



July 11, 2013

Reid Ignores the Facts

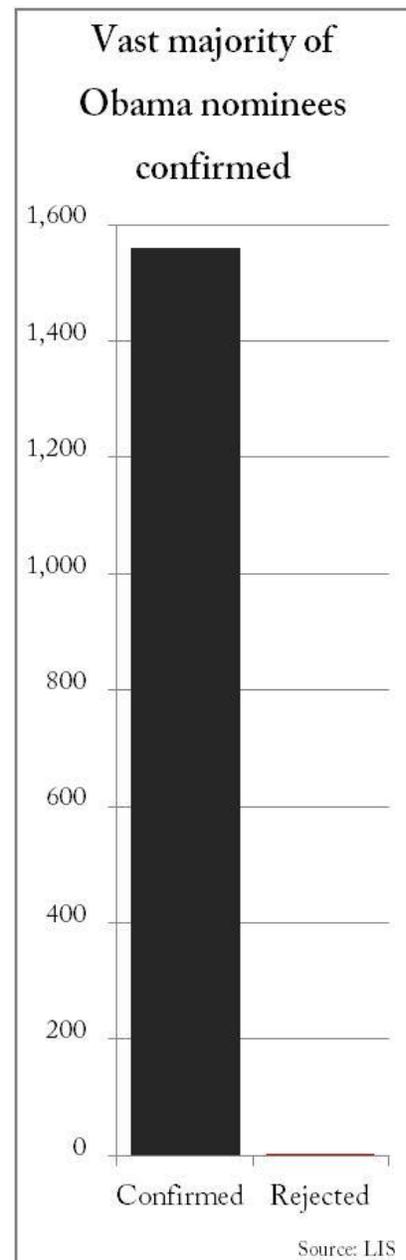
All Americans and all states deserve to have their voices heard in the U.S. Senate, regardless of party affiliation. Majority Leader Reid insists on damaging this unique legislative body by changing the rules to shut the minority party – the Americans and states it represents – out of the Senate’s constitutional advice and consent role. He has decided to do this on the flimsy, and false, premise that President Obama’s nominees have not been treated fairly. Worse yet, his decision comes after twice committing to not use the nuclear option.

1,560 confirmations vs. 4 rejections

If Senate Democrats insist on forever changing how the Senate operates, it will not be because Senate Republicans have forced their hand. Of the 1,564 nominations President Obama has sent to the Senate, only four have been rejected. Republicans have worked with Democrats 1,560 times over the past four and a half years.

- During the 111th Congress, the Senate confirmed 920 nominees and rejected one: Craig Becker to be a member of the National Labor Relations Board.
- During the 112th Congress, the Senate confirmed 574 nominees and rejected two: Goodwin Liu to be a U.S. Circuit Judge for the Ninth Circuit; and Richard Cordray to be the director of the Consumer Financial Protection Bureau.
- During the 113th Congress, the Senate has confirmed 66 nominees and rejected one: Caitlin Joan Halligan to be U.S. Circuit Judge for the D.C. Circuit.

Obama’s cabinet nominees are moving faster than previous Presidents’



According to the Congressional Research Service, President Obama's cabinet nominees are, on average, moving from announcement to confirmation faster than the two previous Presidents.

- President Obama's cabinet nominees have waited 51 days on average.
- For President G.W. Bush, the average wait was 52 days; and
- For President Clinton, the average wait was 55 days.

The Senate has confirmed judges

The Senate has confirmed **199** of President Obama's nominees to lower court judgeships. **Only two nominees have been defeated.** That's a success rate of 99 percent. In fact, during the 112th Congress, the Senate confirmed more judges than any Congress since the 103rd Congress.

This year alone, the Senate's confirmation of lower court judges far outpaces confirmation rates for President Bush's second term.

- President Obama has 28 judges confirmed just since his second inauguration, including:
 - 7 circuit court judges;
 - 19 district court judges; and
 - 2 judges to other Article III courts.
- As of July 11, 2005, President G.W. Bush had 10 judges confirmed, including:
 - 6 circuit court judges; and
 - 4 district court judges.

Finally, Democrats should remember that the Senate has already confirmed more judges this year than were confirmed in the entire first year of President Bush's second term.

Destroying the Senate as we know it

Majority Leader Reid's plan is based on false premises, not on facts. Democrats would do permanent damage to the Senate for immediate and temporary political gain. And the Majority Leader has acknowledged the harm such change to the Senate rules would bring about.

“The nuclear option was the most important issue I'd ever worked on in my entire career because if that had gone forward, it would have destroyed the Senate as we know it.” – [Majority Leader Reid](#), March 2009

There is not a problem with President Obama's nominees being treated fairly and in a timely fashion. And there is not a problem of his nominees not being confirmed. Senate Democrats should remember their prior commitments and abandon their plan before irreparably destroying the Senate.



Contact:

John Ashbrook 202.228.NEWS

Dems Called Nuclear Option ‘A Historic Mistake’

The Democrat Leader Promised He ‘Would Never, Ever Consider’ It. President Obama Predicted Disastrous Consequences If Triggered

REID ON NUCLEAR OPTION: ‘Un-American,’ ‘Illegal,’ ‘Complete Abuse Of Power’

SEN. HARRY REID (D-NV): “There is no way that I would employ or use the nuclear option... I want every Republican to hear that ... The nuclear option was only one of the things that Republicans in power at that time did or tried to do to **ruin our country**... The nuclear option was the most important issue I’d ever worked on in my entire career because if that had gone forward, it would have destroyed the Senate as we know it.” ([“Reid Rules Out ‘Nuclear Option’ Against Nominee Filibusters,” CQ Today, 3/27/09](#))

SEN. HARRY REID (D-NV): “I would never, ever consider breaking the rules to change the rules. I never suggested that at all. I say to my friend, I want to work something out. I repeat that for probably the fifth time here today, but in the process we cannot give up the basic rights this country and this Senate have had for more than 200 years.” (Sen. Reid, Congressional Record, S.4242, 4/26/05)

- **REID:** “Ultimately, this is about removing the last check in Washington against complete abuse of power...” (Sen. Reid, Congressional Record, S.4238, 4/26/05)
- **REID:** “For people to suggest that you can break the rules to change the rules is un-American.” (Sen. Reid, Congressional Record, S.4043, 4/21/05)
- **REID:** “You have to break the rules to change them in this instance because if you follow the rules, you cannot do it with a simple majority... We cannot go down that slippery slope.” (Sen. Reid, Congressional Record, S.4464, 4/28/05)

- **REID:** “To change the rules in the Senate can't be done by a simple majority. It can only be done if there is extended debate by 67 votes.” (Sen. Reid, Congressional Record, S.5455, 5/19/05)
- **REID:** “The only way you can change the rule in this body... requires 67 votes. You can't do it with 60. You certainly cannot do it with 51.” (Sen. Reid, Congressional Record, S.4043, 4/21/05)
- **REID:** “They are talking about doing something illegal. They are talking about breaking the rules to change the rules, and that is not appropriate. That is not fair, and it is not right.” (Sen. Reid, Congressional Record, S.4238, 4/26/05)

SEN. JOE BIDEN (D-DE): “The Senate stands at the precipice of a truly historic mistake ... history will judge this Majority harshly if it succeeds in changing the way the Founders intended the Senate to behave, emasculating it into a parliament governed by a single party's ideology...” (Sen. Biden, Congressional Record, S.5738, 5/23/05)

- **BIDEN:** “This nuclear option is ultimately an example of the arrogance of power. It is a fundamental power grab by the majority party... It is nothing more or nothing less.” (Sen. Biden, Congressional Record, S.5735, 5/23/05)

SEN. BARACK OBAMA (D-IL): “...everyone in this Chamber knows that if the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.” (Sen. Obama, Congressional Record, S.3512, 4/13/05)

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202.228.NEWS



Senate Republican
Communications Center

202 • 228 • NEWS

Contact:

John Ashbrook 202.228.NEWS

Union Bosses Eye ‘Fix’

Rigging Senate Rules Is Top Priority For Union Bosses, And They’re ‘Putting Intense Pressure’ On The Majority Leader To Violate His Word

Nuclear Option: Union Bosses ‘Launching A Full-Court Press’

“The nuclear option strategy is gaining momentum in the Senate in part because of growing pressure from organized labor, which wants Reid to break the impasse over the NLRB.” ([“Crucial Nuclear Option Decision Arrives For Majority Leader Reid,” *The Hill*, 7/9/13](#))

“Liberal groups and labor unions are putting intense pressure on Reid to change the rules because, they said, Republicans are blocking Obama's nominees to the National Labor Relations Board...” ([“Reid Ready To 'Go Nuclear' If GOP Blocks Obama Nominees,” *Washington Examiner*, 7/8/13](#))

- **“AFL-CIO President Richard Trumka ... will call for rules changes at the Center for American Progress, a Democratic think tank, Wednesday morning.”** ([“Crucial Nuclear Option Decision Arrives For Majority Leader Reid,” *The Hill*, 7/9/13](#))
- **“A top union leader wants Senate Democrats to prevent Republicans from blocking President Obama's judicial and executive branch nominees by using a controversial tactic that has been dubbed the ‘nuclear option.’** Larry Cohen, president of the Communications Workers of America, said on Monday that leaders in the chamber should act before August...” ([“Union Chief Pushes Senate Dems To Use 'Nuclear Option,’” *The Hill's RegWatch*, 6/17/13](#))

“And the liberal base is cheering them on. A coalition called Fix the Senate Now is launching a full-court press urging Senate Majority Leader Harry Reid to move forward with the so-called nuclear option...” ([“Nuclear Option Urged To Negate Filibuster Rule,” *Politico*, 7/8/13](#))

Dems Ignoring Facts...

Key Dem Calls Confirmation Facts ‘Totally Irrelevant’ “A contentious fight over the very rules of the Senate might come just a few days after an unusually bipartisan June in which senators approved ... a slate of nominees, including two Cabinet-level positions that breezed through. But a Democratic leadership aide said those successes have not moved the needle. ‘It’s totally irrelevant,’ the aide said.” ([“Nuclear Option Urged To Negate Filibuster Rule,” *Politico*, 7/8/13](#))

- **1,556 of President Obama’s civilian nominees have been confirmed by the Senate.** ([Legislative Information System Of The U.S. Congress](#))
- **“...the president’s Cabinet is now mostly full and there are just a handful of judicial nominees on the calendar — perhaps not the strongest impetus to spark an overhaul of one of the country’s oldest federal institutions.”** ([“Nuclear Option Urged To Negate Filibuster Rule,” *Politico*, 7/8/13](#))

...But Will Sen. Reid Break His Word?

SEN. HARRY REID (D-NV): “I agree that the proper way to change Senate rules is through the procedures established in those rules, and **I will oppose any effort in this Congress or the next to change the Senate's rules other than through the regular order**” (Sen. Reid, Congressional Record, S.325, 1/27/11)

SEN. REID: ‘Resolutions related to Senate procedure would be subject to a regular order process’ Sen. McConnell: “Finally, I would confirm with the majority leader that the Senate would not consider other resolutions relating to any standing order or rules this Congress unless they went through the regular order process?” Sen. Reid: “That is correct. Any other resolutions related to Senate procedure would be subject to a regular order process including consideration by the Rules Committee.” (Sens. Reid & McConnell, Congressional Record, S.272-3, 1/24/13)

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Obama Nominee Vote Facts
(Courtesy of Leader McConnell’s Office)

- The Secretary of Energy was confirmed, 97 to 0.
- The Secretary of the Interior, 87 to 11.
- The Secretary of the Treasury, 71 to 26.
- The Secretary of State was confirmed, 94 to 3 — just 7 days after the Senate got his nomination.
- The Secretary of Commerce was confirmed, 97 to 1.
- The Secretary of Transportation was confirmed, 100 to 0.
- The Director of the Office of Management and Budget was confirmed, 96 to 0.
- The Administrator of the Centers for Medicare and Medicaid Services was confirmed 91 to 7.
- The Chair of the Securities and Exchange Commission was confirmed by voice vote – in other words, unanimously.