

2009 U.S. Senate Votes

Important Note

This *Report Card* scores all members serving in the Senate as of 12/31/2009. Minnesota Senator Al Franken, Florida Senator George LeMieux, and former Massachusetts Senator Paul Kirk are scored on only one vote, the Affordable Health Care for America Act, since they either were not sworn in or replaced members who retired or died during the year. 12 of the 13 votes scored took place before their entrance to the Senate and their score does not reflect the depth of voting as do the scores for the other senators. Since the beginning of the year, Massachusetts Senator Scott Brown won a special election to replace Paul Kirk. He is not scored in this Report Card but will be in the 2010 version.

Vote #1 - Ledbetter Fair Pay Act (S.181, RCV#14, Final Passage, January 22, 2009)

Why This Vote Matters

This important bill for women and other workers rectifies the 2007 Ledbetter v. Goodyear Supreme Court decision that made it difficult for workers to pursue pay discrimination claims. The bill restored the longstanding interpretation of Title VII of the Civil Rights Act and other discrimination statutes.^{xxv} With more than 13 million single working mothers in America, many the sole providers for their children^{xxvi}, a vote in favor of this bill helps keep children out of poverty.

This bill passed 61-36 and was signed into law by President Obama January 29, 2009.

Vote #2 - Restricting State Child Health Dollars (HR.2, RCV #21, Amendment 75, January 28, 2009)

Why This Vote Matters

This harmful amendment to the State Children's Health Insurance Program would have resulted in fewer children receiving health insurance by preventing states from adjusting eligibility levels to accommodate variations in state per capita income^{xxvii}. For example, a family living in New York City faces a higher cost of living than a family living in Kansas City. This amendment would have prohibited states like New York (and 9 others) from setting eligibility levels reflecting these differences.^{xxviii}

The amendment failed 36-60.

Vote #3 - Child Health (SCHIP) Expansion (HR.2, RCV #31, Passage of the Bill, January 29, 2009)

Why This Vote Matters

This reauthorization of the State Children's Health Insurance Program took more than two years to complete. It passed the House and Senate in 2007 and 2008 but was vetoed by President Bush. The law: ^{xxix}

Covers 4 million additional children and

- Is fully paid for, primarily with a 62-cent increase in the tobacco tax
- Extends federal support for CHIP through 2013
- Gives states new tools to reach uninsured children
- Removes the five-year waiting period for legal immigrant children and pregnant women
- Improves the benefit package with dental care and mental health care
- Makes sure that federal funding goes to states that are using the money
- Makes it easier for U.S. citizens to document their citizenship
- Allows states to cover children in families with incomes up to 300 percent of the federal poverty level
- Requires states to change the way they fund coverage for their parents

The bill passed 66-32 and was signed into law by President Obama February 4, 2009.

Vote #4 - Recovery and Reinvestment Act (S.1, RCV #64, On the Conference Report, Feb 13, 2009)

Why This Vote Matters

Sworn into office while the economy was contracting at an unprecedented rate, the stock market was tumbling, consumer demand was collapsing, and states were facing enormous deficits, President Obama introduced and Congress passed a \$787 billion economic stimulus which included many investments in children and support for working families. It included:

Educational Investments

- \$47 billion in state fiscal relief to prevent cuts in state aid to school districts
- \$26 billion to school districts to fund special education and the No Child Left Behind law
- \$17 billion to boost the maximum Pell Grant by \$500 to \$5,350
- \$2 billion for Head Start

Aid to Poor and Unemployed

- \$40 billion to provide extended unemployment benefits
- \$20 billion to increase food stamp benefits by 14 percent
- \$3 billion in temporary welfare payments

Direct Cash Payments

- \$14 billion to give one-time \$250 payments to Social Security recipients, poor people on Supplemental Security Income, and veterans receiving disability and pensions

Health Care Support

- \$21 billion to provide a 60 percent subsidy of health care insurance premiums for the unemployed under the COBRA program
- \$87 billion to help states with Medicaid

State Block Grants

- \$8 billion in aid to states to defray budget cuts

New Tax Credit

- Approximately \$115 billion for a \$400 per-worker, \$800 per-couple tax credit in 2009 and 2010.
- About \$13 billion to provide a \$2,500 expanded tax credit for college tuition and related expenses for 2009 and 2010.

The conference report passed 60-38 and was signed into law by President Obama February 17, 2009.

Vote #5 - Preventing Child Firearm Related Deaths in Washington DC (S.160, RCV #72, S.Amdt. 575, February 26, 2009)

Why This Vote Matters

During debate to allow the District of Columbia a member of the House of Representatives with full voting rights, a harmful amendment was offered to prevent DC elected officials from adopting gun laws. The District has a high rate of firearm deaths, 143 children and youth died from 2000-2006. The amendment would have repealed the age limits for legal gun possession, blocked background checks and registration regulations, prevent law enforcement from knowing who is buying a gun, and prohibited mandatory gun proficiency training. The amendment even prohibited the DC City Council from passing a law, for example, restricting access to guns by those convicted of misdemeanor sex offenses involving a child^{xxx}.

The amendment passed 62-36 but did not become law because the bill to which it was attached was blocked from going forward.^{xxx}

Vote # 6 - Expanding Volunteer Opportunities. GIVE Act / National Service (HR.1388, RCV #115, On Passage of the Bill, March 26, 2009)

Why This Vote Matters

This bill reauthorizes and expands the AmeriCorps program first established in 1993. It also creates five more service corporations – Veterans' Corps, the Education Corps, the Healthy

Futures Corps, the Clean Energy Corps, and the Opportunity Corps. The bill:

- Grows the number of volunteers to 250,000, up from 75,000, and increases the education award received in exchange for work to \$5,350. This would provide future increases in the Pell Grant scholarship in order to keep up with rising college costs.
- Provides incentives for middle and high school students by establishing the Summer of Service program and allows them to earn a \$500 award for college costs.
- Establishes Youth Engagement Zones to engage low-income high school students and out-of-school youth in volunteer efforts that address challenges in their local communities. For example, volunteering in a homeless shelter could supplement a class about poverty.
- Expands opportunities for disadvantaged youth, including doubling the resources available to engage youth with disabilities. It also encourages adults to serve as mentors for foster youth.

The bill passed 79-19 and was signed into law by President Obama April 21, 2009.

Vote #7 - Spending Freeze (S.Con.Res.13, RCV #120, S.Amdt.772, April 1, 2009)

Why This Vote Matters

This amendment to the budget resolution would freeze nondefense discretionary spending for fiscal years 2010 and 2011, and limit the growth of nondefense discretionary spending to one percent annually for fiscal years 2012, 2013, and 2014. While claiming to “restore fiscal discipline”, this amendment would abdicate any responsibility for elected representatives to make tough choices to support programs that work and eliminate those that don’t. Mindlessly freezing all children’s programs would reduce the number children receiving health care, food stamps, child care, Head Start and preschool. With three million children reported abused every year, with two thousand dying from abuse, cutting programs designed to treat and prevent child abuse would only exacerbate this problem.

The amendment failed 40-58.

Vote #8 - Expanding Afterschool Programs (S.Con.Res.13, RCV #137, S.Amdt.953, April 2, 2009)

Why This Vote Matters

This vote was to establish a deficit neutral reserve fund of up to \$2.5 billion for the 21st Century Community Learning Centers (21st CCLC), the level authorized by the No Child Left Behind Act in 2001. It would provide 2.5 million children with afterschool programs^{xxxii}. This program has been level funded for the last six years.

There are as many as 15 million children in the United States whose parents would send them to an afterschool program if one were available^{xxxiii}. In 2006, 1,247 organizations applied for 21st CCLC afterschool grants. Just 325 received funding—a funding rate of only 26 percent^{xxxiv}. 52 percent of 21st CCLC program providers say funding is down and only 12 percent feel secure about their funding for the next three to five years^{xxxv}. While most

states will be able to make new awards, funding in some states has actually decreased due to changes in the Title I formula^{xxxvi}.

The 21st CCLC initiative has spurred state and local investments in afterschool and helped leverage additional funding to build sustainable afterschool infrastructures^{xxxvii}.

This amendment to the Budget Resolution passed 89-9 but was not included in the conference report and appropriators were not directed to fund this program at this level.

Vote #9 - Estate Tax Breaks (S.Con.Res.13, RCV #146, S.Amdt.873, April 2, 2009)

Why This Vote Matters

This amendment would substantially weaken the estate tax by exempting the first \$5 million dollars inherited and cap the rate the inheritor pays at 35%. Unless the law is changed, the estate tax will expire in 2010 and then go back to what it was in 2001, a \$1 million exemption and a 55% top rate^{xxxviii}. President Obama supports extending the 2009 estate tax law with a smaller exemption (\$3.5 million) than what is proposed in this amendment but with a higher top rate (45%). If enacted, this amendment would pave the way for a significant increase in long-term deficits and debt. Nearly all small businesses and farms are currently exempt from the 2009 estate tax rules, which President Obama has proposed to extend. The amendment also would lead to reductions in charitable contributions^{xxxix}.

In its latest analysis, the Tax Policy Center projects that only 0.25 percent of the estates of people who die in 2011 — i.e., the estates of 1 of every 400 people — will be subject to the estate tax if the 2009 estate tax rules are continued. According to the Joint Tax Committee, this amendment would cost about \$100 billion over the first five years (2010-2014) and \$332 billion over the first ten years (2010-2019). Compared to making the 2009 parameters permanent, this amendment would cost an additional \$91 billion during the 2012-2021 periods^{xl}.

All of this lost revenue carries a large price tag in lost opportunities for children. With 8 million children still uninsured, 15 million living in poverty, Head Start not meeting a fraction of demand, and states being forced to fire teachers and social workers to balance their budgets, this amendment would make it more difficult to fund children's programs. The amendment passed 51-48, but was not part of the final budget resolution and has not been signed into law. This issue will come up again since the tax is slated to disappear next year.

Vote #10 - Budget Resolution (S.Con.Res.13, RCV #173, On the Conference Report, April 29, 2009)

Why This Vote Matters

Every February the President proposes a detailed federal budget. The House and Senate then pass a budget resolution that sets spending caps for each house's appropriation committee.

The resolution does not address specifics in the President's budget, rather it sets spending limits for the Appropriation Committees. The total amount for all non-defense discretionary programs in 2010 is \$529.8 billion, a \$29.8 billion, or 6.0 percent, increase above the level provided for 2009 when adjusted for inflation. This funds many of the priorities for children and working families outlined in the President's budget, including:

- Continuing to cut taxes for millions of families through an expansion of the Child Tax Credit.
- Making the \$2500 American Opportunity Tax Credit permanent to help kids afford college.
- Making a down payment on the President's "Zero to Five" plan: providing \$1.1 billion to double the number of children served by Early Head Start, \$1 billion to expand and improve Head Start, and \$2 billion in funding for the Child Care and Development Block Grant.
- Creating the Nurse Home Visitation program, by giving states funding to provide home visits by trained nurses to first-time low-income mothers and mothers-to-be.
- Expanding Pell Grants for college students
- Rewarding excellent teachers who achieve quality performance and help for less effective teachers to improve or exit the classroom.
- Increasing health care coverage for an additional four million children.
- Strengthening nutrition assistance through a Child Nutrition and WIC reauthorization package that will help end childhood hunger by 2015.
- Responding to the needs of low-income Americans through a temporary increase in the Supplemental Nutrition Assistance Program (SNAP), formerly Food Stamps for low-income families, plus new resources for food banks.
- Preventing teen pregnancy through state, community, and faith-based efforts to reduce this problem using evidence-based models.
- Providing energy assistance to low-income families by providing \$3.2 billion for the Low-Income Home Energy Assistance Program (LIHEAP). This helps low-income families with their home heating and cooling expenses, including a trigger for automatic increases when energy costs spike.
- Providing greater support for effective charter schools.
- Increasing funding for the Project-Based Rental Assistance Program. This preserves 1.3 million affordable rental units for low income households through increased funding for owners of multifamily properties.
- Putting 50,000 more cops on the street. This supports COPS Hiring Grants, to help states prevent crime during the economic downturn.
- Expanding national service by growing AmeriCorps from its current 75,000 slots to 250,000 and providing additional resources for Learn and Serve America in high schools, colleges and other organizations.^{xli}

The resolution passed 53-43.

Vote #11 - Helping Families Save Their Homes (S.896, RCV #185, On Passage of the Bill, May 6, 2009)

Why This Vote Matters

The home foreclosure crisis has been at the center of the recent economic and stock market collapse. In 2008 and 2009, there were more than 5 million foreclosures^{xlii}. Millions of children have had their lives disrupted. The final version of the bill expands eligibility for Chapter 13 bankruptcy, and expands the HOPE for Homeowners program in order to prevent foreclosures. It also provides \$2.2 billion to address homelessness^{xliii}.

This bill passed 91-5 and was signed into law by President Obama May 20, 2009.

Vote #12 - Family Smoking Prevention (HR.1256, RCV #206, On the Cloture Motion, June 10, 2009)

Why This Vote Matters

This bill protects children and teens by granting the Food and Drug Administration authority to regulate the advertising, marketing and manufacturing of tobacco products.^{xliv} 10% of American children and teens aged 12 to 17 say they have smoked in the last 30 days^{xlv}.

The cloture motion allowed the bill to proceed to a final vote. It succeeded 67-30 and was allowed a final vote for passage 79-17. Had the cloture motion not reached 60, the bill would have died, thus making the first vote more indicative of where each senator stands than the final vote.

President Obama signed this bill into law June 22, 2009.

Vote #13 - Affordable Health Care for America Act (HR.3590, RCV #396, On Passage of the Bill, December 24, 2009)

Why This Vote Matters

The health care reform bill passed by the U.S. House does a number of things that will benefit children and families. It will:

- Extend funding for the Children's Health Insurance Program and the adoption tax credit to 2015
- Allow foster care children aging out of Medicaid to retain their comprehensive coverage
- Immediately ban denial of coverage for children based on pre-existing conditions
- Expand Medicaid eligibility to children in families from 100% of poverty to 133% of poverty, covering millions of children in this comprehensive program
- Establish a Pregnancy Assistance Fund assist teenaged mothers
- Allow children to stay on their parents' health insurance until the age 26
- Add billions of dollars for community health centers, which will improve access and delivery of care for millions of children across this country
- Require coverage for basic pediatric services under all health plans as well as oral and vision coverage, which improves a child's ability to learn and perform at school
- Improve the care our nation's children receive through developing children's quality

- priorities and promoting children's quality measurement and reporting
- Ensure that all children have access to free preventive services under their health insurance plans and invest in prevention and public health to encourage innovations in health care that prevent illness and disease before they require more costly treatment
 - Offer health insurance through an Exchange to families without job-based coverage, or are not eligible for government programs, and provide premium assistance to those who can't afford it
 - Ensure through a health insurance Exchange that children have access to affordable child-only health insurance policies, regardless of whether their parents change jobs, leave a job, move, or get sick

This bill passed 60-39 and was signed into law by President Obama March 23, 2010. The House and Senate made final changes to the law through reconciliation but those did not impact what the reform will mean for children.

The Zeros

Four Senators and six Representatives have distinguished themselves by voting against the interests of children in every single one of the selected votes. These include votes where the vast majority of their own caucus supported.

Senators

- Jim Bunning – Kentucky
- James Inhofe – Oklahoma
- Tom Coburn – Oklahoma
- Jim DeMint – South Carolina

Representatives

- John Shadegg – Arizona 3rd
- Jeff Flake – Arizona 6th
- John Campbell – California 48th
- Jack Kingston – Georgia 1st
- Lynn Westmoreland – Georgia 3rd
- Paul Broun – Georgia 10th

The vision for the children of America these members support including denying health insurance to more than 4 million additional children, restricting women from suing for wage discrimination, opposing efforts to expand children's programs and prevent damaging state cuts as a result of this recession, saying no to tax breaks to low and middle income families, blocking the expansion of volunteer programs for both children and those who want to