



Editor's Blog posted February 22, 2010

Top Votes of 2009 Session

By Richard G. Thomas

Editor, The Votes in Congress Service

It's an even-numbered year again, a House and Senate election year, which means incumbents and challengers are busy devising the attack ads and other messages they will deliver nonstop to voters in the 2010 primary and general-election campaigns.

It would be wrong to say the congressional election season has already begun because in the age of the perpetual campaign it never ends. But activity is more frenetic than one might expect so early in the year, thanks to factors such as a rash of unexpected retirement announcements, mounting public anger over joblessness and economic malaise and jitters in both parties over the rise of the anti-incumbent, anti-Washington Tea Party movement.

And then there were ten days in January that really shook things up, apparently to the benefit of the GOP. First came Republican Scott Brown's upset on Jan. 12 to fill the Senate seat held by the late Sen. Edward Kennedy, D-Mass., for 47 years. Then came a Supreme Court ruling on Jan. 21, in the "Citizens United" case, that allows businesses and unions to spend unlimited sums to advocate the election or defeat of congressional candidates. Given that corporations have deeper pockets and are seen as tending to favor Republicans, that decision, on top of Brown's win, has raised GOP hopes of sharply reducing or overturning Democratic majorities in the House and Senate.

But congressional Democrats say not so fast, citing advantages such as their nearly 80-seat cushion in the House and 19-seat margin in the Senate, their success in branding the GOP as the obstructionist "party of no," and the boost they get from President Obama's two-to-one popularity margin over congressional Republicans. Democrats say their turf will be easier to defend if Obama continues using televised forums to spar with GOP lawmakers over policy details.

In 2009, Congress conducted nearly 1,400 roll calls in a session that opened Jan. 6 and ended Christmas Eve. This report boils that activity down to 28 key votes that show where lawmakers stand on a cross-section of major issues. The listing also is a preview of topics central to this year's campaigns to fill at least 36 Senate seats and all 435 House seats. Each party is defending 18 Senate seats.

Some of the coming broadcast and Internet attack ads based on members' votes will almost write themselves. Democratic strategists, for example, are feasting over the spectacle of 111 House Republicans voting against the economic stimulus then flip-flopping to request stimulus money for their districts. Republican ad-makers are eyeing a long list

of health votes to bolster their points that Democrats seek “a government takeover” of U.S. health-care while cutting backroom deals such as the “Louisiana Purchase” and “Cornhusker Kickback” to advance their “socialist agenda.”

Illinois held the nation’s first congressional primary on Feb. 2. Texas is next on March 2. Hawaii will hold the last primary on Sept. 18. Election Day is Nov. 2.

This report covers votes on eight major measures that President Obama signed into law. They are a five-year extension of the State Children’s Health Insurance Program; the Lilly Ledbetter Fair Pay Act; a \$787 billion stimulus package; a measure setting pro-consumer rules for credit cards; a law to begin federal regulation of tobacco products; a law to provide cash-for-clunkers vehicle-purchase incentives; an extension of benefits for the long-term jobless, and an expansion of the hate-crimes law to include offenses based on gender, disability or sexual orientation.

The report also spotlights votes on three major Democratic bills that were passed by the House but then stalled or killed by Senate Republicans. They are bills to address climate change, revamp the student-loan industry and re-regulate the financial services industry. Also covered here are votes on improving the safety of regional airlines, easing D.C. gun-control laws, empowering bankruptcy judges to rewrite distressed mortgages and establishing a Consumer Financial Protection Agency.

Finally, the report covers votes on overhauling health care, confirming a Supreme Court justice and approving a fiscal 2010 legislative branch budget of \$4.6 billion, which is nearly twice the \$2.48 billion it cost at the beginning of the decade to operate the House and Senate and their agencies. The congressional budget is up 6 percent over last year and 33 percent over 2005.

Here are summaries of the 28 issues. Elsewhere on this site, readers can review members’ votes on these and hundreds of other key issues debated in the 2009 congressional session.

In the House

1. Lilly Ledbetter Act Voting 250-177, members on Jan. 27, 2009, sent President Obama a bill giving plaintiffs more standing to sue for pay-bias under the 1964 Civil Rights Act. The bill became the first major law that he signed. A yes vote was to pass a bill (S 181) to allow lawsuit filings within 180 days of the latest offense.

2. \$787 Billion Stimulus Voting 246-183, the House on Feb. 13, 2009, gave its final approval to a \$787 billion stimulus package that would use a mix of two-thirds direct spending and one-third tax relief to create or save at least 3.5 million jobs by 2011. A yes vote was to enact the economic stimulus. (HR 1)

In the Senate

1. TARP Dispute Senators on Jan. 15, 2009, refused, 42-52, to block the release of \$350 billion not yet spent from the \$700 billion Troubled Assets Relief Program enacted three months earlier. This cleared the way for the Treasury to spend the funds on purposes such as averting home foreclosures and aiding Wall Street firms. A yes vote opposed the release. (SJ Res 5)

2. Children’s Health Senators Jan. 29, 2009, voted, 66-32, to renew the State Children’s Health Insurance Program for children of the working poor at a cost of \$60 billion annually. The bill raised tobacco taxes to pay its \$25 billion in added health costs. A yes vote was to send HR 2 to conference with the House.

In the House

3. Credit-Card Crackdown Voting 361-64, the House on May 20, 2009, sent President Obama a bill to impose a wide range of pro-consumer rules on credit cards. A yes vote was to pass a bill (HR 627) that required 45 days' notice of rate hikes, froze interest rates on new accounts for one year and banned arbitrary contract changes, among numerous other provisions.

4. Tobacco Regulation By a vote of 307-97, the House on June 12, 2009, gave final congressional approval to a bill that begins Food and Drug Administration regulation of tobacco products, with the cost paid by fees on tobacco manufacturers and importers. A yes vote was to send HR 1256 to President Obama.

5. Cap and Trade Members on June 26, 2009, voted, 219-212, to gradually shift U.S. energy production and consumption from fossil fuels to renewable fuels while setting cap-and-trade rules to reduce emissions linked to global warming. A yes vote was to pass HR 2454 over arguments it was a crippling tax increase on the economy.

6. Foreign Affairs Budget Members on July 9, 2009, passed, 318-106, a \$48.8 billion foreign affairs budget for fiscal 2010 that included \$2.7 billion for Afghanistan, \$1.5 billion for Pakistan and \$483 million for Iraq and funded the hiring of 1,300 Foreign Service officers. A yes vote was to pass HR 3081.

7. Food Safety Regulations Members on July 30, 2009, voted, 283-142, to expand Food and Drug Administration authority over firms that handle raw and processed foods, including certain farms. A yes vote backed a bill (HR 2749) giving the FDA power to order recalls and quarantines, require permits and step up inspections.

8. Student Loans Members on Sept. 17, 2009, passed, 253-171, a bill to give the Department of Education total control over student loans, replacing the private firms that had been dominating the industry. The shift to direct federal lending was designed to save \$87 billion over ten years. A yes vote was to pass HR 3221.

In the Senate

3. GOP Tax Cuts Senators on Feb. 5, 2009, defeated, 40-57, the main Republican alternative to the Democrats' \$787 billion economic stimulus (HR 1). Up to two-thirds of the GOP's \$420 billion plan consisted of tax cuts for corporations and the lowest personal brackets and a waiver of all payroll taxes. A yes vote backed the GOP plan.

4. \$787 Billion Stimulus Voting 60 for and 38 against, the Senate on Feb. 13, 2009, sent President Obama the final version of a \$787 billion economic stimulus (HR 1) designed to create or save at least 3.5 million jobs by fiscal 2011. A yes vote was to approve the conference report.

5. D.C. Gun Laws Senators on Feb. 26, 2009, adopted, 62-36, an amendment to S 160 denying the D.C. government authority to enact laws restricting private ownership or use of firearms. A yes vote backed the amendment over arguments it would, in part, negate D.C.'s ban on armor-piercing sniper rifles.

6. Bankruptcy, Mortgages Senators on April 30, 2009, refused, 45-51, to permit bankruptcy judges to rework loans on primary homes in Chapter 13 actions if borrower-lender refinancing efforts have failed and other terms have been met. A yes vote was to authorize mortgage intervention by bankruptcy judges.

7. Credit Cards Voting 90-5, the Senate on May 19, 2009, joined the House (above) in imposing many new pro-consumer rules on credit-card firms. A yes vote backed a bill (HR 627) that requires cards to apply payments to one's highest-interest balance and bills to be mailed 21 days ahead of the minimum-balance due date, among numerous other new rules.

8. Tobacco Regulation Senators on June 11, 2009, voted, 79-17, to start Food and Drug Administration regulation of tobacco products. A yes vote was to pass a bill (HR 1256) requiring companies to publicly list ingredients and giving the FDA authority to ban the sale of known carcinogens and restrict advertising.

In the House

9. Regional Airline Safety Members on Oct. 14, 2009, voted, 409-11, to raise training and skill standards for pilots of the regional airlines that link smaller cities to hubs. A yes vote was to pass a bill (HR 3371) requiring pilots to have at least 1,500 hours' flight time to fully qualify for airline jobs, up from 250 hours now.

10. Jobless Checks By a vote of 403-12, members on Nov. 5, 2009, sent President Obama a bill providing 20 more weeks of jobless checks for those losing their existing allotments in states with at least 8.5 percent unemployment. A yes vote was to pass a bill (HR 3548) that also provided 14 more weeks of jobless checks in the other states.

11. Republican Health Plan Members on Nov. 7, 2009, defeated, 176-258, a GOP alternative to HR 3962 (below) that used tens of billions of dollars in payments to states over ten years as an incentive for them to expand health insurance and lower medical costs for their residents. A yes vote backed a plan that was without the mandates, tax hikes and pro-patient rules contained in the Democrats' bill, and which provided coverage to one-tenth as many uninsured persons.

12. Health Insurance Members on Nov. 7, 2009, passed, 220-215, a Democratic bill that would provide medical insurance to 36 million uncovered U.S. residents while overhauling insurance-industry practices in ways designed to benefit the sick, the well, the uninsured and the insured. The bill was structured so that it would not add to the national debt. A yes vote was to pass (HR 3962).

13. Consumer Protection Agency Members on Dec. 11, 2009, defeated, 208-223, an attempt to strip HR 4173 (below) of its proposed Consumer Financial Protection Agency and replace it with a softer regulatory approach. A yes vote opposed creation of the new agency.

14. New Financial Rules Members on Dec. 11, 2009, passed, 223-202, a bill to greatly expand federal regulation of the financial-services industry, give Congress authority to review Federal Reserve decisions and create an agency to protect consumers against abuses by home lenders, credit cards and other financial firms. A yes vote was to pass HR 4173.

In the Senate

9. Hate Crimes Senators on July 16, 2009, advanced, 63-28, an attempt to add language on hate crimes to the fiscal 2010 defense budget (S 1390). A yes vote was to expand the federal law against hate crimes to include offenses based on gender, disability or sexual orientation. The provision later became law.

10. Justice Sonia Sotomayor Senators on Aug. 6, 2009, confirmed, 68-31, Judge Sonia Sotomayor, 54, of the 2nd Circuit U.S. Court of Appeals, as the 111th justice of the Supreme Court. A yes vote was to confirm Sotomayor.

11. Cash for Clunkers Senators on Aug. 6, 2009, approved, 60-37, \$2 billion for extending a program in which consumers were able to trade gas guzzlers for vouchers worth \$3,500 to \$4,500 to be applied to the purchase of a new fuel-efficient vehicle made in America or overseas. A yes vote was to send HR 3435 to President Obama.

12. Legislative Branch Budget Senators on Sept. 30, 2009, approved, 62-38, a fiscal 2010 legislative branch budget of \$4.6 billion, up more than 6 percent from the 2009 Capitol Hill budget and nearly twice the 2000 budget of \$2.47 billion. A yes vote backed a bill (HR 2918) to fund the operation of the House, Senate and related agencies.

13. Medicare Costs Senators on Dec. 3, 2009, defeated, 42-58, a GOP bid to strip the Democrats' health bill (HR 3590, below) of nearly \$500 billion in Medicare spending curbs over ten years. The cuts would help pay for the bill and would target waste and inefficient practices. A yes vote opposed the spending curbs.

14. Health-Care Passage Senators on Dec. 24, 2009, passed, 60-39, a bill that would provide affordable medical insurance to an estimated 31 million uninsured, legal U.S. residents. A yes vote was to pass a bill (HR 3590) that would cost \$871 billion over ten years and which was projected to pay for itself and reduce the national debt.

[Click for votes
on these issues](#)