



Fact Sheet: Ending Gridlock in the Senate

The abuse of the filibuster has stuck the Senate in gridlock. Instead of using the filibuster as it was intended – as a rare maneuver to protect minority rights – Republicans have turned it into a tool of obstruction to prevent anything from getting done. Instead of allowing Republicans to make unprecedented use of the filibuster to block President Obama's top nominees, we need to repair the Senate rules and end the gridlock that has stopped the Senate from working.

Unprecedented Use of the Filibuster Against Executive Nominees

President Obama's executive nominees have already faced more filibusters than all of President Bush's nominees. According to the independent Congressional Research Service (CRS), from 1949 (when Senate rules were changed to provide for cloture on nominations) through 2008, only 20 cloture votes have been forced on executive branch nominations. During the eight years of George W. Bush's presidency, there were only 15 executive nominations on which cloture was filed. Under President Obama, Republican obstruction has already forced cloture petitions on 25 of President Obama's executive branch nominees through the end of June, 2013. [CRS, [6/26/13](#)]

President Obama's executive nominees have already faced as many cloture votes as President Bush's and President Clinton's combined. President Obama's executive nominees have already faced 16 cloture votes, compared to nine for President Clinton and seven for President Bush. [People for the American Way, [7/10/13](#)]

Republicans forced a first-ever cloture vote on a nominee for Secretary of Defense. In February, Republicans filibustered President Obama's nomination of former Senator Chuck Hagel for Secretary of Defense, forcing an unprecedented cloture vote on a nominee for the post. [Cloture Invoked (71 – 27), [2/26/13](#); Confirmed (58 – 41), [2/26/13](#)]

Republicans walked out on the nomination process for the EPA Administrator. In May, all eight Republican members of the EPW committee refused to participate in a scheduled vote on Gina McCarthy, leaving her nomination in limbo and unable to advance to the Senate floor for an up-or-down vote. After Ms. McCarthy ultimately had her hearing, Senate Republicans gave her more than 1,100 questions for the record – more than any nominee received in the Bush Administration. [Reuters, [05/9/13](#); NY Times, [05/11/13](#)]

Republican Filibuster Abuse has Plunged the Senate into Gridlock

Through filibuster and delay Republicans have ground the confirmation process to a halt. During the 111th and 112th Congresses, President Obama's executive branch nominees waited 34% and 21% longer on average, respectively, for confirmation than President George W. Bush's nominees. [CRS]

| Duration of Senate Consideration of Nominations to Non-Judicial Positions [CRS] | |
|--|--|
| | Average Number of Days from Nomination to Confirmation |
| President Bush's First Term | |
| 107 th Congress | 70.3 |
| 108 th Congress | 130.6 |
| President Obama's First Term | |
| 111 th Congress | 94.0 |
| 112 th Congress | 158.2 |

Gridlock has contributed to top talent turning down public service. Even after nominees are reported out of committee, many of President Obama's nominees have faced endless delays from Republican holds on the floor. This factor is contributing to top talent turning down government positions. According to CRS data, nearly twice as many of President Obama's executive branch nominees were withdrawn than President George W. Bush's. [\[CRS\]](#)

| Distinct Nominations to Civilian Non-Judicial Positions Withdrawn [CRS] | |
|--|--|
| | Total Number of Nominations that Were Reported and Later Withdrawn |
| President Bush's First Term | |
| 107 th Congress | 1 |
| 108 th Congress | 7 |
| President Obama's First Term | |
| 111 th Congress | 6 |
| 112 th Congress | 7 |

Americans Recognize that Gridlock has Broken the Senate

Americans' confidence in Congress as an institution is down to 10%. This is the lowest level of confidence Gallup has found, not only for Congress, but for any institution it has measured since 1973. [\[Gallup, 6/13/13\]](#)

Gridlock is the top reason Americans are critical of Congress. Disapproval ratings for Congress are sky-high, with 78% of Americans critical of the job Congress is doing. Gridlock is the biggest reason, with nearly half of those polled citing gridlock (28%) or not getting anything done (21%) as the main reason for their disapproval. [\[Gallup, 6/12/13\]](#)

The Framers envisioned the Senate's confirmation power as a relatively minor check on the President's authority. It exists only to prevent the President from selecting a nominee who "does not possess due qualifications for office." Assessing a candidate's "qualifications for office" does not give the Senate grounds for imposing an ideological litmus test on the President's nominees. [\[UC Davis Law Review, Vol. 36, p. 633, Winter 2003\]](#)