

Obstruction by Filibuster

How the Right is Obstructing America's Progress

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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.

Nearly two years into the 110th Congress, little has changed. The American people's initial enthusiasm has degenerated into disappointment. Congressional approval ratings are at all-time lows. The Democrats' approval rating, only fractionally higher than the Republicans,' is sinking after the failure to override Bush's veto of the spending bill that would have ended the war in Iraq. The American people want change. The Democratic Congress has been unable to deliver.

- ❖ "Do you approve or disapprove of the way Congress is handling its job?"
Quinnipiac University, May 8-12, 2008

Approve	16%
Disapprove	76%

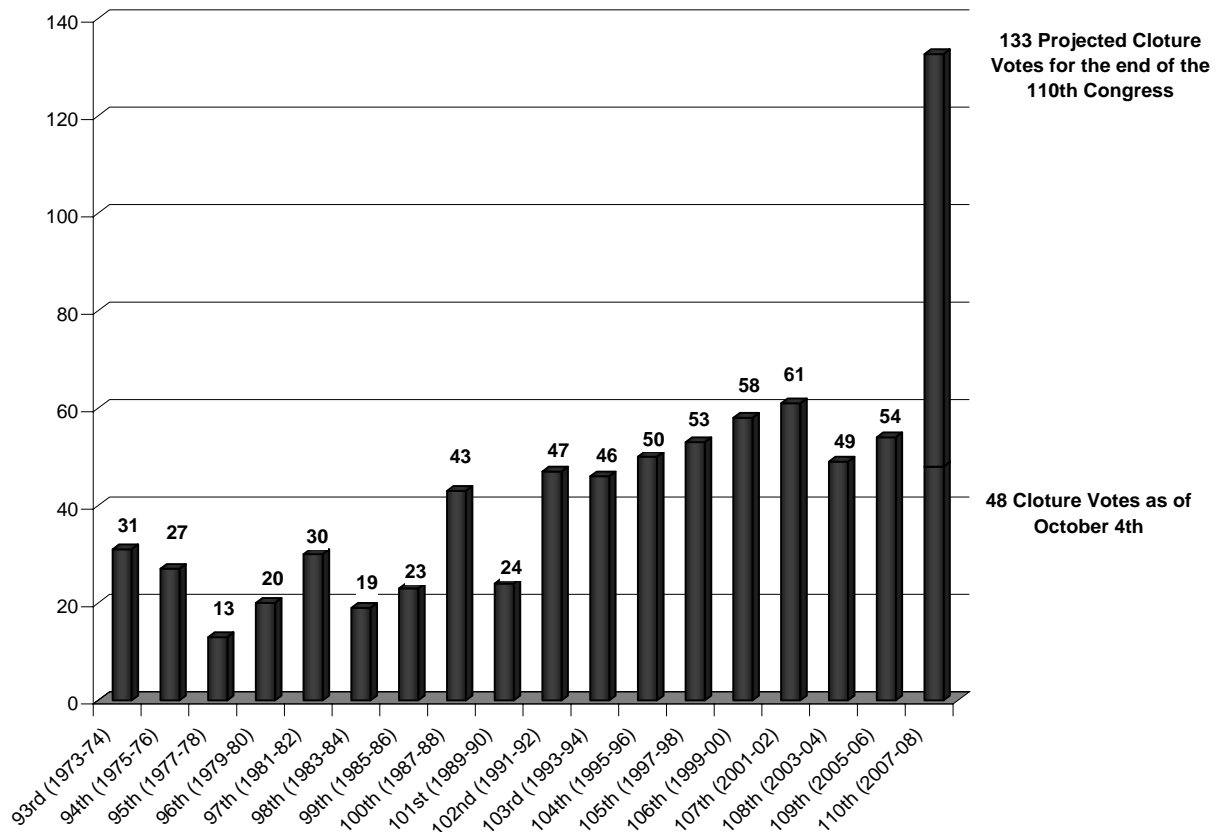
- ❖ "Do you approve or disapprove of the way Democrats/Republicans are doing their job?" ABC News/Washington Post, January 30-February 1, 2008.

	Democrats	Republicans
Approve	39%	30%
Disapprove	54%	63%

An analysis of voting records, however, makes clear that the problem is not a failure of Democratic leadership but of 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 with considerable margins.

The Senate and the President, however, stopped progress. The President vetoed the bill that would end the occupation of Iraq. Republicans 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 45 cloture votes in eight 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.



Source: http://www.senate.gov/pagelayout/reference/cloture_motions/clotureCounts.htm; http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=senate_calendar&docid=sc001

The votes show how an obstructionist minority is thwarting the will of a simple majority. What follows are some crucial examples.

Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007
Energy Bill
H.R. 6

This bill would have increased fuel standards on all automobiles to 35 miles per gallon by 2020, required that 15 percent of the nation’s energy come from renewable resources, and provide tax incentives to encourage ethanol use in automobile fuel, along with a variety of other energy standards. The Republicans opposed this bill for a multitude of reasons, including that the renewable resource standards placed an unfair burden on Southern states.

Senate Vote
 Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007, H.R. 4156;
 Roll Call #416
 Rejected on Cloture Vote, December 7, 2007

	Total	Democrat	Republican	Independent
Yes	53	46	5	2
No	42	3	39	1
Not Voting	5	0	5	0

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Orderly & Responsible Iraq Redeployment Appropriations Act of 2007
Defense Department & Iraq War Funding
H.R. 4156

This bill would have continued to provide \$50 million in funding for the Iraq war, while requiring that the President begin removing troops from Iraq within 30 days. It also would prohibit the military from using interrogation techniques not included in the Army field manual. The Republicans opposed this bill for its provisions to require troop withdrawals.

Senate Vote

Orderly & Responsible Iraq Redeployment Appropriations Act of 2007 H.R. 4156; Roll Call #411
 Rejected on Cloture Vote, November 16, 2007

	Total	Democrat	Republican	Independent
Yes	53	48	4	1
No	45	1	43	1
Not Voting	2	0	2	0

Farm, Nutrition, and Bioenergy Act of 2007
Residency for Immigrant Children
H.R. 2419

This bill would have continued to provide funding for agricultural appropriations originally provided in a similar 2002 bill. The bill addressed a multitude of issues including: subsidies for farmers and federal pre-emption of state legislation banning certain foods. The Republican minority blocked the legislation based upon the White House's statement that the bill included a tax increase to fund a certain number of its provisions.

Senate Vote

Farm, Nutrition, and Bioenergy Act of 2007 H.R. 2419; Roll Call #412
 Rejected on Cloture Vote, November 16, 2007

	Total	Democrat	Republican	Independent
Yes	55	49	4	2
No	42	0	42	0
Not Voting	3	0	3	0

DREAM Act
Residency for Immigrant Children
S. 2205

This bill would have provided relief to the children of undocumented immigrants by providing them with the opportunity to receive a 6 year conditional immigration status provided that s/he graduated from a 2 year college, complete 2 years progress towards a degree from a 4 year college, or serve at

least 2 years in the military. Permanent residence would be granted at the end of this period. The Act requires that said persons have been in the country for at least 5 years and had immigrated to the country before the age of 15. The Act was opposed by the White House and a majority of Senate Republicans.

Senate Vote
DREAM Act S. 2205; Roll Call #394
Rejected on Cloture Vote, October 24, 2007

	Total	Democrat	Republican	Independent
Yes	52	38	12	2
No	44	8	36	0
Not Voting	4	3	1	0

Webb Amendment (Take 2)
Longer Leave for Deployed Troops
S.Amdt.2909

This Amendment is the second attempt by Senator Jim Webb to specify minimum periods between deployment of units and members for troops serving in the War in Iraq and the global war on terrorism. The amendment was first obstructed on July 11th. Just over two months later, after a positively spun report on the troop surge, a supermajority of 60 votes still was not reached. Thus the amendment was thwarted by Senate Republicans, for a second time, on the threat of a filibuster.

Senate Vote
Webb Amendment (Take 2); S.Amdt.2909; Roll Call #341
Rejected on September 19, 2007

	Total	Democrat	Republican	Independent
Yes	56	49	6	1
No	44	0	43	1
Not Voting	0	0	0	0

Restoration of Habeas Corpus to U.S. Detainees
S.Amdt.2022

This Amendment, submitted by Arlen Specter, attempts to restore Habeas Corpus to people detained by the United States. Habeas Corpus is a judicial mandate to prison officials ordering an inmate be brought to the court in order to determine whether or not that person is lawfully imprisoned and whether or not he should be released. The writ is "the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action."³ Specter's fellow Republicans obstructed the bill, denying prisoners basic rights guaranteed in the Constitution; basically calling it a get out of jail free card.

Senate Vote
Restoration of Habeas Corpus S.Amdt.2022; Roll Call #340
Rejected on Cloture Vote, September 19, 2007

	Total	Democrat	Republican	Independent
Yes	56	49	6	1
No	43	0	42	1

Not Voting	1	0	1	0
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District of Columbia House Voting Rights Act of 2007
H.R. 1905; S. 1257

The District of Columbia House Voting Rights Act of 2007 gives the residents of the District of Columbia full voting representation in the House of Representatives. The bill increases from 435 to 437 the number of Members in the House of Representatives beginning with the 110th Congress. D.C. would receive one voting member and Utah would receive an additional representative as well based on the reapportionment formula given in the bill.

The bill passed the House of Representative on April 19th, but failed to pass the Senate four months later. The bill did not get a supermajority and was obstructed on the threat of a filibuster. According to Senate Minority Leader Mitch McConnell, Republican Senators blocked the bill because it was unconstitutional given that the Constitution only allows for Representatives from “These States.” He carried on that in order to bestow voting rights on the District of Columbia legislators should take the path of amending the Constitution. This path was taken nearly 30 years ago and failed as well.

House Vote
 District of Columbia Voting Rights Act of 2007 H.R. 1905; Roll Call #231
 Passed April 19, 2007

	Total	Democrat	Republican
Yes	241	219	22
No	177	6	171
Not Voting	14	7	7

Senate Vote
 District of Columbia Voting Rights Act of 2007 S. 1257; Roll Call #339
 Rejected on Cloture Vote, September 18, 2007

	Total	Democrat	Republican	Independent
Yes	57	47	8	2
No	42	1	41	0
Not Voting	1	1	0	0

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 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.

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

Part D – Medicare Prescription Drug Price Negotiation Act
H.R. 4/S. 3

The 2003 Medicare Modernization and Reauthorization Act, which provides prescription drug coverage to senior citizens, includes a provision that prohibits Medicare from using its bulk-buying power to negotiate lower prices with drug manufacturers. That is a benefit long enjoyed by the Department of Veterans Affairs and many foreign countries. Making negotiated prices a part of a Medicare-offered plan, as the price negotiation bill would have done, would yield combined estimated savings for both seniors and taxpayers of between \$40 billion and \$65 billion a year.⁴

The bill passed the House by a wide margin. However, it was unable to overcome Republican opposition in the Senate. While the bill received a simple majority of votes, 60 votes were needed for cloture against a filibuster.

House Vote
Drug Price Negotiation Act; H.R. 4; Roll Call #23
Passed January 12, 2007

	Total	Democrat	Republican
Yes	255	231	24
No	170	0	170
Not Voting	10	2	8

Senate Vote
Drug Price Negotiation Act; S. 3; Roll Call #132
Rejected on Cloture Vote April 18, 2007

	Total	Democrat	Republican	Independent
Yes	55	47	6	2
No	42	1	41	0
Not Voting	3	1	2	0

Minimum Wage Act
H.R. 2

The federal minimum wage has not been increased since 1997 and has its lowest buying power in 50 years. Responding to its own sense of fairness and 77 percent of Americans' desire for change, one of the new Democratic Congress's first bills was a bill to raise the minimum wage. Democrats drafted a simple, clean bill to increase the minimum wage to \$7.25 over two years. The measure quickly and overwhelmingly passed the House on January 10, 2007, mere days after the new Congress was sworn in.

In the Senate, however, the bill was subjected to Republican amendments that included tax breaks and other unrelated provisions that slowed it down. Senate Democrats had a simple majority but they were nonetheless thwarted in their effort to pass a clean bill. Eventually, enough Senate Democrats conceded to the amendments to allow the bill to pass in the chamber. However, the Republican Senate amendments were unacceptable in the House. The bill stalled in conference between the chambers of Congress.

House Vote
Fair Minimum Wage; H.R.2; Roll Call #18
Passed January 10, 2007

	Total	Democrat	Republican
Yes	315	233	82
No	116	0	116
Not Voting	4	0	4

Senate Vote
Minimum Wage Act, H.R. 2, with tax amendment; Roll Call #42
Passed February 1, 2007

	Total	Democrat	Republican	Independent
Yes	94	47	45	2
No	3	0	3	0
Not Voting	3	2	1	0

The minimum wage bill remained in a conference committee until it was attached to the war appropriation, described below.

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.⁵ For now, however, the crucial vote is the one that attempted to end the war.

House Vote
 Bill to end the War in Iraq; H.R.1591; Roll Call #276
 Veto Override Failed; May 2, 2007

	Total	Democrat	Republican
Yes	222	220	2
No	203	7	196
Present, Not Voting	1	1	0
Not Voting	7	4	3

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.⁶

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

Webb Amendment: Rest for the Weary
S. Amdt. 2012

The Webb Amendment, proposed by freshman senator Jim Webb, D-Va, would enforce break periods during the deployment of individual U.S. troops in Iraq. Despite unanimous Democratic support, a supermajority of 60 votes was not reached. Thus the threat of a filibuster prevented the amendment from moving forward.

Senate Vote

Webb Amendment; S.Amdt.2012; Roll Call #241
Rejected on Cloture July 11, 2007

	Total	Democrat	Republican	Independent
Yes	56	48	7	1
No	41	0	40	1
Not Voting	3	1	2	0

Levin Amendment: Iraq Pullout
S.Amdt.2087

S.Amdt.2087 to H.R. 1585, the National Defense Authorization Act for Fiscal Year 2008, would have resulted in the withdrawal of troops 120 days after the bill became a law. Except for some specific exceptions, the measure aimed to withdrawal all troops by April of 2008. The remaining troop activity in Iraq would be primarily related to training Iraqi security forces, conducting

counterterrorism operations against al Qaeda, and protecting U.S. personnel. The amendment failed a motion to invoke cloture and was not included in the Senate version of H.R.1585 to be considered.

Senate Vote
Iraq Pullout; S.AMDT.2087; Roll Call #252
Rejected on Cloture July 18, 2007

	Total	Democrat	Republican	Independent
Yes	52	47	4	1
No	47	1	45	1
No Vote	1	1	0	0

NOTE: Harry Reid voted against the bill as a technicality, the true vote numbers would have therefore been 53-46.

Senate majority leader, Harry Reid, fought fiercely to encourage members of both parties to vote on H.R.1585. He held the Senate in session overnight, attempting to avoid a filibuster. Reid even succeeding in changing one Republican vote on the Levin Amendment. However, in the end, there were not enough votes to invoke cloture. Harry Reid ultimately had to vote against the amendment as a technicality so the amendment could be reintroduced at a later time.

CLEAN Energy Act of 2007
H.R. 6

Since taking control of the House and Senate, Democrats have introduced several bills intended to improve U.S. energy policy. The primary vehicle for change was H.R. 6, the CLEAN Energy Act. This Act rolls back gas and oil subsidies, and taps record profits to fund development of clean new technologies. The House version of the CLEAN Energy Act passed in January.

Progress was slower in the Senate, however. A variety of amendments were proposed with the threat of filibusters in the background. Not until a cloture vote passed, 62 to 37, on June 21 was the actual bill considered on its merits. It passed the same evening, 65 to 27, with 20 Republicans joining the nearly unified Democrats.

The Republican minority stymied two crucial provisions of the CLEAN Energy Act. One provision by Senate Energy Committee Chairman Jeff Bingaman, D-N.M., would set a national standard of 15 percent of our electricity to come from renewable sources, such as wind, solar and geothermal power. Bingaman appeared to have enough votes to pass the standard on a majority vote but he didn't have the 60 votes needed to overcome the filibuster threat by the committee's ranking minority member, Sen. Pete Domenici, R-N.M. Republicans would "not let the Bingaman amendment come up for awhile," he declared.⁷

In addition, Senate Democrats sought to extend tax credits for solar power and wind energy facilities, with funding derived from taxes on oil and gas production. Again, they had a simple majority but lacked the 60 votes needed to overcome a filibuster. The cloture vote fell shy, 57-36 (S.Amd.1704; Roll Call #223). Eventually Senate Democrats recognized that they would be unable to overcome the Republican filibusters of the provisions for renewable energy sources. H.R. 6 passed without those provisions.

House Vote

CLEAN Energy Act of 2007; H.R. 6; Roll Call #40
 Passed January 18, 2007

	Total	Republican	Republican
Yes	264	228	36
No	163	4	159
Not Voting	8	1	7

Senate Vote
 CLEAN Energy Act of 2007; H.R. 6; Roll Call #226
 Passed June 21, 2007

	Total	Democrat	Republican	Independent
Yes	65	43	20	2
No	27	4	23	0
Not Voting	7	2	5	0

Senate Vote
 Tax Credit for Wind and Solar; S.Amd.1704; Roll Call #223
 Rejected on Cloture Vote, June 21, 2007

	Total	Democrat	Republican	Independent
Yes	57	47	8	2
No	36	0	36	0
Not Voting	6	2	4	0

The CLEAN Energy Act is presently in conference. However, the President has threatened to veto it.⁸ Such a veto would compound the obstruction that already forced compromises to get the legislation out of the Senate in the first place; it would nullify both chambers' efforts to improve U.S. energy policy.

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 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.”⁹

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

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

Sense of Senate on Alberto Gonzales
S.J. Res. 14

S.J.Res.14 was a joint resolution to reflect the American people and the Senate’s sense of no confidence in the Attorney General, Alberto Gonzales. The Senate investigation into the firings of nine U.S. attorneys last year sponsored the resolution in an attempt keep the heat on the Attorney General. Other serious concerns involve Mr. Gonzales’s role in the misuse of National Security Letters by the Federal Bureau Investigation, allowing the National Security Agency to violate the Foreign Intelligence Surveillance Act in conducting domestic warrant-less wiretapping, politicizing the hiring of career attorneys in the Civil Rights Division of the Department of Justice, and developing the legal framework for the use of torture and the creation of military commissions.

Gonzales has said he will not resign, and President Bush has refused to fire him, despite bipartisan sentiment on Capitol Hill that Gonzales should be replaced. The bill would not have directly affected Gonzales’ roll as Attorney General, however, it is likely that upon passage of S.J.Res.14 such legislation would have followed. Despite a poor record as Attorney General, the bill was rejected on a cloture vote due to Republican obstructionism.

Senate Vote
Sense of Senate of Alberto Gonzales; S.J.Res.14; Roll Call #207
Rejected on Cloture June 11, 2007

	Total	Democrat	Republican	Independent
Yes	53	45	7	1
No	38	0	37	1
Present	1	0	1	0
Not Voting	7	4	3	0

Stem Cell Research Enhancement Act
S. 5

Embryonic stem cell research has the potential to produce cures for different forms of cancer and diabetes, and neurological disorders such as Parkinson's and Lou Gehrig's disease. Although all of the uses of stem cells are not yet understood, it is widely considered to be a highly promising therapy for otherwise untreatable diseases. Studies conducted for years have led to the general consensus that embryonic stem cells hold more promise than adult stem cells.

There has been significant bipartisan support for legislation to repeal the order issued by President Bush on August 9, 2001, preventing any federal funding of stem cell research on cells taken from embryos after that date. The proposed bill would have lifted that federal ban and allowed stem cells to be collected from donated embryos from in vitro fertilization clinics. The embryos collected for further stem cell research would only be taken with the informed consent of the donor, and would otherwise be discarded by the clinic. Embryo donors would not be permitted to receive any inducement, financial or otherwise, to make a donation.

In a poll conducted by *The Washington Post* in January 2007,¹⁰ 61 percent of Americans said they favored further embryonic stem cell research, compared to 31 percent who oppose it. Despite widespread support of the Stem Cell Research Enhancement Act, President Bush vetoed the bill after it passed the House and the Senate on June 20, 2007.

House Vote
Stem Cell Research; H.R.3; Roll Call #44
Passed January 11, 2007

	Total	Democrat	Republican
Yes	253	216	37
No	174	16	158
Not Voting	8	1	7

Senate Vote
Stem Cell Research; S.5; Roll Call #127
Passed June 7, 2007

	Total	Democrat	Republican	Independent
Yes	63	44	17	2
No	34	2	32	0
Not Voting	3	3	0	0

Past efforts to override a Presidential veto on stem cell research have failed. It is unclear at present if and how further efforts will be made, since there do not appear to be sufficient Republican dissenters to overcome the obstruction of the Republican president.

Ethics and Lobbying Disclosure Act
S. 1, H.R. 2316

Corruption in the Republican controlled Congress was legion. House Majority leader Tom DeLay, R-Texas, was indicted for money laundering; Rep. Duke Cunningham, R-Calif., pled guilty to taking million-dollar bribes; Rep. Billy Tauzin, R-La., negotiated his new \$2 million job as president of the drug industry’s top lobbying group while designing Medicare’s new prescription drug coverage.

The 2006 election results reflected the voters’ demands to change that. In response, legislation on lobbyist financing, gifts and travel, and the revolving door between Congress and industry passed in both houses of Congress in the spring of 2007.

But then it stalled. Senate Minority Leader Mitch McConnell, R-Ky., blocked appointment of Senate conferees so the bills passed in each chamber could not be reconciled. The bills sat in conference and never became law.

House Vote
 Ethics and Lobbying; H.R.2316; Roll Call #423
 Passed May 24, 2007

	Total	Democrat	Republican
Yes	346	158	188
No	71	64	7
Not Voting	16	10	6

Senate Vote
 Ethics and Lobbying; S.1; Roll Call #19
 Passed January 18, 2007

	Total	Democrat	Republican	Independent
Yes	96	48	46	2
No	2	0	2	0
Not Voting	2	1	1	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.

The controversial aspects of 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 provided \$4.4 billion in mandatory spending for border security and enforcement, and created 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 green cards, or 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, Senator 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
Not Voting	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
Not Voting	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.¹¹

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.¹²

Recovery Rebates and Economic Stimulus for the American People Act of 2008
S. Amdt 3983, H.R. 5140

The Recovery Rebates and Economic Stimulus for the American People Act is designed to inject money into the failing economy through individual tax rebates, business tax incentives and by increasing the number of loans the Federal Housing Administration, Fannie Mae, and Freddie Mac are allowed to purchase or insure.

The Senate amendment to the House bill includes expanded tax-rebate eligibility for low-income seniors, disabled veterans and married couples, a 13-week extension of unemployment benefits, additional Low-Income Heat Energy Assistance Program (LI-HEAP) funding, \$5.6 billion in renewable energy and energy efficiency incentives, and tax breaks for coal companies.

Conservatives rejected the expanded stimulus proposal with financing concerns. Senator Judd Gregg (R- NH) compared the stimulus plan to “flying a plane full of cash over the country.”¹³ Consequently, the bill failed to achieve cloture.

House Vote
 Recovery Rebates and Economic Stimulus for the American People Act of 2008; H.R.5140; Roll
 Call #25
 Passed January 29, 2008

	Total	Democrat	Republican
Yes	385	216	169
No	35	10	25
Present	1	1	0
Not Voting	10	5	5

Senate Vote
 Recovery Rebates and Economic Stimulus for the American People Act of 2008; S. Amdt 3983;
 H.R. 5140; Roll Call #8
 Rejected on Cloture Vote, February 6, 2008

	Total	Democrat	Republican	Independent
Yes	58	48	8	2
No	41	1	40	0
Not Voting		0	1	0

The Temporary Tax Relief Act of 2007
H.R. 3996

The Temporary Tax Relief Act of 2007 offers a one-year extension of tax exemptions and credits with offsetting tax increases targeted at wealthy equity fund managers. The Act prevents the extension of the Alternative Minimum Tax (AMT) to more than 20 million middle-class taxpayers. The legislation also extends and increases tax credits that offset both the AMT and the regular

income tax such as the child tax credit and the credit for payment of state and local taxes. The bill's revenue-raising tax hikes target the appropriate group: extraordinarily wealthy hedge fund and private equity managers who have exploited loopholes in the tax code to avoid paying their fair share of taxes.¹⁴

Even though the Act would ensure that middle-class Americans are not overwhelmed by an unfair tax system, conservatives refused to support the bill. Citing the clause closing a loophole that allows executives to accumulate large sums of tax-free investment returns by deferring their compensation to a later date, Senate conservatives blocked the passage of the Temporary Tax Relief Act of 2007.

House Vote
The Temporary Tax Relief Act of 2007; H.R. 3996; Roll Call #1081
Passed November 9, 2007

	Total	Democrat	Republican
Yes	216	216	0
No	193	8	185
Not Voting	24	9	15

Senate Vote
The Temporary Tax Relief Act of 2007; H.R. 3996; Roll Call #414
Rejected on Cloture Vote, February 28, 2008

	Total	Democrat	Republican	Independent
Yes	46	44	0	2
No	48	1	47	0
Not Voting	6	4	2	0

The American Housing Rescue & Foreclosure Prevention Act
H.R. 3221

The Foreclosure Prevention Act of 2008 authorizes federal bankruptcy courts to modify mortgage payments due on homeowners' primary residences, a practice which is barred by current law. These modifications include setting interest rates and principal at commercially reasonable market rates and extending repayment periods for primary residences, tailoring payment plans for those for whom foreclosure is imminent, and waiving the current requirement for budget and credit counseling when homes are in foreclosure.

In addition, the Foreclosure Prevention Act provides \$4 billion to state and local governments for the rehabilitation and resale of abandoned and foreclosed homes. The bill also directs monies to nonprofit organizations and state housing finance agencies to create affordable housing, assist with foreclosure counseling, and refinance subprime loans.

This Foreclosure Prevention Act is essential in remedying the federal government and the mortgage industry's failure to address the subprime mortgage and foreclosure crisis.

However, wanting to leave the volatile housing situation to the free market, instead of allowing for necessary government regulation, Senate conservatives blocked the bill's passage on February 28.

House Vote

The American Housing Rescue & Foreclosure Prevention Act; H.R. 3221; Roll Call #832
Passed August 4, 2007

	Total	Democrat	Republican
Yes	241	215	26
No	172	9	163
Not Voting	20	7	13

Senate Vote

The American Housing Rescue & Foreclosure Prevention Act; H.R. 3221; Roll Call #35
Rejected on Cloture Vote, February 28, 2008

	Total	Democrat	Republican	Independent
Yes	48	45	1	2
No	46	1	45	0
Not Voting	6	3	3	0

The Lily Ledbetter Fair Pay Act H.R. 2831

This Lily Ledbetter Fair Pay Act would allow pay discrimination claims to be filed within 180 days of the issuance of a discriminatory paycheck. Most workers are unaware of what their co-workers earn, and many employers even prohibit employees from discussing their pay with each other. That makes it nearly impossible for workers to uncover pay discrimination. The legislation is named after Lilly Ledbetter, whose pay discrimination claim was denied by a 5-4 Supreme Court decision on May 29, 2007. The court ruled that since she did not raise a claim with 180 days of the actual decision to discriminate, she could not receive back pay.

The Supreme Court’s decision ignored the real-world realities of wage discrimination. Women make 77 cents for every dollar a man makes. This wage gap can be addressed only if women have the tools necessary to challenge discrimination against them. The Lily Ledbetter Fair Pay Act seeks to redress this inequality.

The Bush Administration claims that this legislation will "serve to impede justice" and that the elimination of the statute of limitations would prevent the expeditious resolution of such cases of discrimination. Senate Minority Leader Mitch McConnell (R-KY) claimed that expanding the statute of limitations on pay discrimination cases would somehow create “a massive amount of new litigation in our country.”¹⁵ Rejecting equal pay arguments, Senate Republicans blocked cloture on this bill on April 23, 2008.

House Vote

Lily Ledbetter Fair Pay Act; H.R. 2831; Roll Call #768
Passed July 31, 2007

	Total	Democrat	Republican
Yes	225	223	2
No	199	6	193
Not Voting	9	2	7

Senate Vote

Lily Ledbetter Fair Pay Act; H.R. 2831; Roll Call #110
 Rejected on Cloture Vote, April 23, 2008

	Total	Democrat	Republican	Independent
Yes	56	49	6	2
No	42	1	41	0
Not Voting	2	0	2	0

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)
Webb Amendment (Take 2) S.Amdt. 2909	N/A	56
Restore Habeas Corpus S.Amdt. 2022	N/A	56
D.C. Voting Rights Act H.R. 1905, S. 1257	241	57
Minimum Wage (with tax amendments) H. R. 2206	348	80
Stem Cell Research Enhancement Act S. 5	253	63
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
Medicare Prescription Drug Price Negotiation Act H. R. 4/S. 3	255	55
Ethics and Lobbying Disclosure Act S. 1, H. R. 2316	346	96 (Senate Minority Leader blocking naming of conferees)
Tax Credit for Wind and Solar S. Amd. 1704	N/A	57
Senate Campaign Disclosure Parity Act	N/A	Unnamed Republican placed hold on bill, blocking vote
Intelligence Authorization Act S. 372	N/A	50
Sense of Senate – Alberto Gonzales S. J. Res. 14	N/A	53
Webb Amendment S. Amdt. 2012	N/A	56

Comprehensive Immigration Reform Act S. 1348	N/A	34
Comprehensive Immigration Reform Act S. 1639	N/A	46
Levin Amendment S. Amdt. 2087	397	52
Lily Ledbetter Fair Pay Act H.R. 2831	225	56

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

¹ As of September 19, 2007.

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³ Harris v. Nelson, 394 U.S. 286, 290-91 (1969).

⁴ Baker, Dean. The Excess Cost of the Medicare Drug Benefit. CEPI and IAF. February , 2006.
<http://www.ourfuture.org/docUploads/Excess%20Cost%20-%20Med%20Drug%20Benefit.pdf>

⁵ Hulse, Carl. The Struggle For Iraq. The New York Times. May 25, 2007.

<http://select.nytimes.com/search/restricted/article?res=F70A11F63D540C768EDDAC0894DF404482>

⁶ Public Law 110-028; May 25, 2007

⁷ Renewable-Power Dispute Slows Progress on Senate Energy Legislation. CQ Today. June 14, 2007.

<http://www.cq.com/display.do?docid=2532014&sourcetype=6>

⁸ Geman, Ben & Samuelsohn, Darren. Energy Policy: Senate adds climate amendments to sweeping energy bill. Energy Policy & Markets Vol. 10 No. 9. June 22, 2007.

<http://www6.lexisnexis.com/publisher/EndUser?Action=UserDisplayFullDocument&orgId=574&topicId=25148&docId=1:630719340&start=8>

⁹ National Journal Congress Daily, 4/18/07. <http://democrats.senate.gov/journal/entry.cfm?id=277868&>

¹⁰ Washington Post-ABC News Poll. The Washington Post. January 20, 2006. http://www.washingtonpost.com/wp-srv/politics/polls/postpoll_012007.htm

¹¹ Malbin, Michael. Stop Papering the Senate. Washington Times. May 17, 2007.

<http://www.cfinst.org/pr/prRelease.aspx?ReleaseID=148>

¹² Blumenthal, Paul. Another Objection! S.223 Still Blocked. Sunlight Foundation. April 26, 2007.

<http://www.sunlightfoundation.com/node/2486>

¹³ "US Senate Fails to Advance its Own Economic Stimulus Plan," Agence- France Presse, 6 February 2008.

http://afp.google.com/article/ALeqM5hSa_p423dexnwiXRGFgvaNvf5XVQ

¹⁴ "Temporary Tax Relief Act of 2007" themiddleclass.org, Drum Major Institute for Public Policy.

<http://themiddleclass.org/bill/temporary-tax-relief-act-2007>

¹⁵ Ben DuBose, "Democrats Fall Short on Pay Discrimination Bill," Los Angeles Times 24 April 2008.

<http://www.latimes.com/news/nationworld/nation/la-na-wages24apr24,1,367045.story>