



Posted January 17, 2012

Top Votes in Congress: 2011

By **Richard G. Thomas**

Editor, Voterama in Congress

The Tea Party was the most dynamic policy force in Congress for most of the 2011 session, but ended the year in a legislative flop that raised questions as to whether the movement's influence on Capitol Hill has begun to wane.

Tea Partiers were the driving force behind two large budget-cutting packages that GOP leaders negotiated with President Obama and congressional Democrats. In both cases, their winning strategy was to demand outlandishly high spending cuts and repudiate tax increases — then threaten to seriously disrupt government operations if the other side didn't go along.

"I'd like to see us win on the merits of the arguments, but sometimes you've got to win on the drama," Rep. Blake Farenthold, R-Texas, said in an interview.

At its core, the congressional Tea Party consists of about 60 House Republicans elected in November 2010 on radical anti-government platforms. Once in office, they set their sights on slashing federal spending, as a share of the economy, to pre-1965 (Great Society) levels. As the legislative year unfolded, just about every other member of the GOP caucus jumped aboard on most major issues. Along with agency budgets, the movement's favorite targets were the 2010 health law (which they attacked in at least 12 votes), Environmental Protection Agency laws and rules (at least nine votes) and any initiative by President Obama, even his troop deployments over Libya.

During floor debate in June, Rep. Sam Farr, D-Calif., told a Tea Party adversary "you know the cost of everything and the value of nothing." Farenthold later said the remark shows "a misunderstanding of the Tea Party. There's a lot of value to government programs, but the question is — is it something appropriate for government to be doing at all?"

The Tea Party's brand of hardball worked in April, when its threat to shut down the government compelled Democrats to swallow much deeper cuts than they wanted in fiscal 2011 discretionary spending. The strategy won in August when Tea Partiers allowed the U.S. debt ceiling to rise — and the government to avert default — only in exchange for Democratic support of the draconian Budget Control Act. That law set in motion between \$2.7 trillion and \$4 trillion in spending cuts over ten years that critics say will decimate the social safety net as well as programs that have helped build the American middle class. The Tea Part responds that by cutting spending they are saving the economy.

“I rise to congratulate the Tea Party for extorting a deal made in their image and their image alone,” Rep. Maxine Waters, D-Calif., said on the House floor. But Tea Partiers, even those such as Farenthold who voted for it, saw the Budget Control Act as badly flawed. “The success...is overshadowed by the massive increase in the debt ceiling that allowed it to happen,” he said.

Matt Kibbe, the president of FreedomWorks, a Tea Party patron, denounced the law on his group’s website as “not the serious reform Tea Partiers demanded” in November 2010. Kibbe said he much prefers the House-passed “Cut, Cap, Balance” bill, which allows Congress to raise the debt ceiling only after it sends a balanced-budget constitutional amendment to the states, and which would etch in the Constitution a two-thirds-majority hurdle for raising taxes.

At year’s end, House Tea Partiers overplayed their hand by blocking an extension of Social Security payroll-tax cuts unless they were paid for by another round of deep spending cuts. But they ended their holdout, and sided with Obama, when Republican voices such as The Wall Street Journal editorial page lampooned them for having maneuvered the party of low taxes into a stance of opposing a major tax cut for 160 million workers. The editorial was headlined: “The GOP Tax Cut Fiasco.”

“We had the better policy,” said Farenthold. “I don’t see how we lost that PR battle, but there’s no question that we lost.”

The House conducted 949 roll-call votes in 2011 and the Senate 235. This report boils that activity down to 24 key votes that show lawmakers’ stands on many of the major issues that sharply divide Democrats and Republicans as a presidential and congressional election year gets underway. Several of the spotlighted votes occurred on issues advocated by Tea Party members.

In the House

1. Climate-Change Science Voting 184-240, members on April 6 refused to embrace the Environmental Protection Agency’s “scientific findings...that climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare.” A yes vote backed the amendment to HR 910.

2. Greenhouse Gases Members on April 7 passed, 255-172, a bill denying the Environmental Protection Agency (EPA) power to regulate greenhouse-gas emissions linked to climate change and challenging the science upon which those regulations are based. A yes vote was to pass HR 910.

In the Senate

1. Bargaining Rights Senators on Feb. 15 refused, 47-51, to block an administration plan to allow passenger screeners and other Transportation Security Administration workers to engage in collective bargaining. They could negotiate workplace issues other than wages and could not strike. A yes vote opposed the plan. (S 223)

2. Health-Law Funding Senators on April 14 refused, 47-53, to deny funding in 2011 for the 2010 healthcare law. While the brunt of the law would take effect in 2014, many provisions, such those to close the donut hole in the Medicare drug plan and enroll youths up to 26 in their parents’ plans, already were operative. A yes vote was to defund the law. (H Con Res 35)

In the House

3. The Paul Ryan Budget Members on April 15 passed, 235-193, a GOP budget for 2012 and later years that would gradually privatize Medicare, raise the Medicare eligibility age, convert Medicaid to a block-grant program, reduce annual deficits and permanently extend the Bush-era tax cuts. A yes vote backed a fiscal plan authored by Rep. Paul Ryan, R-Wis. (HCR 34)

4. Expanded Offshore Drilling Members on May 12 approved, 243-179, energy drilling in several Outer Continental Shelf regions where it is now barred for environmental reasons. A yes vote backed a bill (HR 1231) to start drilling, in part, off much of the Atlantic Coast, southern California and the eastern Gulf of Mexico.

5. Derivatives Regulations Members on June 16 voted, 231-189, to delay for at least one year what would be the first federal regulation of the derivatives trading at the heart of the 2008 financial collapse. The rules are part of the 2010 Dodd-Frank law. A yes vote was to delay regulation. (HR 2112)

6. Patent-Law Overhaul Members on June 23 approved, 304-117, the first overhaul of U.S. patent law since 1952, a bill that switched from "first to invent" to "first to file" the rule for giving priority to competing applications. A yes vote backed a bill to help the United States Patent and Trademark Office reduce its backlog of 700,000 applications. (HR 1249)

7. Libya Funds Cutoff Members on June 24 defeated, 180-238, a bill to end funding for direct U.S. military involvement in the NATO-led war over Libya, which was then in progress. A yes vote was to end funding of U.S. operations except search-and-rescue and aerial-refueling missions. (HR 2278)

8. Consumer Protection Bureau Members on July 21 voted, 241-173, to make it easier for a Treasury oversight board to block actions by the new Consumer Financial Protection Bureau. A yes vote was to pass a bill (HR 1315) enabling the board to kill rules by majority votes instead of the two-thirds majorities required by law.

In the Senate

3. Oil-Industry Taxes Senators on May 17 failed, 52-48, to reach 60 votes needed to advance a Democratic bill that would end certain tax breaks for the five largest oil and gas companies. A yes vote backed a bill to save the Treasury \$21 billion over ten years by limiting the companies' use of certain tax deductions and credits. (S 940)

4. Expedited Oil Drilling Senators on May 18 defeated, 42-57, a bill requiring the administration to act within 60 days on applications for drilling in the Gulf of Mexico that were put on hold after the BP oil spill in 2010. A yes vote backed a bill that also sought to spur deepwater drilling in the Outer Continental Shelf off the Atlantic Coast. (S 953)

5. The Paul Ryan Budget Senators on May 25 defeated, 40-57, a federal budget for 2012 and beyond identical to a House-passed fiscal plan authored by Rep. Paul Ryan, R-Wis. A yes vote backed a fiscal plan to gradually privatize Medicare, convert Medicaid to a state-run block-grant program, slash annual deficits and permanently extend the Bush-era tax cuts. (HCR 34)

6. Budget Control Act Senators on Aug. 2 joined the House, 74-26, in raising the national-debt limit so that the Treasury could pay bills already incurred by this Congress and previous ones. A yes vote was to pass the Budget Control Act, which mandated at least \$2.7 trillion in deficit reduction over ten years that Republicans said would come from domestic, defense and entitlement budgets, not changes in tax policy. (S 365)

7. Obama Jobs Bill Senators on Oct. 11 failed, 50-49, to reach 60 votes needed to end Republican blockage of a bill by President Obama that would spend \$447 billion over ten years on programs and tax cuts to create jobs. The cost would be offset by raising taxes on incomes over \$1 million. A yes vote was to advance the bill. (S 1660)

8. Terrorism Trials Voting 47-52, senators on Oct. 21 refused to require terrorism suspects linked to organizations such as al-Qaeda to be tried in U.S. military tribunals rather than in federal courts. A yes vote

In the House

9. Budget Control Act Members on Aug. 1 passed, 269-161, a bill that raised the national-debt ceiling by \$2.7 trillion to \$17 trillion when it became law the next day, while requiring at least \$2.7 trillion in deficit reduction by 2021. A yes vote was to pass the Budget Control Act, which effectively barred tax increases as tools for reducing deficits. (S 365)

10. Curbs on Unions Voting 238-186, members on Sept. 16 amended the National Labor Relations Act to make it easier for companies to shift work to non-union locales. A yes vote backed a bill (HR 2587) to repeal certain remedies against firms that move work to other states or overseas to punish legitimate union activities.

11. U.S.-South Korea Free Trade Members on Oct. 12 passed, 278-151, a bill approving free trade between the U.S. and South Korea. A yes vote was to send the Senate what would be the largest U.S. trade agreement since the 1994 North American Free Trade Agreement (NAFTA). (HR 3080)

12. Balanced-Budget Amendment Members on Nov. 18 failed, 261-165, to reach a two-thirds majority needed to pass a constitutional amendment that would require a balanced federal budget unless three-fifths majorities in both chambers were to vote to waive the standard. A yes vote backed the constitutional amendment. (HJ Res 2)

In the Senate

backed the amendment to the 2011 defense budget (HR 2112) over arguments that federal courts have a long record of successful prosecutions in terrorism cases.

9. Republican Jobs Plan Senators on Nov. 3 defeated, 47-53, a GOP response to a jobs bill offered by President Obama (above). A yes vote backed a bill (S 1786) that would prohibit new environmental rules for one year and extend transportation programs for two years, with the \$40 billion cost offset by cuts in other programs.

10. Caitlin Halligan Nomination Senators on Dec. 6 failed, 54-45, to end a GOP filibuster against the nomination of Caitlin J. Halligan to sit on the United States Court of Appeals for the District of Columbia. This appeared to scrap the informal "Gang of 14" rule that judicial filibusters should not be mounted for ideological reasons. Critics faulted Halligan for "activist" stands on issues such as the legal liability of firearms manufacturers. A yes vote backed the nominee.

11. Consumer Protection Chief Senators on Dec. 8 failed, 53-45, to reach 60 votes for ending GOP blockage of the nomination of Richard Cordray as the first director of the Consumer Financial Protection Bureau, an agency created by the 2010 Dodd-Frank financial-regulation law. A yes vote supported the nomination.

12. Social Security Tax Break Senators on Dec. 17 voted, 89-10, to extend through February a tax break and economic stimulus under which workers are contributing 4.2 percent of their pay to Social Security, not the usual 6.2 percent. A yes vote was to pass a bill that also extended jobless benefits and gave the administration 60 days to decide whether to approve the proposed Canada-to-Texas Keystone XL oil pipeline. (HR 3630)

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