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Filibusters and Cloture in the Senate

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Filibusters And Cloture In The Senate

Barbara Sinclair



Filibusters And Cloture In The Senate:

Filibusters and Cloture in the Senate Congressional Research Service, 2014-12-24 The filibuster is widely viewed as one of the Senate's most characteristic procedural features. Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote. The possibility of filibusters exists because Senate rules place few limits on Senators' rights and opportunities in the legislative process. In particular, a Senator who seeks recognition usually has a right to the floor if no other Senator is speaking, and then that Senator may speak for as long as he or she wishes. Also, there is no motion by which a simple majority of the Senate can stop a debate and allow itself to vote in favor of an amendment, a bill, or resolution, or most other debatable questions. Most bills indeed are potentially subject to at least two filibusters before the Senate votes on final passage: first, a filibuster on a motion to proceed to the bill's consideration, and second, after the Senate agrees to this motion, a filibuster on the bill itself. Senate Rule XXII, however known as the cloture rule, enables Senators to end a filibuster on any debatable matter the Senate is considering. Sixteen Senators initiate this process by presenting a motion to end the debate. In most circumstances, the Senate does not vote on this cloture motion until the second day of session after the motion is made. Then it requires the votes of at least three-fifths of all Senators normally (60 votes) to invoke cloture. Invoking cloture on a proposal to amend the Senate's standing rules requires the support of two-thirds of the Senators present and voting, whereas cloture on nominations other than to the U.S. Supreme Court requires a numerical majority. The primary effect of invoking cloture on most questions is to impose a maximum of 30 additional hours for considering that question. This 30-hour period for consideration encompasses all time consumed by roll call votes, quorum calls, and other actions, as well as the time used for debate. Under cloture, as well, the only amendments Senators can offer are ones that are germane and were submitted in writing before the cloture vote took place. Finally, the presiding officer also enjoys certain additional powers under cloture, such as, for example, the power to count to determine whether a quorum is present and to rule amendments, motions, and other actions out of order on the grounds that they are dilatory. The ability of Senators to engage in filibusters has a profound and pervasive effect on how the Senate conducts its business on the floor. In the face of a threatened filibuster, for example, the majority leader may decide not to call a bill up for floor consideration or to defer calling it up if there are other equally important bills the Senate can consider and pass with less delay. Similarly, the prospect of a filibuster can persuade a bill's proponents to accept changes in the bill that they do not support but that are necessary to prevent an actual filibuster. This report concentrates on the operation of cloture under the general provisions of Senate Rule XXII, paragraph 2. It identifies modifications, including temporary ones, in rules governing debate agreed to at the beginning of the 113th Congress, but the detailed provisions of these changes are addressed in CRS Report R42996, *Changes to Senate Procedures at the Start of the 113th Congress Affecting the Operation of Cloture*, S Res 15 and S Res 16, by Elizabeth Rybicki. This report will be updated as events warrant.

Filibusters and Cloture in the Senate

Richard S. Beth, 2010-08 Contents 1 Right to Debate Right to Recognition Right to Speak at Length and the Two Speech Rule Motion to Table 2 Conduct of Filibusters FB Germaneness of Debate Yielding the Floor and Yielding for Questions Quorums and Quorum Calls Roll Call Voting Scheduling FB 3 Invoking Cloture CL When CL May be Invoked Timing of CL Motions 4 Effects of Invoking CL Time for Consideration and Debate Offering Amend and Motions Germane Amend Only Amend in Writing Multiple Amend Dilatory Amend and Motions Reading and Division of Amend Authority of the Presiding Officer Business on the Senate Floor 5 Impact of FB Impact on the Time for Consideration Prospect of a FB Holds Linkage and Leverage Consensus III

Filibusters and Cloture in the Senate Valerie Heitshusen, Richard S. Beth, 2017-04-15 The filibuster is widely viewed as one of the Senate's most characteristic procedural features. Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote. The possibility of filibusters exists because Senate rules place few limits on Senators' rights and opportunities in the legislative process. In particular, a Senator who seeks recognition usually has a right to the floor if no other Senator is speaking and then that Senator may speak for as long as he or she wishes. Also, there is no motion by which a simple majority of the Senate can stop a debate and allow itself to vote in favor of an amendment, a bill, or resolution or most other debatable questions. Most bills indeed are potentially subject to at least two filibusters before the Senate votes on final passage: first, a filibuster on a motion to proceed to the bill's consideration, and second, after the Senate agrees to this motion, a filibuster on the bill itself. Senate Rule XXII, however known as the cloture rule, enables Senators to end a filibuster on any debatable matter the Senate is considering. Sixteen Senators initiate this process by presenting a motion to end the debate. In most circumstances, the Senate does not vote on this cloture motion until the second day of session after the motion is made. Then it requires the votes of at least three-fifths of all Senators, i.e., 60 votes, to invoke cloture. Invoking cloture on a proposal to amend the Senate's standing rules requires the support of two-thirds of the Senators present and voting, whereas cloture on nominations requires a numerical majority. The primary effect of invoking cloture on most questions is to impose a maximum of 30 additional hours for considering that question. This 30-hour period for consideration encompasses all time consumed by roll call votes, quorum calls, and other actions as well as the time used for debate. Under cloture, as well, the only amendments Senators can offer are ones that are germane and were submitted in writing before the cloture vote took place. Finally, the presiding officer also enjoys certain additional powers under cloture, such as, for example, the power to count to determine whether a quorum is present and to rule amendments, motions, and other actions out of order on the grounds that they are dilatory. The ability of Senators to engage in filibusters has a profound and pervasive effect on how the Senate conducts its business on the floor. In the face of a threatened filibuster, for example, the majority leader may decide not to call a bill up for floor consideration or may defer calling it up if there are other equally important bills the Senate can consider and pass with less delay. Similarly, the prospect of a filibuster can persuade a bill's proponents to accept changes in the bill that they do not support but that are necessary to prevent an actual

filibuster This report concentrates on the operation of cloture under the general provisions of Senate Rule XXII paragraph 2 though it also identifies key modifications to its application in recent years This report will be updated as events warrant

Filibusters and Cloture in the Senate ,2003 The right of Senators to speak on the floor at great length and so to filibuster is the single most defining characteristic of the Senate as a legislative body The possibility of filibusters derives from the absence of any effective Senate rules that limit the number or length of floor speeches The Senate's rules provide that in most cases a Senator who seeks recognition has a right to the floor if no other Senator is speaking and that Senator then may speak for as long as he or she wishes There is no motion by which a simple majority of the Senate can stop a debate and allow the Senate to vote in favor of an amendment a bill or resolution or any other debatable question Almost every bill actually is subject to two potential filibusters before the Senate votes on whether to pass it first a filibuster on a motion to proceed to the bill's consideration and second after the Senate agrees to this motion a filibuster on the bill itself Senate Rule XXII enables Senators to end a filibuster by invoking cloture on whatever debatable matter it is considering Sixteen Senators initiate this process by presenting a motion to end the debate The Senate does not vote on this cloture motion until the second day after the day on which the motion is made Then it usually requires the votes of at least three fifths of all Senators or at least 60 votes to invoke cloture Invoking cloture on a proposal to amend the Senate's standing rules requires the support of two thirds of the Senators present and voting The primary effect of invoking cloture on a question is to impose a maximum of 30 additional hours for considering that question This 30 hour period for consideration encompasses all time consumed by rollcall votes quorum calls and other actions as well as the time used for debate During this 30 hour period each Senator may speak for no more than one hour apiece although several Senators can have additional time yielded to them Under cloture the only amendments that Senators can offer are amendments that are germane and that were submitted in writing before the cloture vote took place The presiding officer also enjoys certain additional powers under cloture for example to count to determine whether a quorum is present and to rule amendments motions and other actions out of order on the grounds that they are dilatory The ability of Senators to engage in filibusters has a profound and pervasive effect on how the Senate conducts its business on the floor In the face of a threatened filibuster for example the majority leader may decide not to call a bill up for floor consideration or to defer calling it up if there are other equally important bills that the Senate can consider and pass without undue delay Similarly the prospect of a filibuster can persuade a bill's proponents to accept changes in the bill that they do not support but that are necessary to prevent the threat of a filibuster from becoming a reality In January 2001 the Senate agreed to S Res 8 adjusting the Senate's organization and procedures during the 107th Congress Discussions of pertinent provisions of this resolution appear in italics

Filibusters and Cloture in the Senate
Richard S. Beth, Valerie Heitshusen, 2012 Report that discusses major aspects of Senate procedure related to filibusters and cloture

Crs Report for Congress Richard S. Beth, Congressional Research Service: The Libr, Stanley Bach, 2013-10 The

filibuster is widely viewed as one of the Senate's most characteristic procedural features. Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote. The possibility of filibusters exists because Senate rules place few limits on Senators' rights and opportunities in the legislative process. In particular, a Senator who seeks recognition usually has a right to the floor if no other Senator is speaking and then may speak for as long as he or she wishes. Also, there is no motion by which a simple majority of the Senate can stop a debate and allow the Senate to vote in favor of an amendment, a bill, or resolution or any other debatable question. Almost every bill actually is subject to two potential filibusters before the Senate votes on whether to pass it: first, a filibuster on a motion to proceed to the bill's consideration, and second, after the Senate agrees to this motion, a filibuster on the bill itself.

Filibusters and Cloture in the Senate.. Library of Congress. Congressional Research Service, 2010. Discusses major aspects, impact, and effects of Senate procedure related to filibusters and cloture.

Filibusters and Cloture in the Senate Stanley Bach, Valerie Heitshusen, 2001.

Filibusters, Cloture and Holds in the Senate David J. Gilgram, 2010. Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote. The possibility of filibusters exists because Senate rules place few limits on Senators' rights and opportunities in the legislative process. Senate Rule XXII, however known as the cloture rule, enables Senators to end a filibuster on any debatable matter the Senate is considering. Sixteen Senators initiate this process by presenting a motion to end the debate. Consequently, holds are an informal device unique to the upper body. They permit a single Senator or any number of Senators to stop temporarily or permanently floor consideration of measures or matters that are available to be scheduled by the Senate. This book discusses major aspects of Senate procedure related to filibusters, cloture, and holds.

Congress of the United States N. O. Kura, 2001. The new millennium has been ushered in by an astonishing sequence of events in the U.S.: the Florida election debacle, a new president who actually lost the popular vote, a Senate divided exactly 50-50, and a House in turmoil, as well. The importance of Congress in such a period of turbulence cannot be overstated. This outstanding new book brings clarity to the organization and functioning of the Congress of the U.S.

Proposals to Change the Operation of Cloture in the Senate Christopher M. Davis, 2010-11. The U.S. Senate cloture rule was adopted in 1917 and established a procedure by which the Senate may limit debate and act on a pending measure or matter. In recent years, some Senators have expressed renewed concerns over the way in which extended debate is conducted in the Senate and the operation of the cloture rule. This report provides a brief history of the Senate cloture rule, explains its main features, and the arguments made by supporters and opponents of these features. It outlines a range of proposals to change its operation and briefly explains the methods by which the Senate might change its rules or practices.

Party Wars Barbara Sinclair, 2006. Party Wars is the first book to describe how the ideological gulf now separating the two major parties developed and how today's fierce partisan competition affects the political process and national policy. Barbara Sinclair traces the current ideological divide to changes in the Republican party.

in the 1970s and 1980s including the rise of neoconservatism and the Religious Right Because of these historical developments Democratic and Republican voters today differ substantially in what they consider good public policy and so do the politicians they elect Polarization has produced institutional consequences in the House of Representatives and in the Senate witness the majority party's threat in 2004-2005 to use the nuclear option of abolishing the filibuster The president's strategies for dealing with Congress have also been affected raising the price of compromise with the opposing party and allowing a Republican president to govern largely from the ideological right Other players in the national policy community interest groups think tanks and the media have also joined one or the other partisan team Party Wars puts all the parts together to provide the first government wide survey of the impact of polarization on national politics Sinclair pinpoints weaknesses in the highly polarized system and offers several remedies *Guide to Congress* CQ Press, 2012-08-10 The new edition of this comprehensive two volume reference has been thoroughly revised and expanded by expert CQ Press writers with years of experience covering Congress to offer a complete institutional history of Congress along with updated insight and analysis on the 2008 and 2010 shifts in power of the U S Senate and House of Representatives The 35 chapters of *Guide to Congress* Seventh Edition are divided into eight subject areas that cover all aspects of the U S Congress Origins and Development of Congress from the constitutional beginnings of the legislative branch to the histories of the House and Senate and their power shifts eras of partisanship and unity influential leaders and working relationships with presidents New coverage includes analysis of the tug of war between House Democrats and the George W Bush administration on Iraq war withdrawal timetables updates on criminal investigations of House members including William J Jefferson of Louisiana and Charles Rangel of New York and analysis of the Tea Party Movement and new Republican majority Powers of Congress including powers to tax spend and borrow to conduct foreign policy and investigations to confirm and impeach to regulate commerce to amend the Constitution and to select the president Updated material includes analysis of the George W Bush administration's use of immunity from questioning by congressional committees analysis of the signing of the new START treaty with Russia marking a cornerstone of U S relations with the country coverage of the War on Terror including the killing of bin Laden in a U S raid in Pakistan and perspective on the negotiations to raise the federal debt ceiling in 2011 Congressional Procedures detailing the party and leadership structures rules and the legislative process the committee system assignment and procedures and congressional staff Revised coverage profiles the methods styles and legislative successes and defeats of House Speakers Pelosi and Boehner and Senate majority leader Reid The Guide also analyzes the new hyperpartisanship emerging in Congress and provides updates on congressional travel reforms and aide statistics and trends Pressures on Congress including influence from constituents political parties the president the Supreme Court lobbyists and the media New material explores the use of social media to communicate with constituents examines the role of the new Consumer Financial Protection Bureau and analyzes the Obama administration's relationship with Congress Housing

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Political Control of America's Courts Helena Silverstein, 2023-01-18 This volume explores the many ways in which politics shapes the allegedly nonpartisan judicial system in America ranging from how judges are selected to the bench to how they rule when they get there Each title in the Contemporary Debates series examines the veracity of controversial claims or beliefs surrounding a major political cultural issue in the United States Each book gives readers a clear and unbiased understanding of current high interest issues by informing them about falsehoods half truths and misconceptions and confirming the factual validity of other assertions that have gained traction in America s cultural and political discourse This volume in the series provides a deeply researched and even handed account of the relationship between America s judicial branch which is supposed to view law through a nonpartisan lens and the sometimes poisonous partisanship that is such a notorious factor in the nation s other two branches of government Is political combat over judicial nominations worse than ever before What impact is the politicization of the courts having on public faith in the legitimacy of the courts and our wider political system Was former Supreme Court justice Sandra Day right when she asserted that judicial independence is a bedrock principle of our court system and we are losing it This work will provide insights into all these questions and more

Filibuster Gregory Wawro, Eric Schickler, 2013-10-24 Parliamentary obstruction popularly known as the filibuster has been a defining feature of the U S Senate throughout its history In this book Gregory J Wawro and Eric Schickler explain how the Senate managed to satisfy its lawmaking role during the nineteenth and early twentieth century when it lacked seemingly essential formal rules for governing debate What prevented the Senate from self destructing during this time The authors argue that in a system

where filibusters played out as wars of attrition the threat of rule changes prevented the institution from devolving into parliamentary chaos They show that institutional patterns of behavior induced by inherited rules did not render Senate rules immune from fundamental changes The authors theoretical arguments are supported through a combination of extensive quantitative and case study analysis which spans a broad swath of history They consider how changes in the larger institutional and political context such as the expansion of the country and the move to direct election of senators led to changes in the Senate regarding debate rules They further investigate the impact these changes had on the functioning of the Senate The book concludes with a discussion relating battles over obstruction in the Senate's past to recent conflicts over judicial nominations

What Do You Have To Lose? David L. Nelson, Mary Margaret Serpento, 2024-11-14 This book is different It seeks to answer a question Donald Trump asked voters What the hell have you got to lose by showing how our right to vote in free and fair elections and to have our vote counted is under attack on several fronts some obvious some not It shows how the U S Constitution gave us that right and so much more But the January 6 2021 violence was the first time in our history the right came under direct assault by our own citizens It drove the message home voters you got skin in the game From the Civil War onward Americans have struggled to secure their rights in court and through the ballot box But the current threat is more than battles over voting rights and hot button issues vastly different from anything we faced before and very real This book inventories those rights and explains how they stand at the forefront of the American experience It walks the reader through the threat to our rights and representative democracy It emphasizes that voters only have a democracy if they keep it and vote

Politics or Principle? Sarah A. Binder, Steven S. Smith, 2001-09-19 Is American democracy being derailed by the United States Senate filibuster Is the filibuster an important right that improves the political process or an increasingly partisan tool that delays legislation and thwarts the will of the majority Are century old procedures in the Senate hampering the institution from fulfilling its role on the eve of the 21st century The filibuster has achieved almost mythic proportions in the history of American politics but it has escaped a careful critical assessment for more than 50 years In this book Sarah Binder and Steven Smith provide such an assessment as they address the problems and conventional wisdom associated with the Senate's long standing tradition of extended debate The authors examine the evolution of the rules governing Senate debate analyze the consequences of these rules and evaluate reform proposals They argue that in an era of unprecedented filibustering and related obstructionism old habits are indeed undermining the Senate's ability to meet its responsibilities Binder and Smith scrutinize conventional wisdom about the filibuster and show that very little of it is true They focus on five major myths that unlimited debate is a fundamental right to differentiate the Senate from the House of Representatives that the Senate's tradition as a deliberative body requires unlimited debate that the filibuster is reserved for a few issues of the utmost national importance that few measures are actually killed by the filibuster and that senators resist changing the rules because of a principled commitment to deliberation In revising conventional wisdom about

the filibuster Binder and Smith contribute to ongoing debates about the dynamics of institutional change in the American political system The authors conclude by suggesting reforms intended to enhance the power of determined majorities while preserving the rights of chamber minorities They advocate for example lowering the **Filibustering in the U.S. Senate** ,

Defending the Filibuster Richard A. Arenberg, Robert B. Dove, 2014-12-12 This award winning study of today's filibuster debate provides a historical overview of Senate rules and an updated analysis of recent controversies In an age of increasingly divided partisan politics many argue that the Senate filibuster is undemocratic or even unconstitutional Recent legislative disputes have brought criticism of Senate rules into sharp relief and demands for abolition or reform of the filibuster have increased In *Defending the Filibuster* two experts on Senate procedure a veteran Senate aide and a former Senate Parliamentarian argue that the filibuster is fundamental to protecting the rights of the minority in American politics Richard A Arenberg and Robert B Dove provide an instructive historical overview of the development of Senate rules describe related procedures and tactics and argue passionately for measured reforms Thoroughly updated this edition includes a new chapter recounting the events of 2012-13 that led to the first invocation of the nuclear option to restrict the use of the filibuster for presidential nominations as well as a new foreword by former US Senator Olympia Snowe The authors offer a stimulating assessment of the likelihood of further changes in Senate procedure and make their own proposals for reform Winner 2012 ForeWord Reviews Book of the Year Gold Medal in Political Science *Overcoming Trumpery* Norman Eisen, 2022-03-22 How to restore ethics the rule of law and democracy as the centerpieces of U S government U S government has been repeatedly renewed sometimes simply repaired and other times reinvented during its over 230 years Major aspects of the federal system were broken again during the four years of the Trump administration so it's time for even more fixes This book sets out the damage that was done and important ideas on how the repairs should be made focusing on ethics the rule of law and democracy Distinguished scholars and practitioners have come together not only to address what went awry over the past four years but also the deeper weaknesses that have become more evident and how those weaknesses can be repaired The problem areas range from ethics and conflicts of interest to the Hatch Act and big money in politics and from independence at the Department of Justice and government transparency to reestablishing Congressional oversight and the government's role in the broader areas of how Americans vote and of international ethics and rule of law *Overcoming Trumpery* provides a framework to understand the significant developments that are already happening in Washington with respect to ethics the rule of law and democracy These include the For the People Act the Protecting Our Democracy Act and President Biden's Executive Order on Ethics The ideas outlined in this book for fixing flaws in federal governance come from the more than century of collective experience of its expert authors The book represents a burst of sunshine after a very dark period in the nation's history

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