

Remarks on Procedural Rule Changes in the Senate

November 21, 2013

Good afternoon, everybody. It's no secret that the American people have probably never been more frustrated with Washington. And one of the reasons why that is, is that over the past 5 years, we've seen an unprecedented pattern of obstruction in Congress that's prevented too much of the American people's business from getting done.

All too often, we've seen a single Senator or a handful of Senators choose to abuse arcane procedural tactics to unilaterally block bipartisan compromises or to prevent well-qualified, patriotic Americans from filling critical positions of public service in our system of Government.

Now, at a time when millions of American have desperately searched for work, repeated abuse of these tactics have blocked legislation that might create jobs. They've defeated actions that would help women fighting for equal pay. They've prevented more progress than we would have liked for striving young immigrants trying to earn their citizenship. Or it's blocked efforts to end tax breaks for companies that are shipping jobs overseas. They've even been used to block commonsense and widely supported steps to protect more Americans from gun violence, even as families of victims sat in the Senate Chamber and watched. And they've prevented far too many talented Americans from serving their country at a time when their country needs their talents the most.

It's harmed our economy, and it's been harmful to our democracy. And it's brought us to the point where a simple majority vote no longer seems to be sufficient for anything, even routine business, through what is supposed to be the world's greatest deliberative body.

Now, I realize that neither party has been blameless for these tactics. They've developed over years, and it seems as if they've continually escalated. But today's pattern of obstruction, it just isn't normal. It's not what our Founders envisioned. A deliberate and determined effort to obstruct everything, no matter what the merits, just to refight the results of an election, is not normal. And for the sake of future generations, we can't let it become normal.

So I support the step a majority of Senators today took to change the way that Washington is doing business, more specifically, the way the Senate does business. What a majority of Senators determined by Senate rule is that they would restore the longstanding tradition of considering judicial and public service nominations on a more routine basis.

And here's why this is important: One of a President's constitutional responsibilities is to nominate Americans to positions within the executive and judicial branches. Over the six decades before I took office, only 20 Presidential nominees to executive positions had to overcome filibusters. In just under 5 years since I took office, nearly 30 nominees have been treated this way. Now, these are all public servants who protect our national security, look out for working families, keep our air and water clean.

This year alone, for the first time in history, Senate Republicans filibustered a President's nominee for the Secretary of Defense who used to be a former Republican Senator. They tried everything they could to hold up our EPA Administrator. They blocked our nominee for our top housing regulator at a time when we need more help for more families to afford a home and prevent what has caused mortgage meltdowns from happening again.

And in each of these cases, it's not been because they opposed the person, that there was some assessment that they were unqualified, that there was some scandal that had been unearthed. It was simply because they opposed the policies that the American people voted for in the last election.

And this obstruction gets even worse when it comes to the judiciary. The Constitution charges the President with filling vacancies to the Federal bench. Every President has exercised this power since George Washington first named Justices to the Supreme Court in 1789. But my judicial nominees have waited nearly two and a half times longer to receive yes-or-no votes on the Senate floor than those of President Bush. And the ones who eventually do get a vote generally are confirmed with little, if any, dissent.

So this isn't obstruction on substance, on qualifications. It's just to gum up the works. And this gridlock in Congress causes gridlock in much of our criminal and civil justice systems. You've seen judges across the country, including a Bush-appointed Chief Justice to the Supreme Court, say these are vital vacancies that need to be filled and this gridlock has not served the cause of justice; in fact, it's undermined it.

Over the past 3 weeks, Senate Republicans again denied a yes-or-no vote on three highly qualified Americans to fill three vacancies on the Nation's second highest court, even though they have the support of a majority of Senators. Four of President Bush's six nominees to this court were confirmed. Four out of five of my nominees to this court have been obstructed.

So the vote today, I think, is an indication that a majority of Senators believe, as I believe, that enough is enough. The American people's business is far too important to keep falling prey, day after day, to Washington politics.

I'm a former Senator. So is my Vice President. We both value any Senate's duty to advise and consent. It's important, and we take that very seriously. But a few now refuse to treat that duty of advise and consent with the respect that it deserves. It's no longer used in a responsible way to govern. It's rather used as a reckless and relentless tool to grind all business to a halt. And that's not what our Founders intended, and it's certainly not what our country needs right now.

And I just want to remind everybody, what's at stake here is not my ability to fulfill my constitutional duty. What's at stake is the ability of any President to fulfill his or her constitutional duty. Public service is not a game, it is a privilege. And the consequences of action or inaction are very real. The American people deserve better than politicians who run for election telling them how terrible Government is and then devoting their time in elected office to trying to make Government not work as often as possible.

Now, I want to be clear, the Senate has actually done some good bipartisan work this year. Bipartisan majorities have passed commonsense legislation to fix our broken immigration system and upgrade our courts—our ports. It's passed a farm bill that helps rural communities and vulnerable Americans. It's passed legislation that would protect Americans from being fired based on their sexual orientation. So we know that there are folks there, Republican and Democrat, who want to get things done. And frankly, privately they've expressed to me their recognition that the system in the Senate had broken down and what used to be a sporadic exercise of the filibuster had gotten completely out of hand.

I believe—I'm confident—that that spirit will have a little more space now. I want us to make sure that we can do more work together to grow the economy and to create jobs. And if there are differences in the Senate, then debates should be had. People should vote their

conscience. They should vote on behalf of their constituents. But they should vote. That's what they're there to do. And ultimately, if you've got a majority of folks who believe in something, then it should be able to pass.

Americans work hard. They do their jobs, and they expect the same from everybody who got sent here. And as long as I have the privilege of being in this office, I'll keep working as hard as I know how to make sure that the economy is growing, and we're creating good jobs, and we're widening prosperity and opportunity for everybody. And I know that that's what the majority of folks in the Senate believe as well. But the gears of Government have to work, and the step that a majority of Senators took today, I think, will help make those gears work just a little bit better.

Thanks very much, everybody. And now Josh will answer all your questions.

NOTE: The President spoke at 1:59 p.m. in the James S. Brady Press Briefing Room at the White House. In his remarks, he referred to Rep. Melvin L. Watt, in his capacity as Director-designate of the Federal Housing Finance Agency; former President George W. Bush; Supreme Court Chief Justice John G. Roberts, Jr.; Judge-designates Patricia A. Millett, Cornelia T.L. "Nina" Pillard, and Robert L. Wilkins, U.S. Court of Appeals for the District of Columbia Circuit; and Principal Deputy Press Secretary Joshua R. Earnest.

Categories: Addresses and Remarks : Senate, changes in procedural rules.

Locations: Washington, DC.

Names: Biden, Joseph R., Jr.; Bush, George W.; Earnest, Joshua R.; Hagel, Charles T.; McCarthy, Regina; Millett, Patricia A.; Pillard, Cornelia T.L. "Nina"; Roberts, John G., Jr.; Watt, Melvin L.; Wilkins, Robert L.

Subjects: Congress : Bipartisanship; Congress : Senate :: Presidential nominations, confirmation process; Congress : Senate :: Procedural rule changes; Defense, Department of : Secretary; Environmental Protection Agency : Administrator; Housing Finance Agency, Federal; Judiciary : Federal court nominations and confirmations; Judiciary : Supreme Court :: Chief Justice; White House Office : Assistants to the President :: Press Secretary, Principal Deputy; White House Office : Vice President.

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