush was in office.

⁴³ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

⁴⁴ P.L. 104-193. Section 815 requires food stamp recipients to work an average of 30 hours EVERY week. The amendment listed by FreedomWorks would only have required them to work a total of 40 hours every four weeks.

⁴⁵ Congressional Record, 141:198 II, p. S18524.

⁴⁶ February/March 1994, Washington Report on Middle East Affairs, p. 13 "Still Time for U.S. to Save Bosnia Without Intervention" by Senator Orrin G. Hatch. http://www.wrmea.net/component/content/article/153/7415-still-time-for-us-to-save-bosnia-without-intervention.html.

• <u>S. 1770</u> – "Hatch supported a government take-over of health care when he <u>cosponsored</u> legislation that contained an individual mandate."

This is a complete mischaracterization and it tells only a fraction of the story. True, Senator Hatch cosponsored this bill, which was, at the time, designed as a counterweight to the Clinton health care plan. The bill did contain an individual mandate, an idea first proposed by the conservative Heritage Foundation and supported by many conservatives in Congress. But, it would not have imposed a government takeover of the health care system. While S. 1770 was far more market-based and limited in scope than Hillarycare – or Obamacare for that matter — the bill was never seriously debated and the constitutionality of an individual mandate wasn't fully explored. When Obamacare came around and the idea of an individual mandate came under direct scrutiny — because the bill actually came up for a vote — Senator Hatch was the first Member of Congress to publicly question the constitutionality of the mandate and has been the most outspoken champion of the many legal challenges to Obamacare.⁴⁷⁴⁸

• Roll Call 317 – "Hatch voted against an amendment proposed by Senator Nickles (R-OK), which would have prohibited the use of funds to support U.S. armed forces under the command of United Nations commanders."

Senator Hatch supported the goals of this amendment. He was even an original cosponsor. However, as with the vote on Bosnia troop funding, Senator Hatch eventually came to the conclusion that it was inappropriate for Congress to assume the authority of the Commander-in-Chief via the appropriations process. This has been Senator Hatch's consistent position, regardless of whether a Republican or Democrat is in the White House.

 <u>Roll Call 389</u> – "Hatch voted to kill this amendment introduced by Senator Stevens that would have reduced the costly environment and labor regulations imbedded in NAFTA."

Senator Ted Stevens proposed an amendment in a manner that was contrary to the Senate's rules and procedures for the consideration of trade agreements. Passage of this amendment would have ultimately killed NAFTA in the Senate, which is why the vast majority of those voting in favor of the Stevens Amendment were NAFTA opponents. **Senator Hatch is one of Congress's most outspoken supporters of**

⁴⁷ See, e.g. November 1, 2009 CNSNews.com, "Sen. Hatch Questions Constitutionality of Obamacare: If Feds Can Force Us to Buy Health Insurance Then There's Literally Nothing the Federal Government Can't Force Us to Do." http://www.cnsnews.com/node/56447.

⁴⁸ November 10, 2010, *The Hill*, "Hatch files friend-of-court brief in challenge to healthcare law" by Emily Goodin. http://thehill.com/blogs/ballot-box/senate-races/128697-hatch-files-friend-of-court-brief-in-challenge-to-healthcare-law.

Free Trade and was a strong proponent of the NAFTA agreement. Senator Hatch expressed concern about the labor and environmental provisions contained in the agreement, but did not believe they were significant enough to scuttle NAFTA entirely.⁴⁹ FreedomWorks Chairman Dick Armey presumably agreed with this position because he also voted to ratify NAFTA with the labor and environmental provisions included. ⁵⁰

1992 Key Votes

• Roll Call 264 – "Hatch voted to override President Bush's veto of a bill that expanded government encroachment in television by regulating the cable television industry."

This was a bill drafted to address serious concerns in the cable industry, namely, a lack of competition and ever-increasing prices for consumers. Senator Hatch, along with a majority of Republicans in the Senate, voted for the original bill and to override President Bush's veto. It should also be noted that FreedomWorks' favorite John Kasich – now the popular governor of Ohio – voted the same way.⁵¹ When the regulations of the 1992 law proved to be ineffective, Senator Hatch supported the Telecommunications Act of 1996, which deregulated the cable industry and is one of the major reasons for the huge expansion of cable programming over the last 15 years.⁵²

1990 Key Votes

• <u>Roll Call 269</u> – "Hatch voted to excessively appropriate \$11.5 billion more than was necessary to fund the departments of Labor, Health and Human Services, Education and other related agencies."

Once again, FreedomWorks attacks Senator Hatch – two decades after the fact -- for taking the same position as the majority of Republicans in both the House and Senate, **including fiscal conservatives like Phil Gramm.**

• Roll Call 292 – "Hatch voted for this tax and spend laden budget, which at the time amounted to the largest tax increase in U.S. history."

Yet again, FreedomWorks is being deliberately misleading. With this vote, Senator Hatch joined the majority of Republicans in the Senate in supporting the Senate's version of the budget, which differed significantly from the budget that eventually passed. Senator Hatch actually voted against the final version of the

 $^{^{\}rm 49}$ Congressional Record, 139:161, pgs. S16042-6 (November 18, 1993).

⁵⁰ November 17, 1993, House Roll Call Vote 575.

 $^{^{51}}$ October 5, 1992, House Roll Call Vote 477.

⁵² February 1, 1996, Senate Roll Call Vote 8.

1990 budget agreement⁵³ and has since decried the agreement as an example of what happens when Republicans exchange tax increases for promises of spending cuts.⁵⁴

• <u>Roll Call 307</u> – "Hatch voted against prohibiting the National Endowment for the Arts from using tax payer money for morally-depraved purposes".

FreedomWorks leaves out half the story. This was a vote on an amendment offered by Senator Jesse Helms. Senator Hatch supported the goals of the amendment and said as much on the Senate floor. However, as a strong advocate of free speech and the arts, Senator Hatch believed that the content restrictions in the Helms Amendment were too broadly written. For example, the language in the amendment defining content that would be out of bounds would have banned the Sistine Chapel. After voting against the amendment, Senator Hatch, with the support of Utah organizations like the Utah Symphony and Ballet West, offered an amendment of his own requiring sanctions against NEA grantees that create art that is legally obscene or a violation of child pornography laws. It also prohibited grantees who have been convicted of such crimes from receiving NEA funding. The Hatch Amendment passed in the Senate with the support of most Senate Republicans.

1989 Key Votes

• <u>Roll Call 94</u> – "Hatch voted to vastly expand the federal government's role in the area of child care. Infringing on the abilities of the states and localities to handle individual family problems."

As with SCHIP, Senator Hatch believed that a system wherein working parents are forced to quit working and go on welfare because of the costs of child care was not beneficial to the U.S. economy or indicative of the conservative movement. Prior to this vote, Senator Hatch supported a system of child care tax credits for working families, something most Republicans supported. However, in 1989, the Democrats controlled the Senate and Senator Hatch believed the only way to achieve these goals was to work out a compromise with Senate Democrats. This vote was a vote on the compromise legislation, which included the tax credits and was improved and made

 $^{^{53}}$ October 27, 1990, Senate Roll Call Vote 326.

⁵⁴ See, e.g., June 29, 2011, U.S. Senate Committee on Finance, "Hatch Slams President's Renewed Call for Tax Hikes on American Job Creators." Hatch stated that: "Back in 1990, a grand deficit reduction plan that included spending cuts and tax increases was passed. Almost as soon as the ink was dry, the spending shot back up and so too did our deficits." http://finance.senate.gov/newsroom/ranking/release/?id=3c00ad70-f730-47b5-9d4e-13037c8a667a.

⁵⁵ Congressional Record, 136:147, pgs. 16632-3 (October 24, 1990).

⁵⁶ 101st Congress, S. Amdt. 3130.

⁵⁷ October 24, 1990, Senate Roll Call Vote 308.

far more conservative due to Senator Hatch's involvement. The Senator stands by this vote.

• Roll Call 173 – "Hatch voted for the expansion of the federal government's role in regulating and determining workplace discrimination."

This was the vote on final passage of the Americans with Disabilities Act (ADA), a landmark piece of civil rights legislation on par with the Civil Rights Act of 1964. Senator Hatch was a leader in drafting and passing this legislation and in working to ensure that the concerns of religious groups and the business community were adequately addressed. The bill was supported by the vast majority of Republicans in Congress – including conservatives like Phil Gramm and Don Nickels in the Senate and Jon Kyl, John Kasich, and Newt Gingrich in the House – and signed into law by a Republican President. FreedomWorks is free to quibble with the Americans with Disabilities Act, but Senator Hatch stands by his support for civil rights.

1987 Key Votes

• <u>Roll Call 19</u> – "Hatch voted to override President Reagan's veto of a bill that reauthorized the Clean Water Act of 1972 and spent \$20 billion in additional appropriations to implemented mandates and regulations."

Yet another vote wherein Senator Hatch's position was well within the Republican mainstream. Senate Republicans voted 32-13 to override the President's veto on this bill. The same Republicans voted 38-6 to pass the original legislation.

• Roll Call 167 – "Hatch voted to vastly expand government and bureaucracy by creating a new federal interagency arm."

This was a vote on a Conference Report for a bill intended to provide assistance for the homeless. Once again, Hatch voted with the majority of Republicans in the Senate to pass this bill, which was subsequently signed into law by President Ronald Reagan.

• Roll Call 262 – "Hatch voted to increase the debt limit by \$448 billion."

See Appendix.

1986 Key Votes

<u>H.R. 5395</u> – "Hatch voted to increase the debt limit by \$32.3 billion."
 See Appendix.

• <u>H.R.2005</u> – "Hatch voted to authorize \$9 billion for waste removal programs. This "superfund" is largely duplicative and wasteful and could be handled more efficiently though the states."

The Conference Report for H.R. 2005 passed in the Senate by a vote of 88-8. The vote among Republicans was 44-6. Other than Senator Hatch, Republicans voting in favor of the bill included: Bob Dole, Dan Quayle, and Mitch McConnell.⁵⁸ This was hardly a case of Senator Hatch siding with the enemy.

1985 Key Votes

Roll Call 371 – "Hatch voted to increase debt limit by \$174.9 billion."

See Appendix.

1984 Key Votes

• H.AMDT.798 – "Hatch voted against striking funds from the NEA."

This is false on two counts: 1) H. Amdt. 798 was a House amendment, so Senator Hatch could not have voted for it; 2) the amendment had nothing to with the National Endowment of the Arts – it would have stripped funding from the National Endowment of *Democracies*. You'd think if an organization was planning on attacking a sitting U.S. Senator, they'd double-check that kind of thing.

• <u>H.R.5712</u> – "Hatch voted to continue funding for the special interest Legal Services Corporation."

Same story, different vote. Senator Hatch took what was the mainstream Republican position at the time of this vote. The vast majority of Senate Republicans voted with Senator Hatch, including Bob Dole and Dan Quayle.

<u>H.J. Res. 654</u> – "Hatch voted to increase the debt limit by \$250 billion."

See Appendix.

1983 Key Votes

Roll Call 115 – "Hatch voted to increase the debt limit by \$98.8 billion."
 See Appendix.

⁵⁸ October 3, 1986, Senate Roll Call Vote 329.

• <u>S.AMDT.2633</u> – "Hatch voted for a \$25 billion bill to bailout the perpetually failing HUD and TIME programs, increasing government intervention in the housing sector."

This was an amendment offered by fellow Utah Senator Jake Garn. While there was some division among Republicans on the amendment, but 35 of the 55 Republican Senators voted with Senator Hatch.⁵⁹

1982 Key Votes

<u>H.R.4961</u> – "Hatch voted for what was the largest tax increase in history at that time".

Context is needed here. Senator Hatch has a long and distinguished record of supporting lower taxes in order to keep the U.S. economy moving. This legislation was a deficit reduction bill negotiated by President Ronald Reagan – no liberal when it came to taxes -- and Congress. This was a Reagan effort and Senator Hatch supported President Reagan.

• *H.J. Res.* 520 – "Hatch voted to increase the debt limit by \$890.2 billion.

See Appendix.

1981 Key Votes

- Roll Call 33 "Hatch voted to increase the debt limit by \$50 billion."
- Roll Call 298 "Hatch voted to increase the debt limit by \$94 billion."

See Appendix.

• <u>Roll Call 336</u> – "Hatch voted against cutting 5 percent of obligational spending from the Department of Interior Appropriations bill."

This was a vote that split the Republican caucus down the middle. **Twenty-five** Republican Senators voted with Senator Hatch, including the great Barry Goldwater.

1980 Key Votes

• <u>Roll Call 354</u> – "Hatch voted against easing roadblocks and regulations for trucking firms."

⁵⁹ November 17, 1983, Senate Roll Call Vote 374,

Once again, FreedomWorks is mischaracterizing Hatch's vote. This vote was on an amendment to the Motor Carrier Act, a landmark bill that was responsible for massive deregulation of the trucking industry, scaling back price controls and entry barriers for trucking companies. Senator Hatch strongly supported the Motor Carrier Act⁶⁰, which was a boon to the trucking industry. This particular vote was on a single amendment that was very limited in scope. Hatch, along with most of the Republicans in the Senate, voted against this amendment, but in favor of the broad deregulation contained in the overall bill.

• <u>H.R.5192</u> – "Hatch voted to extend the authorization for federal higher education programs."

This bill passed in the Senate twice – once by vote of 92-4 and again by a vote of 83-6. On both occasions, Senator Hatch voted with the vast majority of the Republican caucus to approve legislation that was not all that controversial at the time.

1979 Key Votes

• <u>Roll Call 70</u> – "Hatch voted for the establishment of the Department of Education, which has led to a precipitous decline in American school students learning and performance."

This claim is misleading. The bill that ultimately established the Department of Education was the Conference Report on S. 210, the Department of Education Organization Act of 1979. Senator Hatch voted against the Conference Report and the establishment of the Department of Education.⁶¹

1977 Key Votes

• "Hatch voted to impose nanny state regulations on auto manufacturers, leading to an increase in the cost of cars"

This was a procedural vote – a motion to table – on a resolution expressing the Senate's disapproval of a Department of Transportation decision to begin requiring the installation of airbags in new cars.⁶² However, 34 years after this very obscure vote, few consumers are complaining about the presence of airbags in their cars.

 $^{^{60}}$ April 15, 1980, Senate Roll Call Vote 78.

⁶¹ September 24, 1979, Senate Roll Call Vote 310.

⁶² October 12, 1977, Senate Roll Call Vote 558.

Appendix

Votes to Raise the Debt Ceiling

FreedomWorks attacks Senator Hatch by noting that he "voted to increase the debt ceiling 16 times by a total of \$7.6 trillion." No differentiating, each one of these votes was, according to FreedomWorks, wrong. That number is incorrect. They've listed only 15 instances in which the debt limit was raised with Senator Hatch's support. Minute details aside, citing these votes out of context is extremely misleading.

First of all, on FreedomWorks' own website, there's an article from December 2010 where their Chairman, Dick Armey, says that raising the debt ceiling in 2011 is required "in order to avoid a national fiscal calamity." The article is actually called "Armey: We Have to Raise the Debt Ceiling." So, FreedomWorks' own leaders have said that a vote to raise the debt ceiling now with the Obama Administration in office and looking to expand deficits well into the future is necessary, all while they're releasing documents condemning Senator Hatch for each and every past vote to raise the debt limit.

Adding insult to injury, more than half of the votes to extend the debt limit on this list were responses to requests from President Ronald Reagan.⁶⁴ FreedomWorks apparently forgets that, during that time, Congressional Democrats sought to halt President Reagan's agenda, both domestically and abroad. Failure to increase the debt ceiling at that time would have resulted in massive tax increases and cuts in defense spending in order to prevent a default. This would have slowed the economy and curtailed President Reagan's efforts to defeat the Soviet Union. This is probably why Mr. Armey also voted to raise the debt ceiling on multiple occasions during the 1980s, as did Barry Goldwater, Phil Gramm, Don Nickles, Bob Dole, Dan Quayle, Newt Gingrich, and John Kasich. In each of these cases, the vast majority of those voting against raising the debt limit were anti-Reagan Democrats.

FreedomWorks' inclusion of the two debt-limit increases that took place during the Clinton years is even more misleading. One of them was attached to a bill that was called the Contract with America Advancement Act of 1996.65 Conveniently, FreedomWorks left out the title of the bill, which included many elements of the Contract with America, the centerpiece of the 1994 Republican Revolution. The other vote was in favor of the Balanced Budget Act of 1997.66 As FreedomWorks notes, this bill did create SCHIP and raise the debt ceiling, but it also represented the first balanced federal budget in generations. Would FreedomWorks have opposed both of these bills?

⁶³ December 15, 2010, FreedomWorks.org, "Armey: We Have to Raise the Debt Ceiling," by Lori Ann LaRocco.

⁶⁴ Two votes in 1981 (Roll Call Votes (RCV) 23 and 298); one in 1982 (RCV 520); one in 1983 (RCV 115); one in 1984 (RCV 654); one in 1985 (RCV 371); one in 1986 (RCV 255); and one in 1987 (RCV 262).

⁶⁵ H.R. 3136, P.L. 104-121.

⁶⁶ H.R. 2015, P.L. 105-33.

Much the same can be said regarding the debt-limit votes during the presidency of George W. Bush. FreedomWorks cites five instances in which the debt ceiling was raised during the Bush years. What they don't say is that Senator Hatch voted with the vast majority of Republicans on each of these votes. In fact, on three of those votes, Senate Republicans unanimously supported raising the debt ceiling and Senate Democrats, eager to prevent or roll back the Bush tax cuts and/or eliminate funding for U.S. troops in Iraq, unanimously opposed it. Yet, FreedomWorks apparently now argues that Senator Hatch should have voted with the Democrats instead of with Republicans like Paul Ryan, Jim DeMint, and, of course, Dick Armey, all of whom voted to raise the debt ceiling while Bush was in office.