

Obstruction by Filibuster

How Maine Senator Susan Collins is Obstructing Progress

August 2007

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Campaign for America's Future

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The 2006 election was a repudiation of President Bush and his conservative policies, and a mandate for change. The American people wanted a new course in Iraq. They wanted an increase in the minimum wage. They wanted stem-cell research, increased student aid and investments in renewable energy.

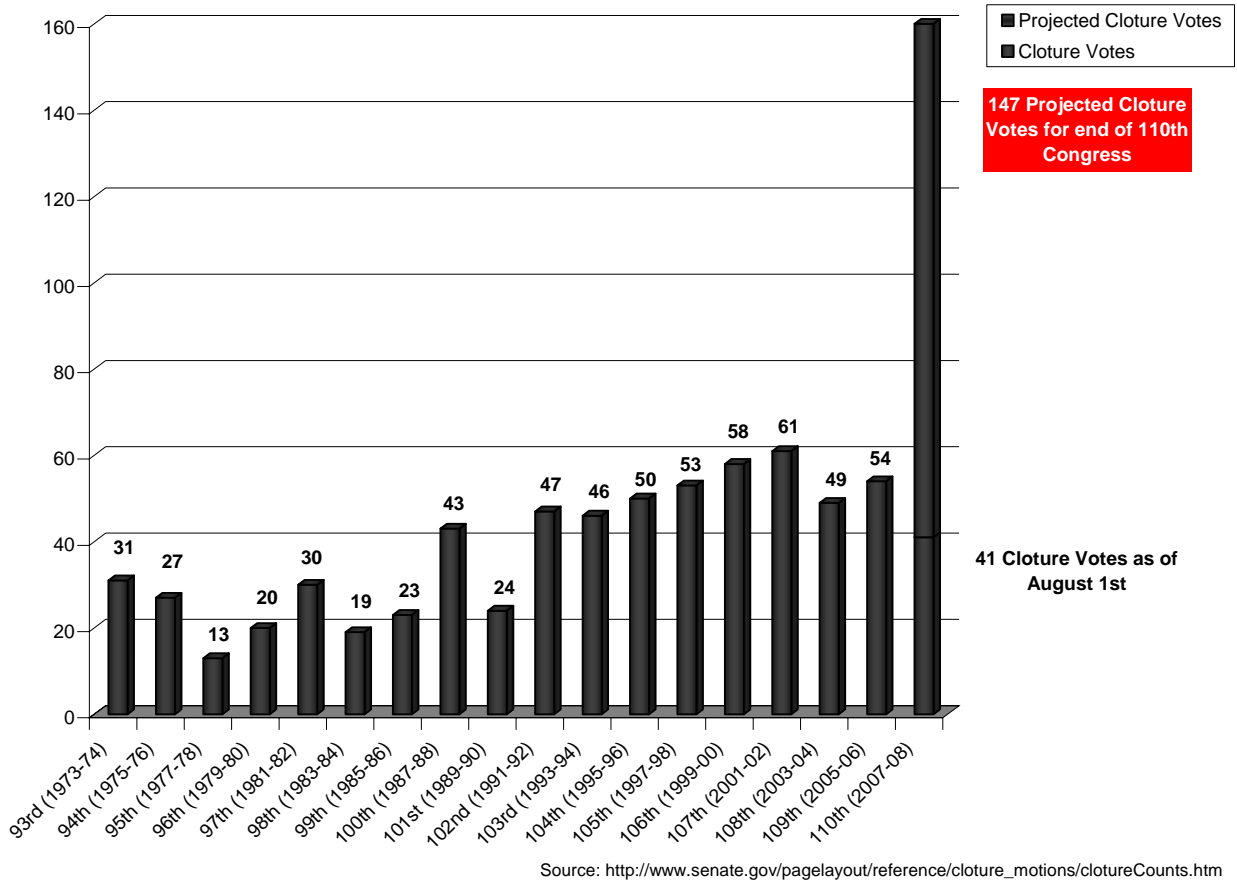
Six months into the new 110th Congress, little has changed. The American people's initial enthusiasm has degenerated into disappointment. Congressional approval ratings are at all-time lows, with 71 percent of Americans disapproving of how Congress is handling its job. The Democrats' approval rating, only fractionally higher than the Republicans', is sinking, especially after Congress was unable to override Bush's veto of the bill that would have ended the war in Iraq. The American people want change. The Democratic Congress has been unable to deliver.

An analysis of voting records, however, makes clear that the problem is not a failure of Democratic leadership; instead, the problem is Republican obstructionism. The Democrats had a remarkably productive first six months. Every single item on House Speaker Nancy Pelosi's 100 Hours Agenda passed the House, often by considerable margins.

The Senate and the President, however, stopped progress. The President vetoed the bill that would end the occupation of Iraq. Republican senators like Susan Collins of Maine continually threaten to filibuster, requiring 60 votes for cloture (a limit on debate) to proceed on a wide variety of measures. The first session of the 110th Congress saw 41 cloture votes in seven months,¹ far above historical norms (see the chart on the next page). Republicans are on pace to bring the number of filibuster threats and cloture votes to a level *nearly half again as high as the 108th and 109th Congress put together*.

This is a deliberate strategy. Republican whip Trent Lott told *Roll Call*, "The strategy of being obstructionist can work or fail... and so far, it's working for us."² Democrats are the ones taking the blame for not getting anything done.





Senate Republicans act as if this obstruction is normal. Senate Minority Leader Mitch McConnell told *CNN*, “That’s the ordinary procedure [to force cloture votes], not the unusual.”³ But it is not normal. It is a tactic to stop everything and blame Democrats for not getting anything done.

The American people think the country is heading in the wrong direction; in one poll, 71 percent of participants said they are dissatisfied with the way things are going in the United States.⁴ This dissatisfaction is based in fact. The country is stuck in Iraq, wages are stagnant, prices for gasoline and college tuition are on the rise, the number of people in poverty and without health insurance are steadily increasing. These figures tell the story:

- Median Household Income: Fell by \$1,273 from 2000 to 2005 when adjusted for inflation.⁵
- Total soldiers killed in the Iraq War as of July 30, 2007: 3,653⁶
- Gas Prices: Up \$1.31 per gallon from April 2000 to April 2007 when adjusted for inflation.⁷
- People in Poverty in 2005: 37 million.⁸
- Families in Poverty in 2005: 7.7 million.⁹
- People without health insurance in 2005: 46.6 million.¹⁰

In Collins’ state of Maine:

- Maine soldiers killed in the Iraq War as of August 2, 2007: 20.¹¹
- People in Poverty in 2004: 157,000.¹²
- Families in Poverty in 2004: 33,000.¹³

- People without health insurance in 2004: 130,000¹⁴

The Democrats have introduced legislation that would put the country on a better course. The bills would end the occupation of Iraq, increase investment in renewable energy, raise the minimum wage without giving companies tax breaks and tax loopholes, and increase the ability of workers to unionize so they can bargain collectively for better wages and benefits.

Polls show that these kinds of changes are what the electorate wants. Earlier research by the Campaign for America's Future shows that the American people want to move in a progressive direction.¹⁵ This report documents the legislation that the Democrats would pass, but that Collins and the other Senate Republicans have successfully blocked.

Employee Free Choice Act **H.R. 800**

The Employee Free Choice Act of 2007 simplifies the procedures by which members of a workplace can unionize for collective bargaining. At present, workers are typically required to hold formal elections. This Act would allow people to form unions simply upon proof of interest. Workers would be able to use formal elections if they choose, but elections would not be required. As an alternative, workers could check cards and sign their names to indicate their interest in organizing.

To reduce other obstacles to worker organizing, the act provides civil fines of up to \$20,000 per violation against employers found to have willfully violated employees' rights during an organizing campaign. It provides victims of illegal firing with three times the amount of back pay owed to them. Lastly, the Act gives the option to call in a neutral third party to settle collective bargaining disputes between employers and newly certified unions when a contract is not reached after three months. These provisions are designed to respond to concerns that employers often stretch out or prejudice the unionization process by harassing or intimidating employees and organizers.

The Employee Free Choice Act of 2007 would have made a significant difference in the lives of many North Carolinian workers. According to the latest census information from 2004, there are 130,000 people without health insurance in Maine. Passage of the bill and the formation of unions would help to ensure that more workers receive the benefits they deserve. The bill would have likely resulted in more than 11,000 people with health insurance as well as over 9,000 more people with pensions¹⁶. There were 9,000 less workers represented by unions in 2006 than there were in 2000¹⁷.

The bill was passed by the House of Representatives by a wide margin, but did not survive Republican opposition in the Senate. A majority vote was achieved, but not the 60-vote supermajority needed for cloture against a filibuster. The Employee Free Choice Act would have improved the quality of life for workers in Maine, yet Senator Collins obstructed the bill.

Republican Minority Leader Mitch McConnell boasted, "They [Democrats] know the bill will fail. Senate and House Republicans have vowed to block it. The President has vowed to veto it."¹⁸

House Vote
Employee Free Choice Act; H.R. 800; Roll Call #118
Passed March 1, 2007

	Total	Democrat	Republican
Yes	241	228	13
No	185	2	183
Not Voting	8	3	5

Senate Vote
Employee Free Choice Act; H.R. 800; Roll Call #227
Rejected on Cloture Vote, June 26, 2007

	Total	Democrat	Republican	Independent
Yes	51	48	1	2
No	48	0	48	0
Not Voting	1	1	0	0

Ending the War in Iraq
H.R. 1591

At the end of March 2007, the House and Senate passed the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. The bill provided \$124 billion to fully fund the war, the troops and veterans who returned home. However, unlike past appropriations for the war, it imposed conditions on funding. Specifically, it imposed a timetable for withdrawal of U.S. forces. It started to end the war.

House Vote
Bill to End the War in Iraq; H.R.1591; Roll Call #186
Passed House March 23, 2007

	Total	Democrat	Republican
Yes	218	216	2
No	212	14	198
Present, Not Voting	1	1	0
Not Voting	3	2	1

Senate Vote
Bill to End the War in Iraq; H.R.1591; Roll Call #126
Passed Senate March 29, 2007

	Total	Democrat	Republican	Independent
Yes	51	48	2	1
No	47	0	46	1
Not Voting	2	1	1	0

The House and Senate spent a few weeks in April hammering out details and presented the bill to end the war to the President Bush on May 1, 2007. He vetoed it the same day.

On May 2, House Democrats tried to override the veto. They failed, however, to produce the two-thirds majority necessary. In the Senate, the leadership recognized they did not have the votes necessary to override and did not bring the measure to a vote. In the end, the Democrats surrendered on the requirement to end the war and voted to authorize funding for continued military operations

without withdrawal provisions. “The debate will go on,” Speaker Nancy Pelosi vowed.¹⁹ For now, however, the crucial vote is the one that attempted to end the war.

As of August 2, 2007, the Iraq War has cost 20 North Carolinians and an additional 3,572 Americans their lives.²⁰

In the aftermath of the veto over the troop withdrawal, negotiators reconsidered their positions. The Iraq war funding and minimum wage bills were combined, along with funding for Katrina recovery and veterans care. In some cases, the considerations of the Iraq war outweighed consideration of the minimum wage, leading some Democrats to vote against the measure. Finally, at the end of May, the minimum wage increase along with Iraq war funding, without troop removal deadlines, passed in both chambers of Congress and was signed into law.²¹

House Vote

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007; H.R.2206; Roll Call #333
Passed March 24, 2007

	Total	Democrat	Republican
Yes	348	225	123
No	73	1	72
Not Voting	12	6	6

Senate Vote

U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007; H.R.2206: Roll Call # 181
Passed May 24, 2007

	Total	Democrat	Republican	Independent
Yes	80	37	42	1
No	14	10	3	1
Not Voting	6	2	4	0

Intelligence Authorization Act **S. 372**

S.372 was a bill written to authorize appropriations for fiscal year of 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the CIA Retirement and Disability System. The bill would have authorized funding for the intelligence community, believed to have a budget of approximately \$44 billion (although the actual budget figure is classified). Backers of the legislation hailed its directives to the spy community, such as one to create an inspector general position for the Office of the Director of National Intelligence

“Before the vote, Intelligence Chairman [John D.] Rockefeller called on Republicans to ‘put politics aside’ and vote for cloture...Earlier in the day, the Senate accepted several amendments proposed by Rockefeller to address objections by the White House last week when it threatened to veto the legislation.²²”

Again, a majority voted in favor of the bill, but there were an insufficient number of votes to prevent a filibuster. Republican obstructionism, aided by Susan Collins, ruled the day once again.

Senate Vote
Intelligence Authorization Act; S.372; Roll Call #131
Rejected on Cloture Vote, April 17, 2007

	Total	Democrat	Republican	Independent
Yes	50	46	2	2
No	45	0	45	0
Not Voting	5	3	2	0

Comprehensive Immigration Reform Act
S.1348/S.1639

The Comprehensive Immigration Reform Act was first and most significant effort to solve immigration problems in years. The bill was much negotiated, with extensive compromises made by the White House and about a dozen senators from both parties. In the end, the compromises suited almost no one entirely, and the bill was overwhelmed by doubts from all sides.

One of the most controversial provisions in the legislation would allow the approximately 14 million illegal immigrants to stay in America and work their way towards legal status and ultimately citizenship. In addition, the bill would have provided \$4.4 billion in mandatory spending for border security and enforcement, and would create a temporary guest worker program.

Some Democrats expressed dissatisfaction with the guest worker program and provisions that would reduce the role that family ties play in awarding permanent legal resident status. Others in both parties, particularly Republicans, questioned the legalization provision — calling it “amnesty” — and complained that past enforcement promises have yet to be fulfilled. After the first iteration of the bill, introduced by Majority Leader Harry Reid, was unsuccessful, Sen. Edward Kennedy introduced a slightly altered version as S.1639. Although it was closer to pleasing everyone, Republican-led obstructionism stopped the bill from moving forward.

Senate Vote
Immigration Reform; S. 1348; Roll Call #204
Rejected on Cloture June 7, 2007

	Total	Democrat	Republican	Independent
Yes	34	33	0	1
No	61	13	47	1
No Vote	4	3	1	0

Senate Vote
Immigration Reform; S.1639; Roll Call #235
Rejected on Cloture June 28, 2007

	Total	Democrat	Republican	Independent
Yes	46	33	12	1
No	53	15	37	1
No Vote	1	1	0	0

Senate Campaign Disclosure Parity Act **S. 223**

The Senate Campaign Disclosure Parity Act would end the Senate practice of submitting campaign financial disclosure reports on paper rather than electronically. Currently, Senate candidates print their computerized finance reports on paper and then physically deliver them to the Senate office of public records, where the paper records are scanned into computer files for electronic transmission to the Federal Elections Commission (FEC). The FEC then prints these records on paper and ships them to Virginia, where the information is manually entered into electronic databases. This antiquated process increases the cost and slows the process, defeating the very purpose of disclosure. In the 2006 election cycle, the watchdog group Campaign Finance Institute found that contributions received by candidates five months earlier still were not available online a week before the November 6 elections for six of the 10 most competitive Senate races.²³

The House has filed its financial disclosure reports electronically for years, and they are available for scrutiny without delay. The Senate Campaign Disclosure Parity Act would mandate similar procedures in the Senate.

But it has never come up to a vote.

An anonymous Republican Senator has used an obscure rule to place a “hold” on the bill, preventing it from leaving committee. Nobody knows which Senator placed the hold, although Republican Jim Bunning of Kentucky admitted that the hold originated on the Republican side of the aisle. The Sunlight Foundation reports that it called every single Republican Senator on the committee, and none of them admitted to placing the original hold. “[W]e now know that one or more Senators are lying to their constituents,” the foundation staff concluded.²⁴

Conclusion

The country wants to move forward. The American people want change, and the Democrats in Congress are trying to deliver it. The votes in this report indicate both the direction the country could go and the forces obstructing change.

Yes votes in the House and Senate on key bills		
	House (majority 218)	Senate (majority 51)
End the War H.R. 1591	222 (284 needed to override veto)	51 (67 needed to override veto)
Employee Free Choice Act H.R.800	241	51
Senate Campaign Disclosure Parity Act	N/A	Unnamed Republican placed hold on bill, blocking vote
Intelligence Authorization Act S.372	N/A	50
Comprehensive Immigration Reform Act S.1348	N/A	34
Comprehensive Immigration Reform Act S.1639	N/A	46

In the nearly every one of these votes, the Democrats had a majority. In a functioning democracy, this would be enough to pass these bills and send them to the President to be signed into law. But it isn't happening. This report identifies the reason for the delay in moving America forward.

ENDNOTES

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¹³ United States Census Bureau. *Table 690. Individuals and Families Below Poverty Level--Number and Rate by State: 2000 and 2004*. 25 January 2006.

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¹⁴ United States Census Bureau. *Table 145. Persons With and Without Health Insurance Coverage by State: 2004*. 2005. <http://www.census.gov/compendia/statab/tables/07s0145.xls>.

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