



# The Policy Consequences of Senate Obstruction

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Tony Carrk April 2010



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# Unprecedented obstruction in Congress

Congress, particularly the U.S. Senate, boasts established rules for members to delay legislation. These rules have historically been reserved to ensure proper deliberation and consideration on the most important issues facing the nation. Recently, however, the Republican Party embraced these obstructionist tactics to subvert progressives so much that they have rendered the government dysfunctional.<sup>1</sup>

This report is intended as a guide to understanding obstruction in the Senate. It will examine the tools used by Republicans to prevent the effective functioning of government via the filibuster and holds, how they've used these different tools in both policy debates and executive appointments, and which special interests benefit from such obstructionism.

## Obstruction by the numbers

**112** Number of cloture votes in the 110th Congress (2007-08), a record number and more than double the cloture votes in the 109th Congress

**2,000 percent** Increase in the number of executive branch nominations facing filibuster under President Barack Obama over the previous six decades

**15** Number of President Obama's top national security picks, out of 30, that took longer to be confirmed than recommended by the 9/11 Commission. Two appointments have yet to be confirmed.

**290** Number of bills passed the House but stalled in the Senate. Nearly 140 passed the House by voice vote; 105 passed with a *majority* of House Republican support.

**7** Number of memos penned by health reform opponents on tools that could be used to obstruct and kill health reform

**1** Number of senators who can block the action of the entire Senate

In addition, this report attempts to take the debate out of the abstract and focus on its real life consequences. Recent obstruction has not only stopped Congress from providing help to people who need it the most, but also has kept key national security positions vacant and has prevented the Senate from considering legislation with significant bipartisan support.

The health reform debate highlighted the myriad of ways lawmakers can obstruct legislation. What resulted was 14 months of partisan gridlock and inaction. We are beginning to witness the same types of tactics as the Senate debates reforming Wall Street.

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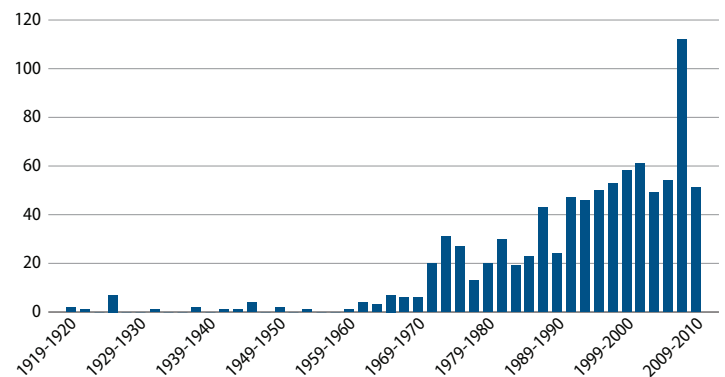
## Obstruction tools: Cloture and the filibuster

Under the rules of the Senate, senators have the prerogative of unlimited debate that cannot be cut off unless a certain number of senators agree to end debate; currently that number is 60 senators. This is known as “invoking cloture.” If 60 senators do not invoke cloture by voting to end debate, a bill is successfully filibustered.

The filibuster is not part of the U.S. Constitution. In fact, the “cloture rule,” Senate Rule XXII, was not formally adopted until 1917. From 1917 through 1970, senators voted to invoke cloture an average of two times per Congress. Voting on cloture became more frequent since that time. What we have witnessed in the past several years, however, is a dramatic increase in the number of times the Senate has voted to invoke cloture. There were a record 112 votes on cloture motions in the 110th Congress (2007-08), more than double the amount of cloture votes from the 109th Congress. The current Congress has already had 49 cloture votes.<sup>2</sup>

### Increasing cloture use

Votes on cloture by year, 1919 to 2010



Source: Secretary of the Senate, accessed April 8, 2010.

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## Obstruction tools: The hold

Another tool senators can use to obstruct legislation is a “hold.” A hold is a way for one senator to block legislation or nominations indefinitely. It indicates that a senator does not want a particular bill to be brought up for consideration and is willing to object to any “unanimous consent” requests to proceed on the bill, meaning the Senate will have to vote on these measures and it will in many cases be subject to filibustering.<sup>3</sup> According to the Congressional Research Service, the origin of holds “appears lost in the mists of his-

tory. They probably evolved from the early traditions of comity, courtesy, reciprocity, and accommodation that characterized the Senate's work.”<sup>4</sup>

Sen. Richard Shelby (R-AL), for example, recently placed a “blanket hold” on at least 70 of President Obama’s nominations, a move that Senate aides said was “a far more aggressive use of the power than is normal.”<sup>5</sup> Melanie Sloan, the executive director of Citizens for Responsibility and Ethics in Washington, noted that “one senator can subvert the entire democratic process. We don’t have the Senate confirming political appointees promptly, and that means decisions are not made at agencies.”<sup>6</sup>

# The impact of obstruction

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## Putting economic assistance on hold

The unprecedented use of filibusters and holds in the U.S. Senate affects all Americans. Recent obstruction by Sen. Tom Coburn (R-OK) directly prevented Americans from receiving economic aid and emergency flood assistance.<sup>7</sup> Before the Senate adjourned for its April recess, it tried to pass a measure that would have extended unemployment benefits, among other provisions, that were set to expire. As a result of Senator Coburn's hold, the Senate failed to pass the extenders before it recessed.

Consequently, more than 200,000 people saw their unemployment benefits expire.<sup>8</sup> In addition, the measure would have extended the National Flood Insurance Program, which provides 5.5 million homes and businesses with more than \$1 trillion in flood insurance.<sup>9</sup> The flood program expired at a time when Rhode Island and other parts of the Northeast saw records amount of rainfall and flooding,<sup>10</sup> and an average of 12,600 people had their coverage lapse daily because they could not renew their policies.<sup>11</sup> Assistance to help people with their COBRA payments also expired as a result of Senator Coburn's hold.<sup>12</sup> When the Senate reconvened, it was able to pass a bill that extended the benefits until June and President Obama signed it into law.<sup>13</sup>

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## Key posts remain vacant

More than 2,000 of the president's appointments to the Supreme Court, high-level positions in his cabinet and independent agencies, regulatory commissions, ambassadors, federal judges, U.S. attorneys, and U.S. marshals require Senate approval.<sup>14</sup> Senators can make each nomination susceptible to obstruction and delaying tactics.

The Senate was forced to use the cloture process to end debate and allow a vote on a presidential nominee only 24 times in the 60 years that preceded Barack Obama's election. That works out to a little less than one and a half cloture motions required for each four-year presidential term during that period. In Obama's first 13 months in office, opponents of White House nominees forced nine cloture votes and held up many other nominations for which the Senate did not have time to pursue cloture as a means of bringing nominations to the floor—an increase of more than 2,000 percent from the



previous six decades, according to the People for the American Way.<sup>15</sup> In comparison, the Senate only forced seven cloture votes on President George W. Bush's nominees *over his entire eight-year tenure*.

Scott Lilly, a Senior Fellow at the Center for American Progress, noted that as of March 1, “There were 228 presidential nominees pending confirmation before the U.S. Senate. There are six who were nominated more than 10 months ago. A total of 34 nominees have been on hold more than six months, and 34 more have been on hold between four and six months.”<sup>16</sup>

Another Center for American Progress analysis found that at the one-year mark, the Obama administration was behind all four previous administrations in terms of having Senate-confirmed positions filled. As of the end of March, the Obama administration had filled 64.4 percent of the 422 positions. At this point in the George W. Bush administration 73.8 percent of the positions had been filled; the Clinton administration, 69.8 percent; the George H.W. Bush administration had filled 80.1 percent; and the Reagan administration had filled 86.4 percent.<sup>17</sup>

More than a year of conservative opposition, for example, led Dawn Johnsen, President Obama’s nominee to head the Department of Justice’s Office of Legal Counsel, to withdraw her nomination for the post. The position would provide the administration advice on what is legal, particularly in the war against Al Qaeda, but it currently remains unfilled. When she withdrew her nomination, Johnsen said, “Unfortunately, my nomination has met with lengthy delays and political opposition that threaten that objective and prevent O.L.C. from functioning at full strength. I hope that the withdrawal of my nomination will allow this important office to be filled promptly.”<sup>18</sup> President Obama recently used his authority of recess appointments to avoid Senate obstruction and fill 15 positions.<sup>19</sup>

Conservatives are also obstructing the confirmation of several of the executive branch nominees slated for key positions in U.S. national security. After the attacks on September 11, the 9/11 Commission made recommendations to improve our nation’s national security.<sup>20</sup> One of the recommendations was for the president-elect to submit the nominations for his entire national security team no later than January 20, and for the U.S. Senate to confirm or reject those nominations within 30 days.

An analysis by the Center for American Progress found that the Senate failed to act within the given timeframe for half of President Obama’s nominations. Of the 30 top national security executive branch positions, 13 were confirmed outside the 30-day window recommended by the 9/11 Commission and two *have yet to be confirmed*. Only nine were confirmed within the 30-day period. President Obama kept six Bush administration appointees, so they were not subject to the Senate confirmation process in 2009. In contrast, only seven of President George W. Bush’s 30 nominations took longer than 30 days to confirm in 2001, even before the 9/11 Commission existed.

Nomination obstruction

Cloture votes forced on Executive Branch nominees



Source: People for the American Way, March 3, 2010.



Sen. Jim DeMint (R-SC) used a hold to successfully block President Obama’s initial pick to head the Transportation Security Administration—Erroll Southers—because of his views on unionization. This meant the nation had no TSA chief during the Christmas day attempted suicide attack in 2009.<sup>21</sup>

Obstructing health care brought gridlock to the Senate for 14 months

The recent debate over health reform is a prime example of all the tools available to delay and derail legislation. Indeed, Sen. Minority Leader Mitch McConnell (R-KY) settled on a strategy of unified Republican opposition *even before President Obama was inaugurated*.<sup>22</sup> Sen. Judd Gregg (R-NH) and six other health reform opponents penned memos detailing all the ways they could obstruct and defeat health reform.<sup>23</sup> What resulted was 14 months of hyperpartisanship that at times brought the government to a standstill.

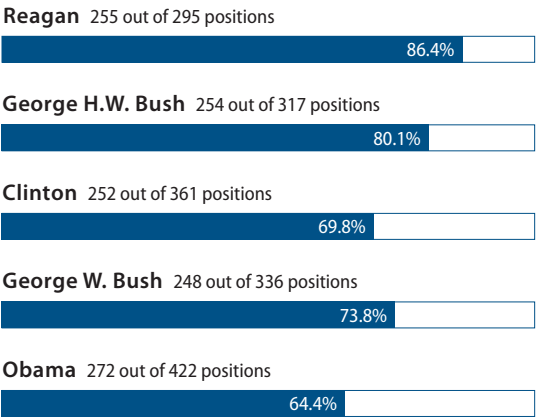
So intent were Republicans to defeat health reform, they claimed to want to negotiate in good faith only later to break off those negotiations. Sen. Max Baucus (D-MT) convened a “Gang of Six” of three Senate Democrats and three Senate Republicans that met for months, only for the Republicans to walk away from the table at the final hour.<sup>24</sup> Republicans also offered amendments that had little or nothing to do with health reform as a way to obstruct the bill.<sup>25</sup>

Most glaringly, Senate Republicans attempted to mount a filibuster of crucial defense spending to our men and women serving in harm’s way. When asked about this filibuster, Sen. Sam Brownback (R-KS) said he did not “want health care.”<sup>26</sup>

President Obama was able to sign into law comprehensive health reform in March 2010 that will expand coverage to roughly 32 million Americans after 14 months of delaying tactics and misinformation to the public.<sup>27</sup>

The one-year presidential appointments race

Percentage of Senate-confirmed positions in cabinet departments and executive agencies filled at the one-year mark<sup>14</sup>



Source: Database constructed from Office of Personnel Management’s Central Personnel File and The Washington Post’s “Head Count” feature.

## Key national security positions slow to fill

Half of all positions took longer than recommended to confirm

Position title	Name of person President Obama first nominated	Date nomination received in the Senate	Confirmation date	Days elapsed from nomination to confirmation
Secretary, Department of Homeland Security	Janet Napolitano	1/20/09	1/20/09	1
Secretary of state, Department of State	Hillary Rodham Clinton	1/20/09	1/21/09	2
Deputy secretary, Department of State	Jim Steinberg	1/20/09	1/28/09	8
Attorney general, Department of Justice	Eric Holder	1/20/09	2/2/09	13
Director, Central Intelligence Agency	Leon Edward Panetta	1/30/09	2/12/09	13
Undersecretary (comptroller), Department of Defense	Robert Fargo Hale	1/20/09	2/9/09	20
Undersecretary for policy, Department of Defense	Michele Flournoy	1/20/09	2/9/09	20
Deputy secretary, Department of Defense	William Lynn	1/20/09	2/11/09	22
Secretary of the Navy, Department of Defense	Raymond Edwin Mabus, Jr.	4/20/09	5/18/09	28
Undersecretary for public diplomacy and public affairs, Department of State	Judith McHale	4/20/09	5/21/09	31
Undersecretary for acquisition, technology, and logistics, Department of Defense	Ashton Baldwin Carter	3/18/09	4/23/09	36
Deputy secretary, Department of Homeland Security	Jane Holl Lute	2/25/09	4/2/09	36
Deputy attorney general, Department of Justice	David W. Ogden	1/26/09	3/12/09	45
Undersecretary for arms control and international security, Department of State	Ellen O'Kane Tauscher	5/6/09	6/25/09	50
Administrator of the Federal Emergency Management Agency, Department of Homeland Security	W. Craig Fugate	3/17/09	5/12/09	56
Undersecretary for global affairs, Department of State	Maria Otero	6/9/09	8/7/09	59
Undersecretary for National Protection and Programs Directorate, Department of Homeland Security	Rand Beers	4/20/09	6/19/09	60
Undersecretary for economic, business, and agricultural affairs., Department of State	Robert Hormats	7/20/09	9/22/09	64
Secretary of the Army, Department of Defense	John M. McHugh	7/6/09	9/16/09	72
Undersecretary for intelligence and analysis, Department of Homeland Security	Caryn Anne Wagner	10/26/09	2/11/10	108
Undersecretary for personnel and readiness, Department of Defense	Clifford Lee Stanley	10/15/09	2/9/10	117
Undersecretary for science and technology, Department of Homeland Security	Tara Jeanne O'Toole	5/6/09	11/4/09	182
Secretary (holdover), Department of Defense	Robert Michael Gates	12/4/06	12/6/06	N/A
Secretary of the Air Force (holdover), Department of Defense	Michael Donley	6/25/08	11/2/08	N/A
Commissioner for U.S. Customs and Border Protection, Department of Homeland Security	Alan D. Bersin	1/29/09	Not confirmed	N/A
Undersecretary for management, Department of Homeland Security	Rafael Borrás	7/6/09	Not confirmed	N/A
Director of the Federal Bureau of Investigation (holdover), Department of Homeland Security	Robert S. Muller III	6/18/01	8/2/01	N/A
Undersecretary for management (holdover), Department of State	Patrick F. Kennedy	10/16/07	11/6/07	N/A
Deputy director of central intelligence (holdover), Central Intelligence Agency	Stephen R. Kappes	N/A	N/A	N/A
Deputy director of central intelligence—community management (holdover), Central Intelligence Agency	Larry C. Kindsvater	5/11/04	6/22/04	N/A

# A timeline of obstruction

## Republican efforts to obstruct and delay comprehensive health care reform

### JANUARY 2009

- Two weeks before inauguration, Minority Leader Sen. Mitch McConnell (R-KY) devises a strategy for blocking all reform, including health care, by holding all 40 Republicans together in opposition to major legislative items.<sup>28</sup>

### FEBRUARY 2009

- Republican filibusters required Democrats seeking up or down votes to file more cloture motions in the first month of the Obama administration than were filed between World War I and the moon landing. Republicans essentially attempt to obstruct the Senate more in one month than the Senate has endured in 50 years.<sup>29</sup>

### MARCH 2009

- Sen. Charles Grassley (R-IA) is picked as one of the Republican members of the “Gang of Six” to negotiate a bipartisan health reform bill. Grassley quickly broadcasts his intentions by telling reporters that hyping misinformation about health reform is “the only way you’re going to get [public] attention.”<sup>30</sup>

### JUNE 2009

- Sen. John McCain (R-AZ) says committee markup of health reform legislation is a “waste of time” and urges Republicans to abandon the process.<sup>31</sup>
- Republicans on the Senate Health, Education, Labor and Pensions Committee attempt to delay and obstruct markup of health reform by offering amendments that have little or nothing to do with solving the health care crisis.<sup>32</sup>
- Sen. Jon Kyl (R-AZ) says GOP negotiator Grassley has “been given no authority to negotiate anything” with Democrats.<sup>33</sup>
- Senate Republicans block President Obama’s nominees, including Dawn Johnsen to the Department of Justice Office of Legal Counsel, to delay Senate consideration of health reform.<sup>34</sup>

### JULY 2009

- Chamber of Commerce consultant Alex Castellanos pens memo on how to kill health reform: “If we can slow this sausage-making process down, we can defeat it.”<sup>35</sup>
- Sen. Jim DeMint (R-SC) says, “If we’re able to stop Obama on this [health reform] it will be his Waterloo. It will break him.”<sup>36</sup>
- The Republican National Committee writes in an internal memo how it would “engage in every activity we can to slow down this mad rush” on health reform.<sup>37</sup>
- Key GOP negotiator Grassley tells reporters: “I take pride with being an obstructionist.”<sup>38</sup>

### AUGUST 2009

- Key GOP negotiator Grassley sends fundraising letter boasting of his obstruction of health reform.<sup>39</sup>

- Republicans, including GOP negotiators, repeat false and debunked claims about health reform, most notably that health reform will involve government-run “death panels” that will “pull the plug on Grandma.”<sup>40</sup>

### SEPTEMBER 2009

- Senate Republicans walk away from the “Gang of Six” after Senate Democrats reached out for months in an attempt at bipartisan negotiations.<sup>41</sup>

### OCTOBER 2009

- Senate Republicans unveil a new strategy to “delay, define and derail” health reform.<sup>42</sup>

### NOVEMBER 2009

- Republican Senators, led by Sen. Dick Lugar (R-IN), demand that health reform be scrapped to focus on the war in Afghanistan.<sup>43</sup>

### DECEMBER 2009

- Sen. Judd Gregg (R-NH) pens a memo outlining all the tools at Senate Republicans’ disposal to delay health reform.<sup>44</sup>
- Senate Republicans attempt to filibuster the defense spending bill that provides funds to our men and women in uniform. Sen. Sam Brownback (R-KS) admits the reason he filibustered the defense bill was because he didn’t “want health care.”<sup>45</sup>
- Sen. Tom Coburn (R-OK) demands Sen. Bernie Sanders’ (I-VT) 767-page single payer amendment be read in its entirety on the Senate floor, which was estimated to take 12 hours.<sup>46</sup>
- Despite a foregone conclusion that the Senate bill will pass, the GOP forces a Christmas Eve vote. No Republicans vote for the bill.<sup>47</sup>

### FEBRUARY 2010

- Sen. Jim Bunning (R-KY) exploits his privileges as a senator and places a hold on the extension of unemployment benefits. His move slows down the pace and progress of health care legislation in the chamber as members from both parties try to release his hold.<sup>48</sup>

### MARCH 2010

- Sen. Lamar Alexander (R-TX) admits that the Senate GOP will obstruct fixes to improve the health bill simply for partisan gain.<sup>49</sup>
- Protesting health reform, the Senate GOP attempts to bring all Senate hearings to a halt by invoking a little-known rule that requires unanimous consent to hold hearings after 2 p.m.<sup>50</sup>
- Coburn, supported by Kyl and other GOP senators, plans new stalling tactics, including a hold on an extension of COBRA health and unemployment benefits.<sup>51</sup>

# Opening the door to special interests

Allowing one senator to place a hold on the legislative process makes it easier for a corporation or an industry group to impose its will on the rest of the country. Interest groups can direct considerable campaign contributions, lobbyists, and other resources that can be perceived to sway one senator their way.

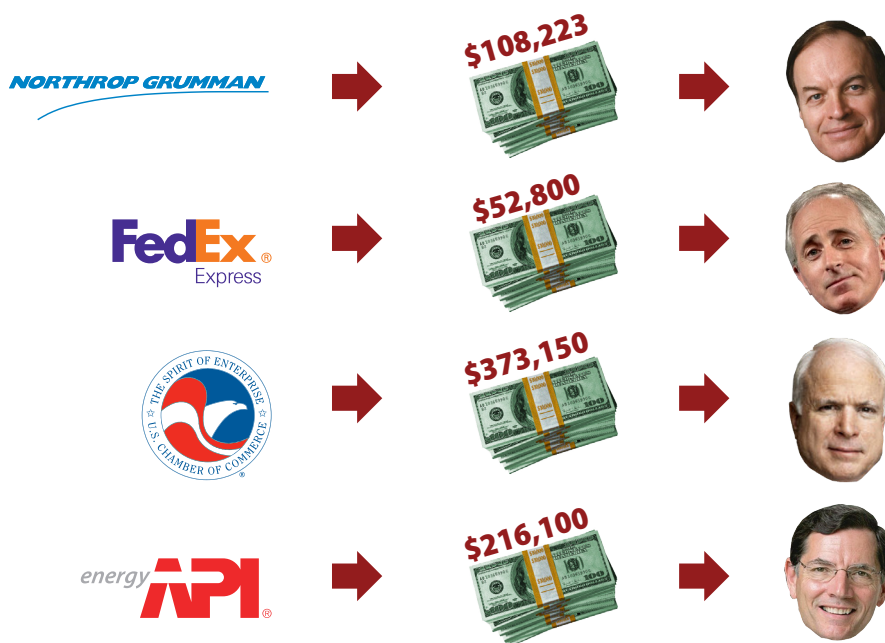
An examination of recent Senate holds targeted for specific items raises the question of the influence of campaign contributions. Sen. Bob Corker (R-TN), for example, placed a hold on the Federal Aviation Reauthorization legislation over provisions in the bill that would allow FedEx workers to unionize. Currently, FedEx drivers are classified as contractors and not allowed to unionize. FedEx is fighting provisions that would change that. It has also contributed \$52,800 in campaign contributions to Sen. Corker who used the hold to ensure FedEx would still not be allowed to collectively bargain.<sup>52</sup>

Sen. Richard Shelby (R-AL) placed a blanket hold on all of President Obama's nominations in an effort to force the Obama administration to award a \$35 billion defense contract to Northrop Grumman.<sup>53</sup> Northrop Grumman has contributed \$108,223 to Sen. Shelby.<sup>54</sup>

Sen. John McCain (R-AZ) placed a hold on President Obama's nominee for the National Labor Relations Board, Craig Becker.<sup>55</sup> He was opposed by business groups because he supports allowing workers to unionize. The U.S. Chamber of Commerce's board contributed \$373,150 to McCain's presidential campaign in 2008,<sup>56</sup> and recently endorsed him for re-election to the U.S. Senate, the trade associations' first candidate endorsement for the 2010 cycle.<sup>57</sup>

Sen. John Barrasso (R-WY) put a hold on Gina McCarthy's nomination to lead the Environmental Protection Agency's Office of Air and Radiation over concerns of the EPA's proposal to regulate carbon.<sup>58</sup> The oil and gas and coal industries have contributed \$216,100 to Sen. Barrasso.<sup>59</sup>

## Money obstructs



<b>Northrop Grumman</b>	➤	<b>\$108,223</b>	➤	<b>Sen. Richard Shelby (R-AL)</b>
Northrop Grumman was seeking a federal contract worth up to \$35 billion to build a refueling tanker in Mobile, Alabama.		Northrop Grumman has donated \$108,223 to Shelby in campaign contributions.		Shelby placed a “blanket hold” blocking all of Obama’s nominees to every office to force the Obama administration to accept Northrop Grumman’s demands.
<b>FedEx</b>	➤	<b>\$52,800</b>	➤	<b>Sen. Bob Corker (R-TN)</b>
FedEx misclassifies its drivers as contractors (instead of full employees), depriving them the right to collectively bargain, and denying 15,000 drivers benefits, paid vacation, or sick leave.		FedEx, based in Memphis, gave Corker \$52,800 in campaign contributions.		Corker then promised to use ‘every right and privilege’ he has to stop FedEx drivers from unionizing.  Corker placed hold on the Federal Aviation Administration reauthorization bill to force provisions to ensure FedEx workers cannot unionize
<b>Chamber of Commerce</b>	➤	<b>\$373,150</b>	➤	<b>Sen. John McCain (R-AZ)</b>
Business groups, led by the Chamber of Commerce, opposed Obama’s nomination of Craig Becker to the National Labor Relations Board because he favors the rights of labor.		Chamber board members donated \$373,150 to McCain In 2008, pledged support for his reelection campaign in 2010.		Despite winning approval from the Senate HELP Committee, Becker’s nomination did not move forward for months because McCain placed a hold on him.
<b>Oil, gas, and coal industries</b>	➤	<b>\$216,100</b>	➤	<b>Sen. John Barrasso (R-WY)</b>
Oil lobby, organized by the American Petroleum Institute and other polluter lobbies, like the Chamber of Commerce, wants to block the Environmental Protection Agency from regulating climate change-causing carbon emissions.		The oil and coal industry has donated \$216,100 to Barrasso		Barrasso placed “hold” on EPA Secretary nominee Gina McCarthy, in an attempt to force the EPA from regulating carbon and from enforcing the Clean Air Act.

# More than 240 bipartisan House bills delayed

Because the way the Senate operates allows the legislative calendar to be consumed by extended debate, Republicans' obstruction does not just hold up the immediate bill in question—it also holds up every other important piece of legislation waiting to be considered, and prevents the Senate from considering legislation that it would otherwise be inclined to pass.<sup>60</sup>

*The Hill* reported at the end of February that there were 290 bills passed by the House of Representatives in the 111th Congress that the Senate had yet to consider.<sup>61</sup> Since then, the Senate passed or tabled eight of those bills, but an analysis by the Center for American Progress Action Fund found that many of them passed the House with significant bipartisan support. Of the 290 bills, 139 bills passed by voice vote, and another 105 bills passed with a majority of House Republican support, meaning at least 90 House Republicans voted “yes.”

Here are a few of the bills that passed the House with a majority of Republicans voting “yes,” but are currently stalled in the Senate due to Republican obstruction:

**The TARP Accountability and Disclosure Act (H.R. 1242):** This legislation would make TARP funds provided to financial institutions more transparent and hold institutions receiving those funds more accountable. The bill would create a single publicly available database to track TARP funds. It had the support from the U.S. Chamber of Commerce, as well as other conservative organizations such as Americans for Tax Reform.<sup>62</sup> The House passed the legislation 421-0 on December 2, 2009.<sup>63</sup>

**A Child Is Missing Alert and Recovery Center Act (H.R. 1933):** This legislation would provide help to federal, state, and local law enforcement agencies so that they can find missing children. It passed the House 417-5 on July 21, 2009.<sup>64</sup>

**COPS Improvements Act (H.R. 1139):** This legislation would increase funding to the COPS programs that help put more police officers on the street to keep us safe. It passed the House 342-78 on April 23, 2009.<sup>65</sup>

**The Iran Sanctions Enabling Act (H.R. 1327):** This legislation would allow state and local governments to divest from companies investing in Iran's oil and natural gas industries, or from those that are doing business with its nuclear industry. It passed the House 414-6 on October 14, 2009.<sup>66</sup>

**Small Business Financing and Investment Act (H.R. 3854):** This legislation would provide assistance to small businesses so they get the credit they need to obtain loans to make payroll and expand. It passed the House 389-32 on October 29, 2009.<sup>67</sup>

**The Homes for Heroes Act (H.R. 403):** This legislation would expand and improve housing for homeless veterans. It passed the House 417-2 on June 16, 2009.<sup>68</sup>

It may be the case that the Senate would not consider every one of these 290 bills under ordinary circumstances. But one could assume since many of these bills passed with significant bipartisan support in the House they would be able to find enough bipartisan support in the Senate to break a filibuster. Yet given the nature of the Senate, many of these bills will not come up for debate as Republicans continue to obstruct and delay for political reasons.<sup>69</sup>



# Conclusion

The unprecedented level of obstruction in the U.S. Senate impacts the lives of Americans in many areas, including economic security, national security, health care, and Wall Street reform. The record number of filibusters and other tools of obstruction not only bring the U.S. Senate to a virtual standstill, they also prevent Americans from receiving the help they need, leave key members of the administration vacant—including national security officials—and prevent the Senate from considering legislation that has significant bipartisan support while opening the Senate to more special interest influence.

Americans saw these obstruction tactics firsthand for more than a year during the health care debate. We are already seeing similar tactics on Wall Street reform. All 41 Senate Republicans, for example, signed a letter indicating they would filibuster Wall Street reform in its current form.<sup>70</sup> We have seen Republican leaders indicate they are eager to negotiate in good faith, only to have those negotiations stall.<sup>71</sup> And Senate Republicans have misleadingly claimed the Senate proposal would institutionalize taxpayer bailouts, a claim an independent fact check group called false.<sup>72</sup>

In addition to Wall Street reform, the Senate will need to consider many critical issues in the near future, including filling a vacancy on the U.S. Supreme Court, combating climate change, establishing comprehensive immigration reform, ratifying the New START treaty, and reauthorizing the Elementary and Secondary Education Act.

Gridlock in the U.S. Senate will only make the challenges we face more difficult. Americans cannot afford to have these pressing concerns fall victim to short-term political gain.

If Republicans continue to obstruct government at the historic levels they have been, it may be time to consider changes to the way the Senate operates as an institution. Some senators have already introduced measures to address this, each with its merit. Our elected officials should come together to find a way to ensure deliberation and debate but not at the expense of a functioning government.

# Endnotes

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