

## Politics

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Will gridlock continue to block action in Washington?

*Congress remains mired in partisan conflicts that prevent even so-called “must-pass” legislation from becoming law. The failure of legislators to adopt appropriations bills closed much of the federal government for 16 days in October 2013. They eventually approved an omnibus appropriations measure to keep the government operating until October 2014 and a suspension of the debt ceiling to allow the nation to pay its bills into 2015. Also in October 2013, the Obama administration botched the rollout of the Affordable Care Act's online marketplace, although 8 million Americans were able to sign up for health insurance by mid April. Faced with GOP efforts to stymie President Obama's nominees, Senate Democrats abolished the filibuster for most presidential appointments. Responding to federal inaction, states began addressing such issues as gun rights, immigration, marijuana use, abortion and environmental protection. Unable to obtain congressional cooperation, Obama issued executive orders to implement federal policy.*

The current Congress, based on its first year, is turning out to be even less productive than the 112th Congress, which adjourned in January 2013 and was widely panned as the least productive in history. And the future looks no different.

Despite the 112th Congress's modest legislative productivity, it adopted more laws in each of its two year-long sessions than the 113th Congress did last year. <sup>1</sup> Gridlock has left Congress “less popular than a cockroach,” according to Harry Reid, D-Nev., the Senate majority leader. <sup>2</sup>

Repeatedly stymied by conflicts between the Republican-controlled House and the Democratic-led Senate, Congress passed fewer laws in 2013 than in any year since the Congressional Record began counting in 1947. Its inability to legislate led to a 16-day government shutdown in October. In addition, President Obama's Democratic administration botched the rollout of the Affordable Care Act — the president's signature legislative achievement, commonly known as Obamacare — then struggled to enroll enough policy holders to make the program financially sound.

Congress did adopt a two-year budget in December and an eight-and-a-half month omnibus appropriations measure in January, and it suspended the debt ceiling to allow the nation to pay its bills into next year. But those were derided as minimal accomplishments — “a pretty pathetic performance” in the words of Norman Ornstein, a scholar at the American Enterprise Institute, a conservative-leaning Washington think tank. Congress left what many see as the nation's most pressing problems untouched — including rising national debt; climate change; the long-term financial challenges of Medicaid, Medicare and Social Security; what to do about gun violence, and how to deal with 11.7 million immigrants in the country illegally.



President Barack Obama speaks during an event in the East Room of the White House on April 30 following a failed vote on a bill to raise the minimum wage to \$10.10 an hour. With most of his initiatives blocked in Congress, Obama has said he will bypass legislators in an effort to move his policies forward. (AFP/Getty Images/Brendan Smialowski)



Republican Speaker of the House John Boehner leaves his weekly news conference on May 8, where he answered questions about the Benghazi probe and issues surrounding the Department of Veterans Affairs. Boehner has led the House's Republican majority since 2010, a period in which Congress has passed fewer laws than at any time since at least 1947. (Getty Images/Getty Images News/Drew Angerer)

Frustrated by the difficulty of approving presidential nominations for executive and judicial branch positions, Senate Democrats abolished the filibuster for most presidential appointments. That made it easier for Obama to fill vacancies, but left the potential for filibusters against legislation or against Supreme Court nominees.

Lawmakers now seem focused primarily on the November congressional election, which seems likely to leave Republicans in charge of the House. Analysts also give the GOP a chance to take control of the Senate. Obama's term runs until January 2017.

Trends point to divided government even after the 2016 presidential and congressional elections, with Democrats in the best position to retain the presidency and perhaps the Senate, and Republicans best situated to keep control of the House. Already, GOP presidential hopefuls are barnstorming the country in search of early support for 2016, while Democrats wait impatiently for former Secretary of State Hillary Rodham Clinton, who lost the nomination to Obama in 2008, to declare whether she intends to run.

One effect of Washington gridlock is that states are acting where Congress hasn't. This can lead to a patchwork of conflicting policies, as Republicans and Democrats in control of different states address the same issues in drastically different ways.

And Obama is searching for ways he can make public policy without congressional approval.

## Playing Brinksmanship

Congress failed to pass any of the 12 appropriations bills needed to keep much of the government operating during fiscal 2014. That meant doors were closed Oct. 1, 2013, the fiscal year's beginning, at federal agencies dependent on annual appropriations. The agencies stayed shut until Congress adopted a measure Oct. 16 to reopen them for three months. <sup>3</sup> Congress also approved a temporary suspension of the federal debt ceiling, allowing the government to borrow to pay its bills until Feb. 7, 2014. <sup>4</sup>

Lawmakers began thinking longer-term in mid-December when they approved a budget bill that set overall spending levels at a little more than \$1 trillion annually until Oct. 1, 2015. <sup>5</sup> On Jan. 16, 2014 — two days before the government would have closed again — Congress passed an omnibus appropriations bill that funded the government through September. <sup>6</sup>

Playing brinksmanship once more in February, legislators let the debt-ceiling suspension expire. The Treasury Department kept paying bills by moving money among accounts, but Treasury Secretary Jacob Lew warned that the practice probably couldn't continue beyond the end of the month. Finally, on Feb. 12, lawmakers suspended the ceiling again until March 2015. <sup>7</sup>

Congress did pass a farm bill in February. The law cut \$8.6 billion from the Supplemental Nutrition Assistance Program (commonly called food stamps) over 10 years and added \$600 million to provide commodities to food banks and to increase food stamp recipients' ability to buy fresh produce at farmers markets. It also shifted support for farmers from direct payments to crop insurance and reduced conservation funding by \$4 billion. <sup>8</sup>

Republican popularity plummeted during the shutdown, with many citizens citing what they saw as GOP obstruction. And public disapproval of Congress in general averaged 84 percent in two dozen polls during the last quarter of 2013. <sup>9</sup> Two-thirds of Americans proclaimed the 113th Congress the worst in their lifetime, according to a December poll by CNN, and nearly three-quarters said it has done nothing to address the nation's problems. <sup>10</sup> A January Gallup Poll found just 46 percent — a record low — saying their own member of Congress deserves re-election. Only 17 percent want most members re-elected. <sup>11</sup>

But Congress wasn't the only branch of government held in low regard. October marked the launch of Obamacare's online federal marketplace, through which many Americans were supposed to purchase health insurance. In many cases, the market failed to work. As a result, the president's popularity — and that of Democrats in general — also dropped.



Federal health insurance marketplace operations improved over several months, and Obama announced on April 17 that 8 million Americans had signed up for coverage under the law, more than had been projected. Earlier, the Kaiser Family Foundation had estimated that enough young adults had enrolled to avoid a big premium hike caused by too many older and sicker enrollees.

<sup>12</sup> And Gallup polling indicated that the percentage of uninsured Americans had fallen to 14.5 percent in late March, the lowest since before Obama became president. <sup>13</sup>

The administration did not report how many enrollees actually paid their premiums, however. And conservatives continued to attack the program, with a spokesman for House Speaker John Boehner charging that the president “ignores the havoc that this law has wreaked on private plans that people already had and liked.” <sup>14</sup>

Seeking to bypass the congressional gridlock, Obama announced in his Jan. 28 State of the Union address that he would “take steps without legislation to expand opportunity for more American families” whenever he could. <sup>15</sup> “I’ve got a pen, and I’ve got a phone,” he said at an earlier press conference, referring to his abilities to sign executive orders and to contact people who can take action without Congress. <sup>16</sup>

His executive actions have included orders to reduce the federal government's contribution to climate change, raise the minimum wage paid by federal contractors to \$10.10 an hour from \$7.25, reduce the earnings gap between federal contractors' male and female employees and protect more land in national monuments. He used his phone and his “convening authority” to gather pledges from higher education officials that they would enroll more low-income students and ensure that more of them graduate, and from corporate executives that they would hire more long-term unemployed and military veterans and their spouses. <sup>17</sup>

## Action in the States

States also have stepped into the breach, although in contrasting ways.

In recent years, states controlled by Democrats have raised the minimum wage above federal requirements, facilitated insurance sign-ups through state-run marketplaces, expanded Medicaid roles, strengthened gun-control laws, allowed people who immigrated illegally to pay in-state tuition at public colleges and to obtain driver's licenses, legalized or decriminalized marijuana use for medicinal purposes or recreation, eased access to abortion and adopted tougher environmental regulations.

GOP-governed states have refused to operate state-run Obamacare marketplaces or to expand Medicaid, increased the number of places where guns can be carried, rejected stronger environmental laws, attempted to crack down on immigrants living in the country illegally and stiffened abortion restrictions. <sup>18</sup>

Nationally, political analysts predict little change in the partisan conflict or in Washington's paralysis.

Gridlock is “kind of built into the system for the foreseeable future,” says Edward Carmines, director of the Center on American Politics at Indiana University in Bloomington, Ind. Divided government seems likely to continue as control of redistricting gives Republicans an advantage in House elections and the growth of Democratic-leaning demographic groups benefits Democrats in presidential campaigns, Carmine says, while the Senate can go either way.

Some establishment Republicans said the Tea Party's extremely conservative influence on the GOP was waning, as the group failed to impose its will on the debt-ceiling, budget and appropriations legislation. As the budget compromise moved through the House, for example, Boehner said the right-wing activists had “lost all credibility.” <sup>19</sup> An ongoing Brookings Institution study, however, found that the Tea Party remains “the dominant source of challenges in Republican primaries.” Even though those challengers have tended to lose, “Republican members of Congress will be paying close attention to them,” according to Elaine Kamarck, a senior fellow in governance studies at Brookings, a liberal-leaning Washington think tank. <sup>20</sup>

Also noteworthy in the 2014 elections are the prominent members who decided not to run. The House is losing Dave Camp, R-Mich., chairman of the Ways and Means Committee; Howard “Buck” McKeon, R-Calif., chairman of the Armed Services Committee; Mike Rogers, R-Mich., chairman of the Intelligence Committee, and John Dingell, D-Mich., history's longest-serving member of Congress. Leaving the Senate are Tom Harkin, D-Iowa, chairman of the Health, Education, Labor and Pensions Committee; Carl Levin, D-Mich., chairman of the Armed Services Committee, and Jay Rockefeller, D-W.Va., chairman of the Commerce, Science, and Transportation Committee.

As of April, 36 members were leaving without moving into or running for another government office. <sup>21</sup>

While some liberals complain that Obama and congressional Democrats don't do enough to advance liberal policies, many conservatives cheer the congressional inaction, arguing that the country is better off when the government does less.

“Big thinking has more often gotten us into trouble than led us to success,” said Rep. Tom Cole, R-Okla. <sup>22</sup>

Conversely, Harkin, a liberal Iowa senator, predicted that the Democratic presidential nomination contest will witness “a big populist push on whoever's running for office to espouse . . . progressive policies.” <sup>23</sup>

## Chronology

2011

August                      Congress approves an increase in the debt ceiling, but too late to avoid the nation's

bond rating being lowered for the first time. The bill sets the stage for a package of spending cuts known as sequestration.

November A bipartisan “super committee” fails to reach agreement on \$1.2 trillion in spending cuts, as called for by the debt-ceiling law.

December House Speaker John Boehner, R-Ohio, pulls a tax proposal known as “Plan B” from the House floor because he is unable to round up the votes for what is seen as a test of his leadership.

2013

January Congress passes a law that avoids a set of automatic spending cuts and tax increases that were to take effect with the new year. The new law includes the first substantial income tax increase in 20 years, on incomes above \$400,000 for single filers.

January The 112th Congress ends, having passed fewer laws than any since the Congressional Record began counting in 1947.

March A set of automatic spending cuts known as sequestration takes effect, mandating cuts of 7.8 percent in most discretionary programs and 10 percent in defense by the end of the fiscal year ending Sept. 30.

April Following a mass shooting at Sandy Hook Elementary School in Connecticut in December, Congress takes up gun control, but a bill that would have expanded the types of gun purchases subject to buyer background checks fails to win the 60 Senate votes need to proceed to passage.... A bipartisan group of eight senators reveals plans to overhaul the nation’s immigration laws.... Despite lack of momentum in Congress for his ideas, Obama asserts his continuing relevance as president; executive action seen as way around congressional inaction on key issues.

May Series of controversies hits White House: Obama administration’s handling of a deadly terrorist attack on the American diplomatic mission in Benghazi, Libya, on Sept. 11, 2012; Internal Revenue Service (IRS) scrutiny of conservative groups seeking tax-exempt status; and the Justice Department’s secret subpoena of Associated Press phone logs during probe of a national security leak.... House Ways and Means Committee holds high-profile hearing on IRS controversy.

June Secret electronic surveillance program run by National Security Agency revealed.

October Congress' failure to adopt appropriation bills leads to 16-day partial federal government shutdown. Lawmakers then approve short-term appropriation bills and temporary suspension of federal debt ceiling to enable government to borrow to pay its bills. ... Obamacare's federal online marketplace for purchasing health insurance fails to function properly, raising questions about the program's ability to enroll enough policy-

holders to be financially sound.

November Democratic-led Senate changes rules to enable members to end filibusters against most presidential appointments with majority vote but still requires 60 votes to halt debate on legislation and Supreme Court nominees.

December Congress adopts two-year budget. ... Polls show 84 percent of Americans disapprove of Congress; two-thirds call this Congress the worst in their lifetime; just 17 percent want most members to be re-elected. Obama's approval plummets as well due to chaos of health care rollout.

2014

January The 113th Congress completes its first session having passed fewer laws than in any year since at least 1947. ... Congress passes omnibus appropriations measure to keep federal government functioning through September. ... Obama announces he will bypass congressional gridlock with executive orders and by working with nongovernmental organizations.

February Congress approves farm bill that cuts \$8.6 billion from the Supplemental Nutrition Assistance Program (food stamps) and shifts support for farmers from direct payments to crop insurance. ... Obama orders increase in minimum wage paid by federal contractors to \$10.10 an hour from \$7.25. ... Congress suspends debt ceiling until March 2015.

March Obama adds more than 1,600 acres to the California Coastal National Monument.

April Improved access to the federal health insurance marketplace, combined with state marketplaces, enables 8 million to sign up for medical insurance, more than had been projected. ... Gallup polling shows steady drop in percentage of uninsured Americans.

## Footnotes

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