

SENATE CLOTURE RULE

---

LIMITATION OF DEBATE IN THE  
SENATE OF THE UNITED STATES

*and*

LEGISLATIVE HISTORY OF PARAGRAPH 2  
OF RULE XXII OF THE STANDING RULES  
OF THE UNITED STATES SENATE  
(CLOTURE RULE)

Congressional Research Service  
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COMMITTEE ON RULES AND ADMINISTRATION  
UNITED STATES SENATE

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## LETTER OF SUBMITTAL

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CONGRESSIONAL RESEARCH SERVICE,  
THE LIBRARY OF CONGRESS,  
*Washington, DC, December 5, 2011.*

Hon. CHARLES SCHUMER,  
*Chairman, Senate Committee on Rules and Administration,  
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am pleased to submit to you the update requested by the Rules Committee of its print on the cloture rule of the United States Senate. This edition extends, through the final adjournment of the 110th Congress in 2008, the information on the development and use of the cloture rule that was contained in the 1985 edition of this print, the most recent previous version of the document.

New to this edition is extensive information on changes in the cloture rule, and proposals to change the rule, since 1985, as well as a revised and more complete treatment of the important 1975 amendment to the rule. The bibliography has also been comprehensively revised and extended. In addition, this edition also offers several substantial improvements in the format of information presented. In particular, the items added for this edition to the brief descriptions of selected outstanding filibusters are presented in a more systematic format that, for the first time, uniformly includes measure numbers, length of consideration, and identification of the policy questions at issue, major procedural events, and outcomes. Finally, the table of cloture votes from earlier editions has been replaced by full information on the disposition of each cloture motion since the adoption of the cloture rule in 1917, whether or not voted on, including specific identification of the items of business to which they were addressed. This new and more comprehensive table was drawn from the database now maintained by the Senate Library, which worked as a partner on this project.

The preparation of this revision, as of its recent predecessors, was undertaken by the Government and Finance Division of the Congressional Research Service. Richard S. Beth coordinated the entire project with assistance from Betsy Palmer. Descriptions of proposals to change the cloture rule, proceedings when the rule was amended, and instances of extended debate in the Senate were prepared by analytical staff of CRS including Dr. Beth, Ms. Palmer, Christopher M. Davis, Valerie Heitshusen, Elizabeth Rybicki, James V. Saturno, Matthew Eric Glassman, Momoko Soltis, and Jessica Tollestrup. The project also drew on descriptions of extended debates prepared in earlier years by CRS staff, under the direction of Dr. Beth and

with the assistance of Stanley I. Bach, including Mr. Saturno, Kevin Coleman, Paul Dwyer, Matthew Ginsburg, Leslie Gladstone, Steve Rutkus, James Saylor, Barbara Schwemle, Stephanie Smith, Sandy Streeter, Lorraine Tong, Suzanne Cavanagh, and Richard Sachs. Additional data in support of the project were compiled by Faye Bullcock, Joe Dalaker, Robert Elam, Lori Beth Hutchison, Jackie Jones, and Carole McGeehan.

Jennifer E. Manning of the Knowledge Services Group of CRS prepared the completely revised bibliography, with the aid of Jamie Navarette, Meghan Krueger, and earlier work by George Walser. Technical assistance to the overall project was provided by Nicole Palmer and Jennifer Scrafford, and the project was reviewed by Clay Wellborn and Cortney Dell. The historical table of data on cloture motions and their dispositions was generated from the database on these motions developed and maintained by Zoe Davis, head of the Senate Library's Reference & Information Services, with assistance from Brian McLaughlin, also of that office. Senate Webmaster Arin Shapiro, provided technical support, along with Betty Koo and Liz Horrell, also of the Senate's Office of Web Technology.

Since the Committee last issued a revised edition of this document, numerous events have indicated continued interest in the role and regulation of debate in the Senate. Particularly in the 111th Congress, hearings held by your Committee on *Examining the Filibuster* (S. Hrg. 111-706, 111th Congress, 2nd session), which focused on the use of the cloture rule and the issue of filibusters on the Senate floor, showed a high level of continuing interest in the subject from Senators, staff, political scientists, and the public. Previously, among the most prominent of these events have been the Senate's amendment of paragraph 2 of Rule XXII in the 99th Congress, floor consideration of further amendments to Senate Rules regulating debate in the 104th, 108th, and 112th Congresses, discussions and recommendations by the Senate members of the Joint Committee on the Organization of Congress in the 103rd Congress, and hearings on related questions by your Committee in the 100th, 103rd, and 111th Congresses, as well as by the Senate Committee on the Judiciary in the 108th Congress. Over the same period, as well, outside interest in these questions has been highlighted by the publication, after a lapse of several decades, of several new scholarly studies of extended debate and cloture in the Senate by political scientists.

It is because of this continuing interest in debate and cloture that I am particularly pleased to transmit this latest revision of the print to the Committee, in the anticipation that it will serve as a useful resource to the Senate as it continues to address questions related to its cloture rule.

Sincerely,

MARY MAZANEC, *Director*.

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PART 1

LIMITATION OF DEBATE IN THE SENATE OF THE  
UNITED STATES

A COMPENDIUM, INCLUDING A SELECT BIBLIOGRAPHY

(September 30, 2011)

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## STANDING RULES RELATING TO DEBATE

### RULE VI—QUORUM—ABSENT SENATORS MAY BE SENT FOR

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3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

4. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

### RULE VII—MORNING BUSINESS

\* \* \* \* \*

3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives for appropriate action allowed under the rules and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

4. Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

\* \* \* \* \*

### RULE VIII—ORDER OF BUSINESS

1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceed-

ings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for “other resolutions”, or after disposition of resolutions coming “over under the rule”, and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.<sup>1</sup>

#### RULE X—SPECIAL ORDERS

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order of business for consideration and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business in which case it takes its place on the Calendar of Special Orders in the order of time at which it was made special, to be considered in that order when there is no unfinished business.

2. All motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

#### RULE XI—PAPERS—WITHDRAWAL, PRINTING, READING OF, AND REFERENCE

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3. When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

\* \* \* \* \*

#### RULE XII—VOTING PROCEDURE

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

2. When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: “Shall the Senator for the reasons assigned by him, be excused from voting?” which shall be decided without debate; and these proceedings

<sup>1</sup>Under the precedents of the Senate, motions to proceed to consider veto messages, like those for other privileged matters, are not debatable. See “Vetoes” (including Article I, section 7, of the Constitution) and “Privileged Business” in *Riddick’s Senate Procedure*, 101st Cong., 2nd sess., 1992, S. Doc. 101–28 (Washington: GPO, 1992), p. 1034–1037; 1381–1389.

shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

\* \* \* \* \*

### RULE XIII—RECONSIDERATION

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2. When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

### RULE XIV—BILLS, JOINT RESOLUTIONS, RESOLUTIONS, AND PREAMBLES THERETO

\* \* \* \* \*

3. No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, if not objected to, on the same day for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

\* \* \* \* \*

### RULE XV—AMENDMENTS AND MOTIONS

1. (a) An amendment and any instruction accompanying a motion to recommit shall be reduced to writing and read and identical copies shall be provided by the Senator offering the amendment or instruction to the desks of the Majority Leader and the Minority Leader before being debated.

(b) A motion shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before being debated.

\* \* \* \* \*

3. If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question, and motions to amend the part to be stricken out shall have precedence.

RULE XVI—APPROPRIATIONS AND AMENDMENTS TO GENERAL  
APPROPRIATIONS BILLS

\* \* \* \* \*

4. On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

\* \* \* \* \*

RULE XVII—REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE;  
REPORTS TO COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

\* \* \* \* \*

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

\* \* \* \* \*

RULE XIX—DEBATE

1. (a) When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first

address him.<sup>2</sup> No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

(b) At the conclusion of the morning hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day, and until after the duration of three hours of actual session after such business is laid down except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

3. No Senator in debate shall refer offensively to any State of the Union.

4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the chair, which appeal shall be open to debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

\* \* \* \* \*

#### RULE XX—QUESTIONS OF ORDER

1. A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

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<sup>2</sup>Under the precedents of the Senate, the Majority and Minority Floor Leaders are entitled to preferential recognition when they address the Chair simultaneously with other Senators. See "Recognition" in *Kiddick's Senate Procedure*, 1093, 1098–99.

## RULE XXI—SESSION WITH CLOSED DOORS

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2. When the Senate meets in closed session, any applicable provisions of rules XXIX and XXXI, including the confidentiality of information shall apply to any information and to the conduct of any debate transacted.

## RULE XXII—PRECEDENCE OF MOTIONS

1. When a question is pending, no motion shall be received but—
  - To adjourn.
  - To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
  - To take a recess.
  - To proceed to the consideration of executive business.
  - To lay on the table.
  - To postpone indefinitely.
  - To postpone to a day certain.
  - To commit.
  - To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

“Is it the sense of the Senate that the debate shall be brought to a close?”

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and

unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second.

No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

#### RULE XXVIII—CONFERENCE COMMITTEES; REPORTS; OPEN MEETINGS

1. The presentation of reports of committees of conference shall always be in order when available on each Senator's desk except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

\* \* \* \* \*

7. If time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and the minority party.

\* \* \* \* \*



## CHRONOLOGICAL HISTORY OF EFFORTS TO LIMIT DEBATE IN THE SENATE

In 1604, the practice of limiting debate in some form was introduced in the British Parliament by Sir Henry Vane. It became known in parliamentary procedure as the "previous question" and is described in Section 34 of Jefferson's Manual of Parliamentary Practice, as follows:

When any question is before the House, any member may move a previous question, whether that question (called the main question) shall not be put. If it pass in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter.

In 1778, the Journals of the Continental Congress also show that the "previous question" was used. Section 10 of the Rules of the Continental Congress states: "When a question is before the House no motion shall be received unless for an amendment, for the previous question, to postpone the consideration of the main question, or to commit it." In the British Parliament and the Continental Congress the "previous question" was used to avoid discussion of a delicate subject or one which might have injurious consequences.

1789—The first Senate adopted 20 rules of which the following relate to debate in, and taking the time of, the Senate:

\* \* \* \* \*

2. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper while the Journals or public papers are reading, or when any Member is speaking in any debate.

3. Every Member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

4. No Member shall speak more than twice in any one debate on the same day, without leave of the Senate.

5. When two Members shall rise at the same time, the President shall name the person to speak; but in all cases the first rising shall speak first.

6. No motion shall be debated until the same shall be seconded.

\* \* \* \* \*

8. When a question is before the Senate, no motion shall be received unless for an amendment, for the previous question, or for postponing the main question, or to commit, or to adjourn.

9. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put.

\* \* \* \* \*

11. When the yeas and nays shall be called for by one-fifth of the members present, each Member called upon shall, unless for special reasons he be excused by the Senate, declare, openly and without debate, his assent or dissent to the question.

- \* \* \* \* \*
- 1806—When the Rules were modified, reference to the previous question was omitted. It had seldom been used during the 17 years from 1789 to 1806.
- 1807—Debate on an amendment at the third reading of a bill was forbidden. From this time until 1846 there were no further limitations on debate in the Senate.
- 1841—On July 12, Senator Henry Clay brought forth a proposal for the introduction of the “previous question,” which he stated was necessitated by the abuse which the minority had made of the privilege of unlimited debate. In opposing Senator Clay’s motion, Senator Calhoun said, “There never had been a body in this or any other country in which, for such a length of time, so much dignity and decorum of debate had been maintained.” Senator Clay’s proposition met with considerable opposition and was abandoned. Senator Clay also proposed adoption of the “hour rule” for the same purpose, but that proposal was also abandoned.
- 1846—Consideration of the Oregon bill prompted the use of a unanimous consent agreement to limit debate by fixing a day for a vote. Since that time, such agreements have been used frequently to fix an hour at which the Senate will vote, without further debate, on a pending proposal.
- 1850—On July 27, Senator Douglas submitted a resolution permitting the use of the “previous question.” The resolution was debated and laid on the table after considerable opposition had been expressed.
- 1862—As the business to be transacted by the Senate increased, proposals to limit debate were introduced frequently in the subsequent Congresses, but none was adopted until the Civil War. On January 21, Senator Wade introduced a resolution stating that “in consideration in secret session of subjects relating to the rebellion, debate should be confined to the subject matter and limited to five minutes, except that five minutes be allowed any member to explain or oppose a pertinent amendment.” On January 29, the resolution was debated and adopted.
- 1868—A rule was adopted providing that: “Motions to take up or to proceed to the consideration of any question shall be determined without debate, upon the merits of the question proposed to be considered.” The object of this rule, according to Senator Edmunds, was to prevent a practice which had developed in the Senate, “when a question was pending, and a Senator wished to deliver a speech on some other question, to move to postpone the pending order to deliver their [sic] speech on the other question.” According to Senator Trumbull the object of the rule was to prevent the consumption of time in debate over business to be taken up. The rule was inter-

puted as preventing debate on the merits of a question when a proposal to postpone it was made.

- 1869—A resolution pertaining to the adoption of the “previous question” was introduced.
- 1870—Three other resolutions limiting debate in some form were introduced in the first half of the year.
- 1870—The Senate, on appeal, sustained decision of the Chair that a Senator may read in debate a paper that is irrelevant to the subject matter under consideration (July 14).
- 1870—On December 6, in the third session of the 41st Congress, Senator Anthony introduced the following resolution:

On Monday next, at one o'clock, the Senate will proceed to the consideration of the Calendar and bills that are not objected to shall be taken up in their order; and each Senator shall be entitled to speak once and for five minutes, only, on each question; and this order shall be enforced daily at one o'clock till the end of the Calendar is reached, unless upon motion, the Senate should at any time otherwise order.

On the following day, December 7, the resolution was adopted. This so-called Anthony rule for the expedition of business was the most important limitation of debate yet adopted by the Senate. The rule was interpreted as placing no restraints upon the rights of individual Senators, however, inasmuch as a single objection could prevent its application to the subject under consideration. (Now Rule VIII).

- 1871—On February 22, another important motion was adopted which had been introduced by Senator Pomeroy and which allowed amendments to appropriation bills to be laid on the table without prejudice to the bill.
- 1872—The Senate established as a precedent that no Senator can be removed from the floor for irrelevancy in a debate. The precedent has remained in force to the present time.
- 1872—On April 19, a resolution was introduced, “that during the remainder of the session it should be in order, in the consideration of appropriation bills, to move to confine debate by any Senator, on the pending motion to five minutes.” On April 29, this resolution was adopted, 33–13. The necessity for some limitation of debate to expedite action on these annual appropriations measures caused the adoption of similar resolutions at most of the succeeding sessions of Congress.
- 1873—In March, Senator Wright submitted a resolution reading in part that debate shall be confined to and be relevant to the subject matter before the Senate, and that the previous question may be demanded by a majority vote or in some modified form. On a vote in the Senate to consider this resolution the yeas were 30 and the yeas 25.
- 1879—The Chair counted a quorum to determine whether enough Senators were present to do business.
- 1880—From 1873 to 1880 nine other resolutions were introduced limiting debate in some form. On February 5, 1880, in the second session of the 46th Congress, the famous Anthony rule was made a standing rule of the Senate as Rule VIII. In explaining the rule, Senator Anthony said:

That rule applies only to the unobjected cases on the Calendar, so as to relieve the Calendar from the unobjected cases. There are a great many bills that no Senator objects to, but they are kept back in their order by disputed cases. If we once relieve the Calendar of unobjected cases, we can go through with it in order without any limitation of debate. That is the purpose of the proposed rule. It has been applied in several sessions and has been found to work well with the general approbation of the Senate.

1881—On February 16, a resolution to amend the Anthony rule was introduced. It proposed to require the objection of at least five Senators to pass over a bill on the calendar. The resolution was objected to as a form of “previous question,” and defeated. Senator Edmunds in opposing the resolution said:

I would rather that not a single bill shall pass between now and the 4th day of March than to introduce into this body (which is the only one where there is free debate and the only one which can under its rules discuss freely measures of importance or otherwise) a provision which does in effect operate to carry a bill either to defeat or success with only a five or fifteen minutes’ debate and one or two Senators on a side speaking. I think it is of greater importance to the public interest, in the long run and in the short run, that every bill on your Calendar should fail than that any Senator should be cut off from the right of expressing his opinion and the grounds of it upon every measure that is to be voted upon here . . . .

1881—The Senate agreed that for the remainder of the session to limit debate to 15 minutes on a motion to consider a bill or resolution and that no Senator speak more than once or for longer than 5 minutes (February 12).

1882—On February 27, the Anthony rule was amended by the Senate, so that if the majority decided to take up a bill on the calendar after objection was made, the ordinary rules of debate without limitation would apply. The Anthony rule could only work when there was no objection whatever to any bill proposed for consideration. When the regular morning hour was not found sufficient for the consideration of all unobjected cases on the calendar, special times were often set aside for the consideration of the calendar under the Anthony rule.

1882—On March 15, a rule was considered whereby “a vote to lay on the table a proposed amendment shall not carry with it the pending measure.” In reference to this rule Senator Hoar said:

Under the present rule it is in the power of a single member of the Senate to compel practically the Senate to discuss any question whether it wants to or not and whether it be germane to the pending measure or not . . . . The proposed amendment to the rules simply permits, after the mover of the amendment, who of course has the privilege, in the first place, has made his speech, a majority of the Senate if it sees fit to dis sever that amendment from the pending measure and to re-

quire it to be brought up separately at some other time or not at all.

(This proposed rule is now paragraph 4 of Rule XV of the Standing Rules of the Senate).

1883—On December 10, Senator Frye, Chairman of the Committee on Rules, reported a general revision of the Senate Rules. This revision included a provision for the “previous question.” Amendments adopted during consideration in the Senate struck this provision out.

1884—On January 11, the Senate Rules were revised and adopted. On March 19, two resolutions introduced by Senator Harris were considered and agreed to by the Senate as follows:

(1) That the eighth rule of the Senate be amended by adding thereto: All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.

(2) That the tenth rule of the Senate be amended by adding thereto: All motions to change such order or to proceed to the consideration of other business shall be decided without debate.

From this time until 1890 there were 15 different resolutions introduced to amend the Senate Rules as to limitations of debate, all of which failed of adoption.

1884—The Senate agreed (March 17) to amend Rule VII by adding thereto the following words:

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

1886—The Senate agreed to strike out the words, “without debate,” from that part of Rule XIII which provided that “every motion to reconsider shall be decided by a majority vote.” (June 21).

1890—Senators Hoar, Blair, Edmunds, and Quay submitted various resolutions for limiting debate in various ways (August), but none were considered or approved.

1890—On December 29, Senator Aldrich introduced a cloture resolution in connection with Lodge’s “force bill,” which was being filibustered. The resolution read, in part, as follows: “When any bill, resolution, or other question shall have been under consideration for a considerable time, it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made . . . .” There were five test votes on the cloture proposal which “commanded various majorities, but in the end it could not be carried in the Senate because of a filibuster against it which merged into a filibuster on the ‘force bill.’”

1893—Senators Platt, Hoar, Hill, and Gallinger introduced resolutions for cloture by majority action during a filibuster against

- repeal of the Silver Purchase Law, which evoked extended discussion.
- 1893—Senator Sherman urged a study of Senate Rules with a view to their revision and the careful limitation of debate.
- 1897—The Chair ruled on March 3, that quorum calls could not be ordered unless business had intervened since the previous quorum call.
- 1902—The Senate agreed (April 8) to amend Rule XIX by inserting at the beginning of paragraph 2 the following:
- No Senator in debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.
- No Senator in debate shall refer offensively to any State of the Union.
- 1908—Three important interpretations of the Rules were adopted in the course of the filibuster against the Aldrich-Vreeland Currency Bill: (1) the Chair might count a quorum, if one were physically present, even on a vote, whether or not Senators answered to their names; (2) mere debate would not be considered business, and therefore more than debate must take place between quorum calls; (3) Senators could by enforcement of the Rules be restrained from speaking on the same subject more than twice in the same day.
- 1911—On April 6, Senator Root, submitted a resolution requesting the Committee on Rules to suggest an amendment to the Standing Rules whereby the Senate could obtain more effective control over its procedure. No action was taken on the resolution.
- 1914—Senator Smith (Georgia) proposed a rule of relevancy.
- 1914—The Senate decreed, September 17, that Senators could not yield for any purpose, even for a question, without unanimous consent; but reversed itself on this ruling the next day, September 18.
- 1915—On February 8, Senator Reed introduced a resolution to amend Rule XXII whereby debate on the Ship Purchase Bill, "S. 6845 shall cease, and the Senate shall proceed to vote thereon . . ." The resolution did not pass in this session.
- 1916—From December 1915 to September 8, 1916, the first or "long" session of the 64th Congress, there were five resolutions introduced to amend Rule XXII. The resolutions acted upon were S. Res. 131 and S. Res. 149. On May 16, 1916, the Committee on Rules reported out favorably S. Res. 195 as a substitute for S. Res. 131 and S. Res. 149, which had been referred to it, and submitted a report (No. 447). The resolution, providing for two-thirds' cloture by those voting, was debated but did not come to a vote.
- 1916 and 1920—The Democratic national platforms for both years included a statement that: "We favor such alteration of the Rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business."

1917—On March 4, President Wilson made a speech in which he referred to the Armed Ship Bill, defeated by filibustering. The President said in part,

The Senate has no rules by which debate can be limited or brought to an end, no rules by which dilatory tactics of any kind can be prevented . . . . The Senate of the U.S. is the only legislative body in the world which cannot act when its majority is ready for action . . . . The only remedy is that the Rules of the Senate shall be so altered that it can act . . . .

1917—On March 5, the Senate was called in extraordinary session by the President because of the failure of the Armed Ship Bill in the 64th Congress.

On March 7, Senator Walsh introduced a cloture resolution (S. Res. 5), authorizing a committee to draft a substitute for Rule XXII, limiting debate. Senator Martin also introduced a resolution amending Rule XXII (similar to S. Res. 195, favorably reported by the Committee on Rules in the 64th Congress). The Martin resolution was debated at length and adopted March 8, 76–3. It provided for cloture on a “pending measure” if two-thirds of those present and voting so voted.

1918—On May 4, Senator Underwood introduced a resolution (S. Res. 235) further amending Rule XXII, re-establishing the use of the “previous question,” and limiting debate during the war period. On May 31, the Committee on Rules favorably reported out S. Res. 235 with a report (No. 472).

The Senate debated the resolution and Senator Borah offered an amendment on June 3. On June 11, the Senate further debated the resolution and a unanimous consent agreement was reached to vote on the measure. The resolution was further amended, by Senator Cummins, on June 12, but on June 13, the Senate rejected the resolution, 34–41.

1921—During the 67th Congress, five resolutions were introduced to limit debate in some form. These were referred to the Committee on Rules.

1922—On November 29, upon the occasion of the famous filibuster against the Dyer Anti-Lynching Bill, a point of order was raised by the Republican floor leader against the methods of delay employed by the opponents which, had the Chair sustained it, would have established a significant precedent in the Senate as it had in the House. The incident occurred as follows:

Immediately upon the convening of the Senate, the leader of the filibuster made a motion to adjourn. Senator Curtis made the point of order that under Rule III no motion was in order until the *Journal* had been read. He also made the additional point of order that the motion to adjourn was dilatory. To sustain his point, Senator Curtis said:

I know we have no rule of the Senate with reference to dilatory motions. We are a legislative body, and we are here to do business and not to retard business. It is a well-stated principle that in any legislative body where the rules do not cover questions that may arise general parliamentary rules must apply.

The same question was raised in the House of Representatives when they had no rule on the question of dilatory motions. It was submitted to the Speaker of the House, Mr. Reed. Mr. Speaker Reed held that, while there was no rule of the House upon the question, general parliamentary law applied, and he sustained the point of order.

The Vice President sustained Senator Curtis' first point of order in regard to Rule III, but did not rule on the point that the motion was dilatory.

1922—The Senate Republicans voted 32–1 in party conference on May 25 for majority cloture on revenue and appropriation bills.

1925—On March 4, the Vice President, Charles G. Dawes, delivered his inaugural address to the Senate, in which he recommended that debate be further limited in the Senate.

On March 5, Senator Underwood introduced the following cloture resolution (S. Res. 3) embodying the Vice President's recommendation on further limitation of debate, which was referred to the Committee on Rules.

Resolved, That the rules of the Senate be amended by adding thereto, in lieu of the rule adopted by the Senate for the limitation of debate on March 8, 1917, the following:

1. There shall be a motion for the previous question which, being ordered by a majority of Senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the Senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after previous question shall have been ordered on its passage, for the Presiding Officer to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

2. All motions for the previous question shall, before being submitted to the Senate, be seconded by a majority by tellers if demanded.

3. When a motion for the previous question has been seconded, it shall be in order, before final vote is taken thereon, for each Senator to debate the proposition to be voted for one hour.

Other resolutions introduced in the first session of the 69th Congress limiting debate were S. Res. 25; S. Res. 59; S. Res. 76; S. Res. 77; S. Res. 217; S. Res. 225 which were also referred to the Committee on Rules.

1925—Senator Robinson said: "No change in the written rules of the Senate is necessary to prevent irrelevant debate. Parliamentary procedure everywhere contemplates that a speaker shall limit his remarks to the subject under consideration. The difficulty grows out of the failure of the Presiding Officer of the Senate to enforce this rule."



- 1925—Senator Jones proposed a threefold plan of reform: (1) extend the existing rule which forbids amendments not germane to appropriation bills to general legislation; (2) compel Senators to confine their remarks to the subject under consideration unless permitted by unanimous consent to do otherwise; (3) limit debate on measures other than revenue or appropriation bills after they have been under consideration ten days and a unanimous consent agreement for their disposal has been impossible to reach.
- 1925—Senators Fess and Jones introduced resolutions for a rule of relevancy.
- 1926—Senator Underwood offered a resolution to limit debate by majority vote on appropriation and revenue bills.
- 1933—Adoption of Twentieth Amendment (February 6), by doing away with short sessions, would eliminate filibusters, so Senator Norris believed. But subsequent events demonstrated that filibustering minorities were still able to delay urgent legislation. The final sessions of the 73rd and 74th Congresses, the first two to function under the Amendment, ended in filibusters.
- 1935—The Chair ruled that a quorum call is the transaction of business and that Senators who yield for that purpose lose the floor. Under this ruling, a speaker yielding twice for quorum calls, if they are in order, while the same question is before the Senate is unable to regain the floor on that question during the same legislative day.
- 1939—The Reorganization Act of 1939 (Public Law 19, 76th Congress, 1st session) limited debate to ten hours, to be divided equally between those for and against, upon a resolution to disapprove a Presidential reorganization proposal.
- 1945—The Reorganization Act of 1945 (Public Law 263, 79th Congress, 1st session) contained the same “anti-filibuster rule” as the Reorganization Act of 1939. This rule read:

Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

Subsequent extensions of the Reorganization Act have contained this proscription on debate.

- 1946—The Republican Steering Committee delegated Senator Saltonstall to prepare an amendment to Rule XXII “so that the various dilatory methods of preventing its application can be eliminated.” (May 21).
- 1946—Senator Knowland proposed (S. Res. 312) a new standing rule prohibiting the receipt or consideration of any amendment to any bill or resolution which is not germane or relevant to the subject matter thereof. Referred to Rules Committee (July 25).
- 1946—Senator Moses urged a thorough study of the Rules of the Senate “to the end of completely revising them.” He also submitted a resolution (S. Res. 314) directing the Parliamentari-

- an of the Senate to “prepare a complete and annotated digest” of its precedents (July 25). Referred to Rules Committee. (The precedents and practices of the Senate have been compiled by the Parliamentarians of the Senate and published. See *Riddick's Senate Procedure*.)
- 1947—Senators Saltonstall, Knowland, Morse, and Pepper introduced resolutions to amend Rule XXII so as to make cloture apply to any measure or motion or other matter pending before the Senate by a majority vote of those voting or by a majority vote of the entire membership of the Senate. The Rules Committee on April 3, reported a resolution (S. Res. 25) amending Rule XXII by making cloture apply to “any measure, motion, or other matter pending before the Senate or the unfinished business,” but making no change in the current voting requirements of Rule XXII or in the limitation of debate after cloture is invoked.
- 1947—Senator Pepper revived a suggestion that the Senate adopt a new rule making irrelevant debate out of order. He also proposed to limit debate on a motion to make any subject the unfinished business of the Senate, to make such a motion privileged, and have it decided by majority vote.
- 1947—Senator Holland suggested that majority cloture be adopted only for the closing day or days of a session and that two-thirds cloture be required at other times.
- 1948—On July 28, Senator Tobey introduced S. Res. 270, “that during the present special session of the Congress, in the interests of efficiency and conservation of time, no Senator shall speak more than once, on any subject, and no more than 30 minutes thereon.” No action was taken on this proposal.
- 1948—Senator Vandenberg, President pro tempore, in sustaining a point of order against a petition to close debate on motion to consider the antipoll tax bill, expressed his belief that:
- . . . in the final analysis, the Senate has no effective cloture rule at all . . . a small but determined minority can always prevent cloture, under the existing rules . . . a very few Senators have it in their power to prevent Senate action on anything . . . the existing Senate rules regarding cloture do not provide conclusive cloture. They still leave the Senate, rightly or wrongly, at the mercy of unlimited debate ad infinitum. (August 2).
- 1948—The Republican Conference appointed a committee of ten Senators to consider and recommend revision of the existing cloture rule (August). Members of this committee were: Senators Brooks (Chairman), Wherry, Hickenlooper, Knowland, Lodge, Jenner, Bricker, Ives, Ferguson, and Saltonstall.
- 1949—During the first session of the 81st Congress, five resolutions were introduced to amend the cloture rule. Hearings on the subject were held early in the year by the Committee on Rules and Administration and, under threat of a move to discharge the committee, it reported, without amendment, the Hayden-Wherry resolution (S. Res. 15; Senate Report 81–69). The purpose of this resolution was to plug a loophole in the existing cloture rule. It sought to apply the cloture rule “to motions or other matters pending” before the Senate rather than just to

- the “pending measure.” Debate began on February 28, and continued at intervals until March 17. On March 10, a motion to apply cloture to the motion to take up was presented. Because cloture was assumed not to apply to motions to take up, Senator Russell made a point of order against the cloture motion. He was overruled by the Chair but on appeal the Senate refused to sustain the Chair. Subsequently, a compromise was worked out. Under this compromise the application of cloture to motions or other pending matters was incorporated into Rule XXII but at the same time it was required that two-thirds of the entire Senate vote for cloture in order to invoke it rather than two-thirds of those present and voting.
- 1950—During the second session of the 81st Congress three resolutions were introduced to liberalize the cloture rule adopted in 1949. They were S. Res. 283, by Senator Saltonstall, on May 22, 1950; S. Res. 322, by Senator Morse and Senator Humphrey, on August 2; and S. Res. 336, by Senator Lehman and nine others, on August 24. All these resolutions were referred to the Committee on Rules and Administration, which took no action upon them.
- 1950—On May 5, Senator Lucas moved to proceed to the consideration of the Fair Employment Practices Commission (FEPC) bill (S. 1728). On May 19, a motion to close debate on the motion to take up the Fair Employment Practices Commission bill was defeated, 52–32. Under the 1949 cloture rule it would have required the votes of 64 Senators, two-thirds of those duly elected and sworn, to close debate. This was the first test of the cloture rule as amended in 1949. Republicans voted 33 for cloture, 6 against. Democrats voted 19 for cloture, 26 against. Twelve Senators were absent of whom 9 were Democrats and 3 were Republicans. One of the absentees—Senator Withers—was formally announced as opposing application of cloture. (For discussion of the failure of the new cloture rule on its first try, see *Congressional Record*, May 19, 1950, pp. 7300–7307.)
- 1950—On July 12, a second attempt to invoke cloture on the motion to permit consideration of the FEPC bill (S. 1728) was defeated by a vote of 55–33, nine votes short of the required number. (For further discussion of the pros and cons of the 1949 cloture rule, see *Congressional Record*, July 12, 1950, pp. 9976–9985.)
- 1951–52—During the 82nd Congress four resolutions to amend the Senate cloture rule were introduced:
- S. Res. 41, by Senator Morse and Senator Humphrey, providing for simple majority cloture;
  - S. Res. 52, by Senator Ives and Senator Lodge, providing for constitutional majority (49) cloture;
  - S. Res. 105, by Senator Lehman and ten others, providing for simple two-thirds cloture after a waiting period of 48 hours or, alternatively, for simple majority cloture after 15 days of debate; and
  - S. Res. 203, by Senator Wherry, providing for cloture by two-thirds of those present and voting.

These resolutions were referred to the Committee on Rules and Administration which held hearings on them on October 2, 3, 9, and 23, 1951. On March 6, 1952, the Committee reported favorably S. Res. 203, with an amendment lengthening the time limit between the filing of a cloture motion and the vote thereon from one to five intervening calendar days (Senate Report No. 1256, 82nd Congress, 2nd session). S. Res. 203, if adopted, would have restored the voting requirement for cloture which was in effect from 1917 to 1949, i.e., two-thirds of those Senators present and voting instead of two-thirds of those duly chosen and sworn. S. Res. 302 left paragraph 3 of the existing Rule XXII unaltered, which meant that debate would remain unlimited on proposals to change any of the Standing Rules of the Senate.

Dissenting views were filed by Senator Lodge who felt that S. Res. 203 "will make no practical difference insofar as the prevention of future filibusters concerned," by Senator Hendrickson who urged adoption of a simple majority cloture rule; and by Senator Benton who favored S. Res. 105. No further action was taken on the subject during 1952.

1953-54—During the 83rd Congress four resolutions to amend the Senate cloture rule were introduced:

S. Res. 20, by Senator Jenner, providing for cloture by two-thirds of those present and voting;

S. Res. 31, by Senator Ives, providing for cloture by a majority of the Senate's authorized membership; a 12-day interval (exclusive of Sundays and legal holidays) between the filing of a cloture petition and the vote thereon; and deleting paragraph 3 of Rule XXII and all reference to it in paragraph 2;

S. Res. 63, by Senator Lehman and seven others, repealing paragraph 3 of Rule XXII and providing two methods of cloture: by two-thirds of those voting after one intervening day following filing of the petition, or, if this failed, by a majority of those voting following an interval of 14 days; and

S. Res. 291, by Senator Morse, providing for cloture by a majority of those voting, and repealing paragraph 3 of Rule XXII.

These resolutions were referred to the Committee on Rules and Administration which, after consideration, favorably reported S. Res. 20 to the Senate with an amendment (S. Rept. 268). Individual views were filed by Senator Green and Senator Hennings. The resolution was placed on the calendar, but no further action was taken. S. Res. 291 was ordered to lie on the table, July 22, 1953. Floor consideration of S. Res. 20 was objected to on four calendar calls during the second session of the 83rd Congress.

The major event of the 83rd Congress as regards efforts to limit debate in the Senate was the Anderson motion. At the opening of the 83rd Congress advocates of majority rule in the Senate challenged the conception of the Senate as a continuing body. They based their strategy on the contention of Senator Walsh in 1917 that each new Congress brings with it a new Senate, entitled to consider and adopt its own rules. They proposed to move for consideration of new rules on the

first day of the session and, upon the adoption of this motion, to propose that all the old rules be adopted with the exception of Rule XXII. Rule XXII was to be changed to allow a majority of all Senators (49 at the time) to limit debate after 14 days of discussion.

Accordingly, on January 3, 1953, Senator Anderson, on behalf of himself and 18 other Senators, moved that the Senate immediately consider the adoption of rules for the Senate of the 83rd Congress. Senator Taft then moved that the Anderson motion be tabled. In the ensuing debate the Anderson motion was supported by Senators Douglas, Humphrey, Lehman, Ives, Hendrickson, Neely, Morse, and Murray.

Senator Douglas told the Senate that the Anderson proposal was the only method with any hope of success. The 1949 rule, he said:

ties our hands once the Senate is fully organized . . . .  
For under it any later proposal to alter the rules can be filibustered and never permitted to come to a vote . . . .  
Therefore, if it be permanently decided that the rules of the preceding Senate apply automatically as the new Senate organizes, we may as well say farewell to any chance either for civil rights legislation or needed changes in Senate procedures. (*Congressional Record*, January 7, 1953, p. 203).

Opponents of the Anderson motion centered principally on the argument that the Senate is a "continuing body," bound by the Rules of earlier Senates. They said that this thesis was proved because of the following reasons. Only one-third of the Senate is elected every two years. The Constitution did not provide for the adoption of new rules every two years. If the Senate had had the power to adopt new rules, it had lost that power through disuse. The Supreme Court, they said, had decided that the Senate was a "continuing body."

Debate against the Rules change was led by Senator Taft who announced that the Republican Policy Committee had voted to oppose it in caucus; and by Senators Russell, Saltonstall, Stennis, Ferguson, Smith (N.J.), Butler, Maybank, and Knowland.

The Anderson motion was finally tabled by a vote of 70-21, taken on January 7, 1953. Taft was opposed by 15 Democrats, 5 Republicans and 1 Independent. He was supported by 41 Republicans and 29 Democrats. One additional Democrat was paired against the Taft motion; and one additional Republican was paired for it.

1955-56—During the 84th Congress, only one resolution to amend the cloture rule was presented to the Senate. This was S. Res. 108, by Senator Lehman, on June 14, 1955. On that day it was referred to the Committee on Rules and Administration; and on June 29, 1955, to the Subcommittee on Rules. No further action was taken on the Lehman resolution. S. Res. 108 provided (a) for cloture by a two-thirds vote of those voting "on the following calendar day but one" after the presentation of a petition to close debate; and (b) for cloture by a majority of those voting "on the fourteenth calendar day thereafter."

1957–58—At the opening of the 85th Congress, on January 3, Senator Anderson moved to consider the adoption of new rules. Senate Majority Leader Johnson immediately moved to table the Anderson motion. On January 4, the Anderson motion was tabled by a roll call vote of 55–38. During the debate preceding this vote, Vice President Nixon said he believed the Senate could adopt new rules “under whatever procedures the majority of the Senate approves.” He said that in his opinion the current Senate could not be bound by any previous rule “which denies the membership of the Senate the power to exercise its constitutional right to make its own rules.” Nixon said he regarded as unconstitutional the section of Rule XXII banning any limitation of debate on proposals to change the Rules, but added that the question of the constitutionality of the Rules could be decided only by the Senate itself.

During the 85th Congress, eight resolutions to amend the cloture rule were introduced:

S. Res. 17 by Senator Douglas, repealing paragraph 3 of Rule XXII and providing 2 methods of cloture: by two-thirds of those voting 2 days after 16 Senators had filed a petition, or, if this failed, by a majority of those voting 15 days after a petition had been signed by 16 Senators;

S. Res. 19 by Senator Case, amending paragraph 2 of Rule XXII to read that cloture may be invoked by “two-thirds of the Senators present and voting but in no case less than a majority of the Senators duly chosen and sworn;”

S. Res. 21 by Senator Morse, providing for the imposition of cloture by majority vote;

S. Res. 28 by Senator Ives, repealing paragraph 3 of Rule XXII and providing for the imposition of cloture by majority vote;

S. Res. 29 by Senator Humphrey, repealing paragraph 3 of Rule XXII;

S. Res. 30 by Senator Knowland, repealing paragraph 3 of Rule XXII and providing for the imposition of cloture by two-thirds of the Senators present and voting;

S. Res. 32 by Senator Bush, repealing paragraph 3 of Rule XXII and providing for the imposition of cloture by two-thirds of the Senators present and voting;

S. Res. 171 by Senator Jenner, providing for the imposition of cloture by two-thirds of the Senators present and voting.

These resolutions were referred to the Committee on Rules and Administration which, after consideration, favorably reported S. Res. 17 (S. Rept. 1509). This resolution was placed on the calendar, but no further action was taken. Floor consideration of S. Res. 17 was objected to and passed over on four calendar calls during the second session of the 85th Congress.

1959–60—At the opening of the 86th Congress, Senate Majority Leader Johnson offered a resolution (S. Res. 5) to amend Senate Rule XXII which was adopted on January 12, after four days of debate, by a 72–22 vote. S. Res. 5 amended Rule XXII so as to enable two-thirds of the Senators present and voting to shut off debate on any matter, including proposals for Rules changes. It also amended Senate Rule XXXII by adding

this language: "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules." (Now in Rule V).

During the second session of the 86th Congress, on August 10, 1960, Senator Javits introduced S. Res. 358 which provided for the imposition of cloture by a majority vote of all Senators chosen and sworn. The resolution died in the Committee on Rules and Administration.

1961-62—At the opening of the 87th Congress two resolutions to amend Rule XXII were introduced in the Senate: S. Res. 4, by Senator Anderson, to allow curtailment of debate by three-fifths (instead of two-thirds) of those present and voting; and S. Res. 5, by Senators Humphrey and Kuchel, providing for majority cloture. At the outset of the debate on these resolutions, Vice President Nixon reaffirmed his 1957 "advisory opinion" that the constitutional right of a majority of the Senate to adopt new rules at the beginning of a new Congress could not be inhibited by the two-thirds requirement of Rule XXII regarding cloture. After seven days of debate on a Mansfield motion to consider S. Res. 4, Senators Mansfield and Dirksen moved to refer the matter to the Committee on Rules and Administration. Their motion was adopted on January 11, 1961, by a roll call vote of 50-46. Eight other resolutions to change Senate Rules were also referred by voice vote to the Committee, including proposals for a rule of germaneness and the previous question. On September 5, 1961, the Committee reported S. Res. 4 without recommendation and on September 16, Mansfield moved to take it up. On September 19, after two days of debate, the Senate refused to impose cloture on debate of Mansfield's motion by a 37-43 roll call vote. Then Mansfield moved to table the motion to consider, and this carried, 46-35.

1963-64—Senator Anderson on January 14, 1963, introduced a resolution (S. Res. 9) to lower from two-thirds to three-fifths of the Senators present and voting the majority needed to invoke cloture. Then Senator Humphrey, speaking for a bi-partisan group of 14 liberals, introduced S. Res. 10 which would have permitted cloture to be filed by a constitutional majority (51 Senators) 15 days after a petition had been filed by 16 Senators if cloture under the existing rule had failed.

During the debate on the motion to consider the Anderson proposal, January 30, 1963, Senators Javits and Keating called on Vice President Johnson in the chair, to "put the question" to the Senate in order to cut off debate and permit a resolution of the constitutional issue. Johnson denied that the Senate's presiding officer had such power. He further stated that it was a matter of constitutional interpretation, and that since 1803, such matters invariably had been decided by the Senate itself.

On February 15, 1963, Mansfield filed a cloture petition. He stated that unless the cloture motion received the support of at least 60 Senators, he would favor laying aside S. Res. 9. On February 7, the Senate refused by a 54-42 roll call vote to invoke cloture on the pending motion to take up the resolu-

tion. While short of the mark, the 54–42 vote for cloture was the first instance in a decade when those proposing a change in Rule XXII mustered a majority in their favor.

Senator Allott introduced the only other resolution during the 88th Congress relating to amending Rule XXII. S. Res. 11 provided for the imposition of cloture by a three-fifths vote of the Senators duly chosen and sworn. The resolution was referred to the Committee on Rules and Administration where it died.

1965–66—During the 89th Congress, five resolutions were introduced with provisions to amend Rule XXII. On January 6, 1965, Senator Anderson introduced a resolution (S. Res. 6) permitting a three-fifths majority of the Senators present and voting, in place of the existing requirement of two-thirds, to shut off debate. Senator Douglas introduced a substitute proposal (S. Res. 8) requiring only a majority vote of the entire Senate membership to cut off debate. The two resolutions were referred to the Committee on Rules and Administration on January 8, under a unanimous consent agreement which required the Committee to report by March 9. On March 3, the Committee reported adversely on both proposals by a 5–4 vote. No effort was made to call up the two resolutions during the rest of the session. Three other resolutions were introduced which were referred to the Rules and Administration Committee and died there:

S. Res. 16 by Senator Morse, repealing paragraph 3 of Rule XXII and providing for the imposition of cloture by majority vote;

S. Res. 82 by Senator Miller, providing for the imposition of cloture by a three-fifths vote of the Senators present and voting;

S. Res. 114 by Senator Bennett, providing that each Senator who calls up an amendment after cloture shall, in addition to the one hour of speaking time provided to him by Rule XXII, be allowed up to an additional 5 minutes to explain his amendment.

1967–68—Two proposals to change Rule XXII were introduced in the 90th Congress on January 11;

S. Res. 6 by Senator McGovern and Senator Morton providing for three-fifths of the Senators present and voting to end debate;

S. Res. 7 by Senator Kuchel and 15 other Senators permitting 16 Senators to file a cloture motion after a proposal had been debated for 20 days. The question of terminating debate would be put to the Senate for a vote one hour after the session of the 20th day began and a majority vote of the Senators would end debate.

On January 18, Senator McGovern proposed that the Senate immediately vote to end debate on the motion to consider his resolution and if a majority vote occurred, the Senate would then debate the resolution itself. Senator McGovern justified this procedure by arguing that the Senate under the Constitution could at the beginning of a new session adopt new rules by majority vote. Senator Dirksen raised a point of order against the McGovern motion claiming that it was, in effect, an effort to circumvent Rule XXII.

Supporters of Senator McGovern had hoped for a favorable ruling from Vice President Humphrey, but Humphrey stated:



. . . the precedent, which is a part of Senate history—namely, that the Chair has submitted constitutional questions to the Senate for its decision—the Presiding Officer believes to be a sound procedure. It has not been considered the proper role of the Chair to interpret the Constitution for the Senate. Each Senator has his own obligation when he takes his oath of office to support and defend the Constitution. The Presiding Officer is aware of no sufficient justification for reversing this procedure.

Humphrey then asked the Senate if the point of order should be sustained. He also said this question was debatable but subject to a tabling motion, which is not debatable; whereupon Senator McGovern moved to table the Dirksen point of order. According to the Vice President, acceptance of the tabling motion would have validated the constitutionality of the McGovern motion, which in turn would have validated the right of the Senate to adopt new rules by majority vote at the beginning of a new session. However, the Senate rejected McGovern's motion to table by a 37–61 roll call vote. Dirksen's point of order was then sustained, 59–37. Hence the Senate found McGovern's motion unconstitutional.

An attempt was then made to invoke cloture, but it failed on January 24, 53–46.

1969–70—At the beginning of the 91st Congress yet another strategy was devised by those who favored alteration in Rule XXII, but felt themselves blocked by that very cloture rule from effecting a change. Proponents of change marshaled their support behind a single resolution, S. Res. 11, introduced by Senators Church and Pearson and cosponsored by 35 other Senators. It provided for the invoking of cloture by three-fifths, rather than two-thirds, of those present and voting.

Their strategy required a favorable ruling by the Vice President, still Mr. Humphrey, that a simple majority could invoke cloture on any motion to take up, or on the resolution itself, when a change in the Rules was being attempted at the start of a new Congress. On January 14, 1969, five days after debate had begun on S. Res. 11, Senator Church and 24 other Senators filed a cloture motion to limit debate on the motion to consider the resolution. This cloture motion was filed under the procedures set forth in Rule XXII.

Senator Church then inquired of the Chair whether, if a majority of the Senators present and voting, but less than the two-thirds required by Rule XXII, voted in favor of cloture, the cloture motion would have been agreed to. Senator Church justified his request for a favorable ruling with the argument that it was unconstitutional to require a two-thirds vote to invoke cloture on such questions in that it restricted the right of a majority of the Senate to determine its rules at the opening of a new Congress, a right, by Senator Church's reasoning, implied in the Constitution.

The Vice President agreed with Senator Church, saying:

On a par with the right of the Senate to determine its rules, though perhaps not set forth so specifically in the

Constitution, is the right of the Senate, a simple majority of the Senate, to decide constitutional questions.

If a majority—this is the view of the Chair—but less than two-thirds, of those present and voting, vote in favor of this cloture motion, the question whether the motion has been agreed to is a constitutional question. The constitutional question is the validity of the rule XXII requirement for an affirmative vote by two-thirds of the Senate before a majority of the Senate may exercise its right to consider a proposed change in the rules. If the Chair were to announce that the motion for cloture had not been agreed to because the affirmative vote had fallen short of the two-thirds required, the Chair would not only be violating one established principle by deciding the constitutional question himself, he would be violating the other established principle by inhibiting, if not effectively preventing, the Senate from exercising its right to decide the constitutional question . . . .

The Chair informs the Senate that in order to give substance to the right of the Senate to determine or change its rules to determine whether the two-thirds requirement of rule XXII is an unconstitutional inhibition on that right at the opening of a new Congress, if a majority of the Senators present and voting but fewer than two-thirds vote in favor of the pending motion for cloture, the Chair will announce that a majority having agreed to limit debate on Senate Resolution 11, to amend rule XXII, at the opening of a new Congress, debate will proceed under the cloture provisions of that rule.

This landmark ruling, subject, as the Chair said, to appeal without debate, caused considerable agony for those who opposed it and the altering of Rule XXII. Senator Holland averred that it would “deprive the Senate of any chance to discuss the constitutional aspects of this very serious matter.”

On January 16, the Senate voted 51–47 to invoke cloture and the Vice President, in line with his earlier statement, ruled that cloture had been invoked. This decision was appealed and reversed on a 45–53 roll call vote. Subsequently, on January 28, a second attempt to invoke cloture, this time within the two-thirds stricture of Rule XXII, was attempted and failed, 50–42; thus ended another attempt to change Rule XXII.

1971—At the start of the 92nd Congress, the longest battle in many years over altering the cloture rule, Rule XXII, took place. On January 25, Senators Church and Pearson introduced S. Res. 9. That resolution, co-sponsored by forty-nine other Senators, would have reduced the number of Senators required to curtail debate from two-thirds to three-fifths of those present and voting.

As in 1969, proponents of reform hoped for a favorable ruling from the Chair on whether a simple majority at the start of a Congress could invoke cloture on a resolution to alter Senate Rules or on a motion to take up such a resolution. However, Vice President Spiro Agnew stated that he would refrain from making any such ruling and, instead, referred all such questions to the full Senate for resolution. Thus, propo-

nents of S. Res. 9 were required to carry on their efforts under the two-thirds requirement they were seeking to change.

On the day Senators Church and Pearson introduced S. Res. 9, opponents began a filibuster on the motion to consider the resolution. Senator Allen coordinated the efforts of a coalition, consisting largely of Southern Democrats and Republicans, that prolonged debate on the motion to consider S. Res. 9. The first attempt to invoke cloture came on February 18. Proponents of S. Res. 9 could muster only 48 votes in favor of ending debate compared with 37 Senators who opposed curtailing discussion, far short of the two-thirds majority required. A second attempt to invoke cloture failed on February 23, 50–36.

During the six-week debate on the motion to consider the resolution, several Senators suggested a number of compromise solutions to bridge the gap between those favoring a modification of Rule XXII and the opponents of a three-fifths cloture rule. Senator Ellender proposed a three-fifths vote to end debate on all conference reports and appropriations bills. Majority Whip Byrd suggested that debate be ended by three-fifths of the membership of the Senate. Senator Dole offered a resolution to reduce gradually the number of Senators required to invoke cloture. Beginning with the two-thirds requirement, each successive attempt to invoke cloture on the same measure would require one less vote than the previous attempt until the three-fifths level was reached on the eighth vote. Senator Miller proposed a three-fifths requirement for cloture with the added stipulation that the majority include a simple majority of each major party in Congress.

Senator Miller's resolution received serious consideration from Senators Church and Pearson after the third attempt to end debate on S. Res. 9, failed on March 2 by a vote of 48–36. A fourth and final attempt to end debate failed on March 9 by a vote of 55–39, eight votes short of the required two-thirds majority. After this vote, Senator Javits appealed the decision of Presiding Officer Ellender, who had announced that the cloture attempt had failed to receive the necessary two-thirds majority. By appealing the decision of the Chair, Javits again raised the question of whether the Senate could alter its Rules at the beginning of a new session by a simple majority. Majority Leader Mansfield moved to table Senator Javits' motion; the motion to table carried, 55–37.

1975—The first session of the 94th Congress produced a protracted, and ultimately successful, attempt to modify Senate Rule XXII. Under the sponsorship of Senators Mondale, Pearson, and others, an attempt was made to change the cloture rule so that three-fifths of the Senators present and voting could bring debate to a close. This proposal, S. Res. 4, was introduced by Senator Pearson on January 17, and placed on the Senate calendar.

As in the past, proponents of the measure hoped for a favorable ruling from the Chair on whether a simple majority, at the start of Congress, could close debate on a resolution to change Senate Rules, or on a motion to take up such a resolu-

tion. On February 20, Senator Pearson, as part of a lengthy motion, moved the consideration of S. Res. 4.

I move that the Senate proceed to the consideration of calendar item No. 1, Senate Resolution 4, amending rule XXII of the Standing Rules of the Senate with respect to limitation of debate; and that under Article I, section 5, of the U.S. Constitution, I move that debate upon the pending motion to proceed to the consideration of Senate Resolution 4 be brought to a close by the Chair immediately putting this motion to end debate to the Senate for a yea-and-nay vote; and, upon the adoption thereof by a majority of those Senators present and voting, a quorum being present, the Chair shall immediately thereafter put to the Senate, without further debate, the question on the adoption of the pending motion . . . . (*Congressional Record*, p. 3835).

Majority Leader Mansfield entered a point of order against the motion in that it violated the Rules of the Senate by prescribing an end to debate by a majority vote. Senator Mansfield observed, "the present motion to invoke cloture by a simple majority vote, if it succeeds, would alter the concept of the Senate so drastically that I cannot under any circumstances find any justification for it." (*Congressional Record*, p. 3836).

Vice President Rockefeller declined to rule either on the validity of the Pearson motion or on the Mansfield point of order, and, instead, submitted to the Senate the question of whether the Mansfield point of order was well taken. The Senate temporarily endorsed the doctrine that majority cloture may be invoked to change Senate Rules at the start of a Congress when it agreed to a motion by Senator Mondale to table the Mansfield point of order, 51-42.

At this point in the proceedings, Senator Allen moved that the motion be divided inasmuch as it contained several clauses. The Vice President ruled that the motion could be divided and that, once divided, the various parts of the motion became debatable although, when considered as a whole, the motion was not subject to debate. With this ruling, coupled with the Vice President's subsequent recognition of Senator Allen, the Pearson motion became subject to a long series of amendments and intervening motions. Although the principle of majority cloture had been endorsed, the parliamentary tangle which followed division of the motion prevented a majority cloture vote from being taken on the original Pearson resolution.

In the course of debate on February 26, Senator Long indicated his willingness to compromise on a constitutional three-fifths cloture rule. This proposal was embodied in S. Res. 93, introduced by Majority Whip Byrd on February 28. The Byrd resolution provided for closing debate in the Senate upon the vote of "three-fifths of the Senators present and sworn." The Byrd proposal required a two-thirds vote of "Senators present and voting" to close debate on a measure or motion to change the Rules of the Senate. Senator Byrd requested immediate consideration of his resolution, but objection was heard and the resolution went over, under the rule.

On March 3, the Senate, by a vote of 53–38, agreed to reconsider the vote of February 20, through which the Mansfield point of order against the Pearson motion was tabled. The motion to table the Mansfield point of order was rejected 40–51. The following day, the Senate voted 53–43 to sustain the Mansfield point of order. Thus, the Senate reversed the precedent of majority cloture established two weeks before, and implicitly affirmed the continuity of Senate Rules.

On March 3, Senator Byrd entered a motion to close debate on the motion to proceed to consider S. Res. 4. On March 5, the Senate invoked cloture on the motion to proceed. The vote was 73–21, with two-thirds of the Senators present and voting having voted in the affirmative. Later the same day, the Senate voted 69–26 to proceed to consider S. Res. 4, and adopted S. Res. 93 as an amendment in the nature of a substitute. At the close of the session, Senator Byrd introduced a motion to invoke cloture on S. Res. 4, as amended; cloture was voted on March 7, by a vote of 73–21, with two-thirds of the Senators present and voting recorded in the affirmative. S. Res. 4, as amended to provide for a constitutional three-fifths cloture vote for all measures save those amending the Rules of the Senate, passed the Senate on March 7, by a vote of 56–27.

1976—During the 2nd session of the 94th Congress, the Senate further refined the procedure under which it operated after cloture had been invoked. Previously, amendments had to be presented and read prior to the cloture vote in order to be considered after cloture was invoked. This requirement could be waived by unanimous consent. In approving S. Res. 268 on April 6, the Senate agreed to permit amendments to be considered after invoking cloture if the amendments were submitted in writing to the Journal Clerk prior to the end of the cloture vote. This modification was proposed when several amendments submitted prior to a cloture vote had inadvertently not been read before the vote was taken.

1977—Subsequent to the 1975 revisions, opponents of measures increasingly relied upon “post-cloture” filibusters in an attempt to delay Senate action. By calling up amendments offered before cloture was invoked, by demanding frequent roll call votes and repeated quorum calls, and by calling for the reading of amendments, conference reports, and the *Journal*, filibusterers could continue to prevent the Senate from taking final action.

In 1977, Majority Leader Byrd introduced S. Res. 5, which was designed to restrict the use of such “post-cloture” filibusters. As reported from the Committee on Rules and Administration, the resolution provided that a cloture petition could not be offered until 24 hours after the Senate had begun consideration of a measure, limited to 50 hours the amount of time available for debate after cloture was invoked, provided that time for quorum calls and votes be charged against the 50 hours, permitted the post-cloture debate time to be extended or reduced upon the two-thirds vote of the Senate, and included provisions limiting dilatory tactics. The reading of amendments and conference reports in full could not be de-

manded if they were available in printed form to all Senators; and the Presiding Officer was given greater discretion in ruling quorum calls dilatory and out of order.

In support of his resolution, Majority Leader Byrd declared on May 9, that S. Res. 5 "constitutes a logical, feasible, reasonable approach in removing the roadblock (of post-cloture filibusters) and it would be so without trampling upon the legitimate rights of the minority in the Senate." Minority Leader Baker opposed the resolution. "I understand the need to tighten up on delay after cloture, but I think the Committee on Rules has gone too far as the majority has gone too far." Because time for votes and quorum calls would be counted against the fifty hours of debate time, it was possible, Baker noted, that not every Senator would have the opportunity to speak on a bill.

In an effort to meet the objections to S. Res. 5, the joint party leadership, and Senator Allen, a supporter of S. Res. 5, attempted to devise a compromise version of the resolution. The compromise proposal provided that after the fifty hours of post-cloture debate, Senators who had not then used their half-hour of debate time, and who wished to do so, would be entitled to recognition. The revised resolution also permitted any amendment submitted prior to the cloture vote to be called up for action without further debate. A motion to dispense with the reading of the *Journal* would be voted on without debate, and motions to correct the *Journal* would be subject to a twenty-minute debate limitation. Motions to dispense with the reading of amendments and conference reports would be decided without debate when such documents were available in printed form. Post-cloture debate could be reduced under the same procedures as in the original resolution, but the time could not be reduced to fewer than ten hours. Similarly, no cloture petition could be filed until a measure had been pending before the Senate for twenty-four hours.

The revised version failed to meet all minority party objections, and caused new concerns among some majority party Senators. On May 12, the measure was put aside, and the Senate proceeded to consider other business. No further attempts were made in the 95th Congress to consider S. Res. 5.

1977—In October, a series of rulings by the Vice President, sustained by the Senate, established precedents for reducing the impact of post-cloture filibusters. Majority Leader Byrd raised a point of order against an amendment to the natural gas pricing bill in that the amendment was directed to the bill, and not to the substitute upon which cloture had already been invoked. The amendment, Senator Byrd claimed, was dilatory in that it was not directed at the subject under consideration. Moreover, Senator Byrd made the point of order that "when the Senate is operating under cloture, the Chair is required to take the initiative . . . to rule out of order all amendments which are dilatory or which on their face are out of order." Vice President Mondale sustained the point of order, and the Senate tabled an appeal from the ruling of the Chair by a vote of 79-14. The Senate also sustained, by a vote of 59-34, a point

of order that a Senator has the right to withdraw his filed amendments, qualified and pending under cloture, prior to being called up. By a vote of 74–21, the Senate also sustained a point of order that actions ruled dilatory do not constitute the transaction of business for the purposes of demanding a subsequent quorum call.

1979—On the first day of the 96th Congress, Majority Leader Byrd submitted S. Res. 9, proposing several procedural changes designed to expedite Senate business. It provided for nondebatable motions to approve and to correct the *Journal*, to waive the reading of printed amendments and conference reports, and (by a three-fifths vote) to prohibit nongermane amendments to a measure. It also proposed that cloture motions submitted after September 1 in any year be voted on 3 hours after submission, that the time required between filing a report on a measure and considering the measure be reduced from three to two days, and that electronic voting be installed. To restrain the “post-cloture filibuster,” it proposed to limit post-cloture consideration to 100 hours of actual consideration, and to permit three-fifths of the Senate (60 Senators), on nondebatable motions in order once on each calendar day, to provide additional time under the control of the floor leaders or to reduce the time, but not to less than 10 hours.

On February 7, the Senate agreed to consider S. Res. 61, embodying only the last two of these provisions, dealing with procedure after cloture is invoked. The agreement also provided that only amendments dealing with post-cloture procedure be in order, and that S. Res. 9 recur as the pending business if action on S. Res. 61 were not completed by February 22. During debate on S. Res. 61, the Senate recessed every day after January 15 to maintain its “first day.”

Debate on the resolution centered on ensuring that opportunities to participate in consideration of a measure under cloture would be equitably distributed to all Senators. On February 8, the Senate agreed to amendments, offered by Senator Byrd, providing that if a measure was reprinted after cloture was invoked, amendments could be conformed in their lineation and pagination so as to remain in order to the measure; that no Senator be recognized to offer more than two amendments under cloture until each Senator had had the chance to call up two; and that any Senator who had not spoken during debate under cloture could be recognized for ten minutes to speak even if the allotted time had expired. Another such amendment permitted the managers and floor leaders to be yielded up to two hours each from other Senators’ allotted hours, and to yield such time in turn to others.

During the debate, a proposal was considered that would have permitted Senators to reduce the total debate time by yielding their hours back, or to yield time to any other Senator, but these arrangements, like the provisions for reducing the debate time by a three-fifths vote, were ultimately excluded from the plan as giving proponents of a matter under cloture too much opportunity to reduce the time available to others. However, on February 21, amendments by Senator Stevens

were agreed to, embodying other elements of the proposal developed by the same group of Senators. These amendments provided that, under cloture, the reading and approval of the *Journal* be dispensed with, and the reading of printed amendments be waived. Other elements of this plan were rejected during the debate, including a proposal to limit consideration of a measure under cloture to eight hours per day. Another element not agreed to would have allowed new amendments in the second degree to be proposed after cloture was invoked; it was opposed on grounds that Senators should be able to know the nature of the propositions that would be discussed under cloture before invoking it. Instead, an amendment was agreed to on February 22 permitting first degree amendments to be called up under cloture if they were filed by the day after a cloture motion was filed, and second degree amendments if filed by one hour before the vote to invoke cloture.

On the central issue of the controlling the “post-cloture filibuster,” several proposals were considered to substitute for the overall 100-hour cap a system of charging all roll calls against the hour of the Senators requesting them, but none was agreed to. Objections were, on the one hand, that such a system would give less opportunity to individual opponents of a measure under cloture than would the cap and, on the other hand, that only the cap could contain a post-cloture filibuster. A proposal by Senator Javits was also rejected, which would have allowed a Senator whose amendments were ruled out of order under cloture one appeal, en bloc, of such rulings as he chose. Senator Byrd also suggested, but did not offer, an amendment to limit to three hours the time for debate, under cloture, on motions to proceed to consider a measure.

With these amendments, S. Res. 61 was then adopted, 78–16, and the Senate adjourned briefly, ending its first legislative day of the session.

- 1981—S. Res. 16, submitted by Minority Leader Byrd at the beginning of the Congress, proposed to establish a motion by which a three-fifths majority of those present could prohibit nongermane amendments to a specified measure, without imposing the other restrictions of cloture. This motion would have been in order twice a day, and each time it was offered, debate on it would have been limited to one hour. Similar proposals had been offered in the immediately preceding Congresses, before adoption of the 1979 amendments to the cloture rule. S. Res. 16 was sent to the calendar by being “laid over, under the rule” (as prescribed by Senate Rule XIV for resolutions neither referred nor immediately considered when submitted), and never received floor consideration.
- 1983–1984—The 1983 report of the Study Group on Senate Practices and Procedures (“Pearson-Ribicoff Commission,” S. Prt. 98–242) included several recommendations pertinent to the limitation of debate. Among them were (1) to limit debate on a motion to proceed to consider a measure or matter; (2) to prohibit any Senator (except the floor leaders and bill managers) from offering more than two amendments under cloture; (3) to prohibit the division of amendments under cloture; and



(4) to permit the Senate, by a three-fifths vote, to prohibit nongermane amendments to a specified measure not being considered under cloture.

The 1984 report of the Temporary Select Committee to Study the Senate Committee System ("Quayle Committee," S. Prt. 98-254) also offered recommendations to (1) limit debate on a motion to proceed to two hours, and (2) permit three-fifths of Senators present and voting to impose a germaneness requirement on amendments to a measure, without concurrently invoking the other requirements of cloture.

No resolutions specifically embodying the recommendations of either panel were submitted during the 98th Congress, but S. Res. 461, offered by the Majority Whip, Senator Stevens, near the end of the Congress and referred to the Committee on Rules and Administration, incorporated proposals to limit debate on a motion to proceed to two hours, equally divided between the floor leaders, and to permit three-fifths of Senators present and voting to require germaneness of amendments to a measure.

S. Res. 461 also included several other provisions. It proposed to require debate to be germane, on each calendar day, from the point at which the Senate first took up its pending or unfinished business on any calendar day until the disposition of the specific question pending, rather than for only the first three hours of considering business, as provided by existing Senate Rules. It proposed to protect Senators' opportunity to offer amendments to committee amendments under cloture, by establishing a special filing deadline before cloture for first-degree amendments to committee amendments, later than the deadline for other first-degree amendments. It proposed a new procedure to allow three-fourths of Senators present and voting to initiate consideration of a measure under limits on debate and amendment more stringent than those of Rule XXII. It also included proposals: (1) to waive the reading of a conference report once it had been available for 24 hours; (2) to provide that committee amendments be deemed *per se* germane under cloture; and (3) to permit Senators to shorten the time available for consideration under cloture by yielding back all or part of their allotted hour for debate. The Committee on Rules and Administration did not report this measure.

1985-1986—In the 97th Congress (1981-1982), the Senate had adopted S. Res. 20, authorizing the television broadcast of Senate floor proceedings, to begin after the Senate had adopted regulations governing the broadcasts. In the 98th Congress, the Senate considered, but did not adopt, S. Res. 66, a resolution establishing such regulations. In the 99th Congress, consequently, several resolutions were again submitted to establish regulations for television broadcast of Senate proceedings. Among these, the identical S. Res. 2 and S. Res. 28, submitted by Minority Leader Byrd, incorporated several provisions amending Senate procedural rules, including those governing the limitation of debate, many of which again reflected the recommendations of the two study groups of the previous Congress. S. Res. 2 was laid over, under Rule XIV;

when submitted, S. Res. 28 was referred to the Committee on Rules and Administration. (Many of these procedural provisions were also submitted individually by Majority Leader Byrd in a series of separate resolutions, S. Res. 20 through S. Res. 27.)

Specifically, these resolutions proposed to reduce the supermajority required to invoke cloture from three-fifths of the full Senate to three-fifths of Senators present and voting (except on rules changes). Other provisions affecting the limitation of debate included: (1) limiting debate on a motion to proceed to two hours; (2) establishing a procedure by which three-fifths of Senators present and voting could require germaneness of floor amendments to a measure; (3) eliminating any requirement for an amendment to be read when proposed under cloture; and (4) reducing the time for post-cloture consideration of a matter from 100 hours, with no Senator to speak for more than one hour, to 20 hours, equally divided and controlled by the two party floor leaders.

The Committee on Rules and Administration held hearings on regulations for the television broadcast of Senate proceedings in September 1985, and reported S. Res. 28 on November 19, with amendments. The Senate considered and amended this resolution in February 1986 and adopted it on February 27. As adopted, the resolution dropped all the procedural provisions described above, but incorporated language reducing the time for post-cloture consideration to 30 hours, while retaining the maximum allowance of one hour for each Senator.

1987–1988—In the course of the 100th Congress, numerous resolutions to amend Rule XXII or other Senate Rules were submitted, including several that addressed various aspects of debate and consideration. In December 1987, the Committee on Rules and Administration held hearings on several of these resolutions, but reported none, and none received floor action. In September 1988, however, the Committee issued a *Report on Senate Operations* (S. Prt. 100–141) that surveyed recommendations made by reform panels of the previous decade (including the 1983 Pearson-Ribicoff Study Group and the 1984 Quayle Committee, discussed above) and analyzed several specific procedural issues, including the scheduling of business and the germaneness of amendments.

The December 1987, hearing considered S. Res. 309, submitted by Majority Leader Byrd, to limit to two hours debate on motions to proceed to consider a measure or matter if offered outside the morning hour (also proposed by S. Res. 308; S. Res. 275, submitted by Senator Pryor, proposed a limit of one hour). S. Res. 107 (Senator Helms), on the other hand, would have established that a motion to proceed to consider executive business would always be debatable if offered while other business was already pending, and S. Res. 133 (Senator Hatch) would have made explicit that a motion to proceed to consider any other business, offered under those conditions, was always debatable. The 1988 *Report* suggested establishing a non-debatable motion by which a simple majority could

impose a specified limit on debate of a specific motion to consider.

Both the December 1987 hearing and the 1988 *Report* also considered two proposals by Senator Pryor, to place a time limit on roll call votes (S. Res. 276), and to require measures to be read for amendment by section (S. Res. 277). They also considered resolutions, submitted by Majority Leader Byrd, renewing proposals to establish a motion by which a three-fifths majority could require germaneness for amendments to a specified measure (S. Res. 27, S. Res. 41).

The majority leader also proposed (S. Res. 25, S. Res. 43) to permit the Senate, under cloture, to reverse a ruling of the chair that an amendment was not germane only by three-fifths of Senators present and voting. The 1988 *Report* noted that such a restriction would guard against the possibility that a simple majority could secure consideration under cloture of a nongermane amendment even after a super-majority had voted to preclude such amendments. Another proposal by the majority leader (S. Res. 24, S. Res. 44) provided that for purposes of the cloture rule, amendments proposing a substitute for the entire text of a measure be treated as first-degree amendments, thereby ensuring Senators the ability to call up amendments to a full-text substitute for consideration under cloture if they were filed by the deadline for second-degree amendments. Finally, the majority leader proposed (S. Res. 28, S. Res. 454) to eliminate, under cloture, the reading of all amendments, rather than only those that had been available in print for 24 hours.

Senator Hatch also submitted several other resolutions relating to Senate rules affecting debate. S. Res. 114 would have required the Senate, when proceeding under cloture, to approve the *Journal* daily by unanimous consent, rather than its automatically being considered approved. S. Res. 124 would have made a motion to waive the reading of the *Journal* debatable.

1989—Several of the proposals offered in the preceding Congress were resubmitted in the 101st Congress, but none received floor consideration. Senator Pryor submitted S. Res. 9, to prohibit “sense of the Senate” or “sense of Congress” amendments unless submitted with 20 or more cosponsors; and S. Res. 10, to limit roll call votes to 15 minutes. Senator Byrd submitted S. Res. 11, to establish a motion, in order twice a day and debatable for one hour, to require amendments to a measure to be germane. Each of these proposals was laid over, under Rule XIV, and received no further action.

A new proposal, submitted by Senator McClure, was S. Res. 18, which would have required two days’ notice before a measure could be called up for consideration. Senator Pryor also submitted two new proposals: S. Res. 183, to require that amendments to a measure be offered in order of the sections of the measure, and S. Res. 184, which would have terminated the amendment process on a measure if, by the end of 15 minutes after the disposition of any amendment, no further amendment had been offered. Each of these proposals was

referred to the Committee on Rules and Administration and received no further action.

1993–1994—Senator Byrd proposed several changes in Senate procedure. Those related to the limitation of debate included:

(1) limiting debate on a motion to proceed made by the majority leader to two hours (except on proposals to change Senate Rules);

(2) requiring a three-fifths vote to overturn a ruling of the chair on appeal under cloture (two-thirds on measures to change the Rules);

(3) providing that committee amendments be deemed germane under cloture;

(4) charging the time taken by any quorum call under cloture against the time of the Senator initiating it;

(5) establishing a single motion by which the Senate could go to conference;

(6) abolishing the requirement that conference reports be read on demand; and

(7) establishing a motion to prohibit non-relevant amendments to a measure, under which “sense of the Senate” amendments would be deemed *per se* non-relevant, and a three-fifths vote would be required to overturn a ruling of the chair on the relevancy of an amendment.

S. Res. 32, embodying these provisions, was referred to the Committee on Rules and Administration, and the identical S. Res. 37 was laid over, under Rule XIV. Additional resolutions (S. Res. 25 through S. Res. 31), consisting of individual provisions of S. Res. 32 and 37, were also referred to the Committee on Rules and Administration. None of these resolutions received further action.

Much subsequent discussion of the subject during the 103rd Congress focused on the activities of the Joint Committee on the Organization of Congress (JCOC), which issued its final report (S. Rept. 103–215) in December 1993. Majority Leader Byrd discussed his proposals at hearings before the Joint Committee, and several other Senators testified in favor of similar proposals. Several Senators testifying at these hearings (S. Hrg. 103–10, 103–13, 103–26, 103–74, 103–119, 103–122, 103–128, 103–158; S. Prt. 103–55) also contended that filibustering had become much more frequent, and proposed making cloture easier to obtain. Plans to reduce the vote required for cloture on successive motions on the same matter received some discussion.

Some Senators and other witnesses advocated limiting the use of “holds,” which are informal, confidential requests by Senators to their floor leaders that a measure not be called up. These requests carry weight with party leaders because of their implicit threat to filibuster a motion to consider. Some suggested that the names of Senators requesting holds be publicly available, while others proposed that placing a hold on a matter should require concurrence of several Senators. Alternatively, a member of the Joint Committee pointed out, limiting debate on the motion to consider would itself do much toward eliminating holds.

Some Senators also proposed prohibiting repetitive votes on the same subject in a single session. Finally, one witness proposed to permit the Senate, at any time during consideration of a measure, by majority vote on a non-debatable motion, either to impose or revoke procedures limiting debate and excluding nongermane amendments.

The Final Report of the Senate Members of the JCOC (S. Rept. 103-215, Vol. I) included five recommendations on Senate Floor Procedure, each of which reflected, sometimes in modified form, one of the proposals earlier offered by Senator Byrd. These included limiting debate to two hours on the motion to proceed (except on Rules changes); requiring ten cosponsors for sense of the Senate or sense of Congress amendments not offered by a floor leader; counting quorum calls under cloture against the time of the requesting Senator; requiring a three-fifths vote to overturn a ruling of the chair under cloture (two-thirds on Rules changes); and dispensing with the reading of conference reports printed and available for one day before their consideration.

On February 3, 1994, Senator Boren, who had been the Senate Co-chair of the JCOC, introduced the draft legislation proposed by the JCOC, including language embodying these five recommendations, as S. 1824. The Committee on Rules and Administration held hearings on this measure in February through May 1994 (S. Hrg. 103-488), and reported it with a committee substitute on July 1. The committee substitute omitted the proposals for changes in floor procedure, the Committee having instead reported a version of these proposals as S. Res. 228 on June 16. S. Res. 228 omitted the proposal to charge time on quorum calls under cloture and added a provision that would have authorized the chair to rule on germaneness of amendments under cloture and required a vote of three-fifths of the full Senate to overturn these rulings. Senator Byrd also submitted the latter proposal separately as S. Res. 241, which was referred to the Committee on Rules and Administration. None of these measures received floor consideration.

- 1995—When the Senate convened in January, Senator Harkin offered a proposal to change the cloture rule as an amendment to a routine resolution (S. Res. 14) adjusting the sizes of Senate committees. This proposal would have provided that on each successive cloture motion on the same matter, the supermajority required to invoke cloture be reduced by three votes until the required vote was equal to a majority of all Senators chosen and sworn. (Proceedings of this kind have sometimes since been referred to as a “ratchet” mechanism.) The proposal prohibited filing a subsequent cloture motion until the previous cloture motion on the same matter was disposed of. After debating the amendment under a time agreement, the Senate tabled it, 76-19.
- 1999—Senator Stevens submitted S. Res. 8, proposing additional restrictions on unauthorized appropriations, legislative provisions, and nongermane provisions appearing in Senate appropriations bills, amendments thereto, and conference reports

- thereon. It included a provision permitting the chair to rule on germaneness points of order on appropriations bills, subject to a non-debatable appeal to the Senate, the decision on which would set no precedent for future application of the rule. S. Res. 8 would also have made motions to proceed to consider appropriations bills non-debatable. The resolution was referred to the Committee on Rules and Administration and received no further action.
- 2000—The Senate agreed to a standing order that conference reports would not be required to be read if they were available in the Senate. The standing order was enacted by reference in P.L. 106–554, a consolidated appropriations bill.
- 2001—The Senate convened with equal numbers of Senators caucusing with each of the major parties. Senate leaders of both parties developed an agreement to modify several features of Senate procedure while the body remained in this equally divided condition, and the Senate accepted this agreement by unanimous consent. One element of this agreement provided that cloture not be filed on any amendable item of business during the first 12 hours of its consideration. The arrangements established by this agreement lapsed in June 2001, when Senator Jeffords changed his status to caucus with the party that thereby became the majority.
- 2003—In a period of intense controversy over Senate action on Presidential nominations, Senator Miller proposed S. Res. 85, to institute a “ratchet,” or declining super-majority requirement on successive votes for cloture on *any* measure or matter, and Majority Leader Frist submitted S. Res. 138, which would have imposed this requirement *only* for the consideration of nominations. The form of “ratchet” proposed by both resolutions was similar to that of the proposal offered in 1995. Senator Miller also submitted S. Res. 249, which would have abolished paragraph 2 of Rule XXII altogether, leaving the Senate with no cloture rule.
- All three resolutions were referred to the Committee on Rules and Administration. No further action occurred on S. Res. 85 or S. Res. 249, but the Committee held a hearing on S. Res. 138 on June 5, and reported it on June 24. The Senate considered this resolution on November 12–14, but took no final action.
- 2005–2006—Beginning in the preceding Congress, the possibility was widely discussed of instituting more effective procedures for limiting consideration of matters in the Senate, possibly providing for the imposition of cloture by a simple majority, and of doing so not by adoption of a resolution changing the Rules, but instead by means of a ruling of the chair or of the Senate itself (the so-called “nuclear option”). Early in the 109th Congress, the possibility arose that Senate leadership might attempt such action during consideration of a judicial nomination that had previously been subjected to filibuster. The possibility of a “nuclear option” remained unrealized, however, after a bipartisan group of 14 Senators (who came to be called the “gang of fourteen”) reached an agreement that, unless extraordinary circumstances arose, they would refrain

from filibustering nominations and would support efforts to overcome such filibusters.

2007–2008—No proposals to amend the cloture rule were offered. S. Res. 83, submitted by Senator Specter, proposed to prevent a Senator from “filling the amendment tree” by successively offering all the amendments that Senate practice would permit to be pending simultaneously. The majority leaders in the 109th and 110th Congresses had used this practice with some frequency as a means of temporarily preventing other Senators from offering any amendments to a pending measure. S. Res. 83 was referred to the Committee on Rules and Administration and received no further action.





## SELECTED OUTSTANDING SENATE FILIBUSTERS, 1841–2008

As the title of this chronology indicates, its contents do not present, and are not intended to present, a definitive or comprehensive identification of every filibuster that may have occurred throughout the history of the Senate. Its limitations stem from several causes.

For one thing, a filibuster is not a formal procedural action; Senators do not filibuster by “invoking a filibuster” or making use of some specific “filibuster rule.” Rather, a filibuster is a strategy of the legislative process that may be carried out through a variety of actions. Accordingly, there is no technical definition of what exactly constitutes filibustering, nor is there even a generally accepted understanding of what it may entail. Indeed, changes appear to have taken place over time in the character of proceedings likely to be called filibustering. The term has historically been used to refer not only to indefinitely extended debate, and certainly not only to a single long address by a single Senator, but rather to any actions intended to block or delay Senate approval of a bill (or other matter) by preventing the Senate from reaching a final vote thereon. Under this concept, which was explicitly enunciated by one distinguished former Chairman of the Committee on Rules and Administration, filibustering may include obstructive or dilatory proceedings of all kinds.

In this sense, filibustering may also be seen as a matter of degree: some filibusters may be more intense, others more nearly casual, and no sharp line can be drawn between filibustering and ordinary opposition to a measure. In addition, if a filibuster is defined by its intent, the question whether specific proceedings constitute a filibuster must remain a matter of judgment rather than simple application of criteria, for supporters of measures may discern an intent to block a measure even as opponents disavow any such motivation.

Nor can the use of cloture motions be used as a definitive indicator of filibustering. Filibusters are conducted by opponents of measures, while cloture is sought by supporters; the two sides may differ in their judgment of whether the use of cloture is needed in order to bring consideration to a close. Before the 1970’s, in particular, cloture often was not sought even after consideration of a measure had been long extended, whereas, especially in more recent times, cloture has often been sought even before, or in the absence of, any overt evidence of filibustering. For all these reasons, there may be no universally adequate way to specify rigorously what constitutes a filibuster.

These considerations help to show why the selections in this chronology may appear to meet no uniform standard. In addition, various portions of this compilation have been prepared at various times, by various researchers, based on various sources and approaches, using various criteria of selection. None of these, moreover, appear

to have been recorded in any statement of method, criteria, or approach, either in the document itself or in any other form available to the coordinators of the present edition. As a result, the successive researchers who have extended the list, including those responsible for the current update, have, in general, remained unable to take account of the standards governing the approaches taken by their predecessors either as a guide to their own work or as a basis from which to advance. Nor, in general, have successive researchers had the capacity to revise the previous work retrospectively into consistency with their own approaches. For all these reasons, the items presented cannot be considered to constitute an exhaustive list of filibusters, and in particular, the 1841 contest of the Senate printers should not definitively be regarded as the “first filibuster.”

For different periods, as a result, entries in the chronology may provide either extensive descriptions of positions and strategies in policy debates, summaries emphasizing courses of procedural action, consolidated accounts of action on several concurrent measures, or brief annotations only. Some entries note, while others omit, measure numbers or information on the length of consideration. For some periods the selection seems dictated chiefly by whether or not cloture was moved; for others, scant information on any form of procedural action is offered.

The material added for the present edition of this volume, covering the years 1985 through 2008, attempts to address these ambiguities by offering a more uniform presentation and sufficient explicitness of description to allow users to make judgments, in relation to the items included, by standards they deem appropriate. Each new entry begins by identifying the number and subject of the measure in question (or name and position of the nominee), including, where appropriate, the number of any House companion measure and of any resulting Public Law. It ends by giving a range of dates within which floor consideration of the matter (including both initial and final consideration, and including any companion measure) occurred, and the total number of days on which any consideration actually occurred. These features are intended to aid further research into the cases selected. The body of the entry is intended to identify the main procedural actions and other features of consideration that might be taken (along with the length of consideration) to indicate the occurrence of a filibuster, as well as noting the chief issues in controversy, their resolution, and the ultimate outcome on the measure or matter in question.

A chief source of items to be considered for inclusion in the updated chronology was an ongoing compilation maintained by the Congressional Research Service based on the information about cloture action and other proceedings on the respective matters appearing in the Legislative Information System of the U.S. Congress (LIS), the Daily Digest of the *Congressional Record*, the *Journal of the U.S. Senate*, and the list of cloture motions and action thereon maintained by the Senate Library. Also used were published media accounts, and lists of filibusters compiled by Professors Lauren Cohen Bell of Randolph-Macon College and L. Marvin Overby of the University of Missouri.

For the current edition, the authors attempted to limit the items selected for inclusion to those that most clearly and emphatically

appeared to qualify as filibusters on the basis of actions occurring on the floor. For example, a bill that was considered over two weeks, with multiple cloture votes both on the bill and one or more amendments, would typically be included, especially if there was evidence of contention over the amendments and difficulties in finding an accommodation on them. On the other hand, for example, it was common during the period covered for cloture to be moved immediately on a motion to proceed to consider a bill, for the Senate to turn to other business until the cloture vote, and when cloture was rejected, for the matter to receive no further action. This sequence of events could plausibly indicate a threatened filibuster, but bills undergoing proceedings of this kind were omitted from the compilation as not constituting an actual filibuster on the floor.

- 1841—A bill to remove the Senate printers was filibustered against for ten days.
- 1841—A bill relating to the Bank of the United States was filibustered for fourteen days and caused Senator Clay to introduce his cloture resolution.
- 1846—The Oregon Bill was filibustered for two months.
- 1863—A bill to suspend the writ of habeas corpus was filibustered.
- 1865—Reconstruction of Louisiana bill was filibustered for five days.
- 1876—An army appropriation bill was filibustered against for twelve days, forcing the abandonment of a rider which would have suspended existing election laws.
- 1879—A four-day filibuster halted repeal of election laws.
- 1881—A measure to reorganize the Senate was filibustered from March 24 to May 16, 26 session days, by an evenly divided Senate, until two Senators resigned, giving the Democrats a majority.
- 1890—The Blair Education Bill was filibustered for 26 days.
- 1890—The “force bill,” providing for federal supervision of elections, was successfully filibustered for 29 days. This resulted in the cloture resolution introduced by Senator Aldrich which was also filibustered and the resolution failed. Total filibuster time: 33 days.
- 1893—An unsuccessful filibuster lasting 46 days was organized against a bill for the repeal of the Silver Purchase Act.
- 1901—Senator Carter successfully filibustered a River and Harbor for one day bill because it failed to include certain additional appropriations.
- 1903—There was a successful filibuster against a Tri-State Bill proposing to admit Oklahoma, Arizona and New Mexico to statehood, because the measure did not include all of Indian Territory according to the original boundaries.
- 1903—Senator Tillman filibustered against a deficiency appropriation bill because it failed to include an item paying his state a war claim. The item was finally restored to the bill.
- 1903—A River and Harbor bill was filibustered one day.
- 1907—Senator Stone filibustered two days against a ship subsidy bill.
- 1908—Senator La Follette led a filibuster lasting twenty-eight days against the Vreeland-Aldrich Emergency Currency Law. The filibuster finally failed.

- 1911—Senator Owen filibustered a bill proposing to admit New Mexico to statehood. The House had accepted New Mexico, but refused Arizona because of her proposed constitution. Senator Owen filibustered against the admission of New Mexico until Arizona was restored to the measure. The bill eventually failed to pass. Two days.
- 1911—The Canadian Reciprocity Bill passed the House and failed because of a filibuster in the Senate. It passed Congress in an extraordinary session, but Canada refused to accept the proposition.
- 1913—A filibuster was made against the Omnibus Public Buildings Bill by Senator Stone until certain appropriations for his state were included.
- 1914—Senator Burton filibustered against a River and Harbor bill for twelve hours. Total filibuster time on this bill was 11 days.
- 1914—Senator Gronna filibustered against acceptance of a conference report on an Indian Appropriation Bill.
- 1914—The following bills were debated at great length, but finally passed: Panama Canal tolls bill, 30 days; Federal Trade Commission Bill, 30 days; Clayton Amendments to the Sherman Act, 21 days; Conference report on the Clayton Bill, nine days.
- 1915—A filibuster was organized against President Wilson's Ship Purchase bill by which German ships in American ports would have been purchased. The filibuster, which lasted 33 days, was successful and as a result three important appropriation bills failed.
- 1917—The Armed Ship bill of President Wilson was successfully filibustered for 23 days, and caused the defeat of many administration measures. This caused the adoption of the Martin resolution embodying the President's recommendation for a change in the Senate Rules on limitation of debate, known as the cloture rule.
- 1919—A filibuster was successful against an Oil and Mineral Leasing Bill, causing the failure of several important appropriation bills and necessitating an extraordinary session of Congress.
- 1919–1920—President Woodrow Wilson submitted the Treaty of Versailles (also known as the Treaty of Peace with Germany, S. Doc. No. 51) on July 10, 1919. The Senate Foreign Relations Committee reported the treaty to the Senate with a series of amendments and reservations on September 10, 1919. Beginning on September 15, the Senate considered the treaty for 50 days, first rejecting all attempts to amend the treaty, then voting on scores of reservations to it. On November 13, Majority Leader Lodge filed a cloture motion on the resolution of ratification, which included the reservations to the treaty to which the Senate had agreed. *The Senate's first cloture vote took place on November 15*, and cloture was invoked, 78–16. Subsequently, the Senate rejected the resolution of ratification, 39–55, well short of the two-thirds majority needed to ratify a treaty (63, in this instance). An attempt to ratify the treaty without any reservations was also defeated, 38–53. A further attempt to ratify the treaty with a modified set of reservations failed, 49–35, on March 18, 1920, and the next day,

- the Senate voted 47–37 to send the treaty back to the President.
- 1921—The Emergency Tariff bill was filibustered against in January, 1921, which led Senator Penrose to present a cloture petition. The cloture petition failed, but the tariff bill finally passed.
- 1922—The Dyer Anti-Lynching Bill was successfully filibustered for four days by a group of Southern Senators.
- 1923—President Harding’s Ship Subsidy Bill was defeated by a filibuster lasting two and a half months.
- 1925—Senator Copeland talked at length against ratification of the Isle of Pines Treaty with Cuba, but the treaty was finally ratified.
- 1926—A ten-day filibuster against the World Court Protocol was ended by a cloture vote of 68–26, the second time cloture was adopted by the Senate; the first being on the Versailles Treaty debate in 1919.
- 1926—A bill for migratory bird refuges was filibustered by states’ rights advocates in the spring, a motion for cloture failing, 46–33.
- 1927—Cloture again failed of adoption in 1927, when it was rejected by 32–59, on the Swing-Johnson Bill for development of the Lower Colorado River Basin. (five days).
- 1927—One of the fiercest of all filibusters succeeded in March 1927 in preventing an extension of the life of a special campaign investigating committee headed by James A. Reed of Missouri. The committee’s expose of corruption in the 1926 senatorial election victories of Frank L. Smith in Illinois and of William S. Vare in Pennsylvania had aroused the ire of a few Senators who refused to permit the continuance of the investigation despite the wishes of a clear majority of the Senate.
- 1933—Early in the year, a two-week filibuster was staged against the Glass Branch Banking Bill, marking the first time Senator Huey Long participated as a leading figure. “Senators found him impervious to sarcasm and no man could silence him.” Cloture was defeated by the margin of a single vote. Finally, the filibuster was abandoned and the bill passed.
- 1935—The most celebrated of the Long filibusters was staged on June 12–13. Senator Long spoke for fifteen and one-half hours in favor of the Gore amendment to the proposed extension of the National Industrial Recovery Act. The amendment was finally tabled.
- 1935—An Anti-Lynching Bill was filibustered for six days.
- 1938—A 29-day “feather duster” filibuster in January-February, 1938, defeated passage of a Federal anti-lynching bill, although a majority of the Senate clearly favored the bill.
- 1939—An extended filibuster against adoption of the conference report on monetary bill (H.R. 3325), extending presidential authority to alter the value of the dollar, continued from June 20 to July 5, 16 days. On July 5, the Senate voted 43–39 to adopt the conference report.
- 1942, 1944, 1946, 1948—Four organized filibusters upon the perennial question of Federal anti-poll-tax legislation were successful in these years. An attempt to pass fair employment practice legislation in 1946 was also killed by a filibuster. The

- Senate cloture rule proved ineffective in these cases as a device for breaking filibusters.
- 1949—A motion to take up a resolution (S. Res. 15) to amend the cloture rule was debated at intervals in the Senate from February 28 to March 17, when it was amended and agreed to.
- 1950—A motion to take up the Fair Employment Practices Commission (FEPC) bill (S. 1728) was debated in the Senate, May 8–19, 1950, a total of nine days. Ten Senators spoke in favor of the motion to take up (in support of the bill) and eight Senators spoke against the motion. According to a rough calculation, the proponents of the motion and bill used 35 percent, and the opponents used 65 percent, of the space in the *Congressional Record* devoted to the subject. During the nine-day period 3,414 inches of the *Record* were consumed with discussion of FEPC and 2,835 inches with other matters.
- 1950—Senator Malone filibustered for 11 hours against the conference report on the slot machine bill (S. 3357) in December.
- 1953—A prolonged debate took place on the so-called “tidelands” offshore oil bill. It began April 1 and ended May 5. The tidelands debate lasted for 35 days, one of the longest on record. During this debate Senator Morse established a new record for the longest single speech. On April 24–25 he spoke for 22 hours and 26 minutes.
- 1954—An extended debate occurred in July, on a bill to amend the Atomic Energy Act of 1946 (S. 3690). The debate lasted 13 days. On July 26 Senator Knowland sought to invoke cloture on S. 3690, but his motion failed, 44–42.
- 1957—On August 28–29, during the debate on the Civil Rights bill of 1957, Senator Thurmond made a 24-hour and 18-minute speech, the longest in Senate history.
- 1960—The Senate debated civil rights issues from February 15 to April 8. Actual debate on civil rights consumed 37 days, during which 45 roll call votes were taken. Eighteen Southern Senators conducted a systematic filibuster. In an effort to break the filibuster, around-the-clock sessions were held from February 29 through March 9. The Senate was in continuous session for nine days, or a total of 157 hours and 26 minutes, with two breaks.
- 1961—At the opening of the 87th Congress on January 3, Senate liberals sought to redeem the pledges of both party platforms to revise congressional procedures so that (in the language of the Democrats) “majority rule prevails and decisions can be made after reasonable debate without being blocked by a minority in either house.” After a week’s debate, much of it on the “advisory opinion” of Vice President Nixon that a majority of the Senate has a constitutional right to adopt new rules at the beginning of a new Congress by moving the previous question, two resolutions to amend the cloture rule (S. Res. 4, sponsored by Senator Anderson, for three-fifths cloture, and S. Res. 5, sponsored by Senators Humphrey and Kuchel, for majority cloture) were referred to the Committee on Rules and Administration on January 11 by a 50–46 vote on motion of Senator Mansfield, the new Majority Leader.

- 1962—In May a Southern filibuster against an Administration-backed bill (S. 2750) to make anyone with a sixth grade education eligible to pass a literacy test for voting in federal elections ran for ten days. Two cloture motions, filed by Senators Mansfield and Dirksen, failed to receive the necessary two-thirds vote. The votes against cloture were 43–53 on May 9 and 42–52 on May 14.
- 1962—An intermittent two-month filibuster was conducted (June 14 to August 14) by a group of ten “economic liberals” against the Administration supported communications satellite bill (H.R. 11040). Finally, on August 14, a Mansfield-Dirksen motion to invoke cloture was adopted by a roll call vote of 63–27. Republicans voted 34–2 for cloture; Democrats 29–25. The 63 votes in favor were three more than the two-thirds necessary to invoke cloture. This was the first time since 1927, and only the fifth time in Senate history, that the Senate voted to close debate on a bill.
- 1963—Senator Anderson on January 14 introduced a resolution, S. Res. 9, to lower from two-thirds to three-fifths of the Senators present and voting the majority needed to invoke cloture. On February 15, Senator Mansfield filed a cloture petition on the resolution. He stated that unless the cloture motion received the support of at least 60 Senators, he would favor laying aside S. Res. 9. On February 7, the Senate refused, 54–42, to invoke cloture on the pending motion to take up the resolution.
- 1964—Debate began March 9, on a motion by Majority Leader Mansfield to take up a House-passed civil rights bill (H.R. 7152). On March 16, after 16 days of debate, the Senate, by a 67–17 vote, agreed to take up the bill. Debate on the bill began March 30. By the tenth week of debate almost no significant floor action had been taken because Southern opponents were preventing final disposition of the bill and its amendments. During the 19th week of debate a compromise was worked out by the Democratic leadership, Minority Leader Dirksen, and the Justice Department. The major changes in the bill were in the enforcement of Titles II and VII covering accommodations and fair employment practices. In both cases the Government was allowed to intervene only where there was a “pattern” of discrimination. On June 1, Mansfield announced he would file a petition for cloture on June 8. The Senate on June 10, for the first time in its history voted to shut off debate on a civil rights bill (71–29). This vote ended a 57-day filibuster on the bill itself. Including debate on the motion to take up, 74 calendar days were consumed by the filibuster on the 1964 Civil Rights Act.
- 1964—On August 13, debate began on a proposed amendment put together by the Senate Republican and Democratic leadership and the Justice Department, authorizing temporary stays in the execution of any court order requiring immediate population-based reapportionment of state legislatures. The amendment, co-sponsored by Minority Leader Dirksen and Majority Leader Mansfield, was proposed as a rider to the pending foreign aid authorization bill. Dirksen had support among Sena-

- tors from all sections, many of them under heavy home state pressure to ease the immediate court pressure for reapportionment. Criticism was voiced by liberal Members of the Senate and a mild filibuster was launched by Senators Proxmire, Nelson, Douglas, Hart, and Ribicoff. By 30-63, the Senate on September 10 rejected a cloture motion by Minority Leader Dirksen to close off the Northern liberal filibuster.
- 1965—On April 22, debate began on the amended Administration-backed voting rights bill (S. 1564). The Senate leadership of both parties opposed a poll tax amendment in the bill after the Justice Department expressed doubt about its constitutionality. Accordingly, an amendment sponsored by Majority Leader Mansfield and Minority Leader Dirksen, which added to the bill a Congressional declaration that poll taxes infringed on the constitutional right to vote, was adopted on May 19. Senators Ellender, Talmadge, and Thurmond led the opposition overall to the bill. A cloture motion, adopted on May 25, 70-30, set the stage for passage of the bill on the 25th day of debate. The approval of cloture marked only the second time in history, but the second time in two years, that the Senate had voted to close off debate on a civil rights measure.
- 1965—On October 4, debate began on an Administration-backed bill to repeal Section 14(b) of the Taft-Hartley Act. Section 14(b) permitted states to enact right-to-work laws banning the compulsory union shop. Debate, although directed to the repeal proposal itself, technically was on a motion offered October 1 by Majority Leader Mansfield to make H.R. 77 the pending business of the Senate. The filibuster was conducted mainly by Republicans and Southern Democrats and led by Minority Leader Dirksen. The decision to drop the fight for repeal was made after the Senate on October 11, rejected, 45-47, a motion by Mansfield to invoke cloture on debate. Two additional cloture votes taken on the bill in February 1966 failed as well.
- 1966—On September 7, debate on a motion to consider an Administration-supported bill (H.R. 14765), the Civil Rights Act of 1966. Prospects for passage hinged upon Minority Leader Dirksen and the votes of Republican Senators. Major objections to the bill concerned Title IV (open housing provision) and Titles I and II (procedure respecting the selection of Federal and state jurors). On September 14, a motion to invoke cloture was defeated, 54-42. On September 15, Majority Leader Mansfield filed a second cloture motion which was voted on and rejected on September 19, 52-41.
- 1966—On October 7, Senator Morse introduced an amendment to the Higher Education Act of 1963 to provide for home rule in the District of Columbia. The Senate had passed a home rule bill in 1965, but the House refused to approve the Senate version, passing instead a bill providing for a charter commission. Conferees never met on these entirely different bills. The Morse amendment was an effort to force the House into accepting home rule for the District. On October 10, the Senate rejected, 41-37, a motion by Majority Leader Mansfield to invoke cloture on a threatened Southern filibuster against the home rule rider. After cloture failed, the Morse amendment



was tabled, ending all possibility of home rule legislation in the 89th Congress. The short debate on the Morse amendment was occasioned by the leadership's desire to push on with the legislative agenda as adjournment was at hand.

- 1967—On January 12, debate began on proposals to modify the existing cloture rule which permitted the ending of a filibuster by a two-thirds vote of the Senators present. The proposed change advocated by Senator McGovern and other liberals would have permitted three-fifths of those present and voting to end debate. Senator Russell, unofficial leader of those opposing change, was primarily supported by Senators Ervin and Dirksen. Majority Leader Mansfield filed a cloture petition on January 19. When the motion was defeated on January 24, 53–46, Senator Javits asked Majority Leader Mansfield to file a second cloture petition. Mansfield refused since no Senator on either side of the question was willing to change his vote.
- 1967—In the course of considering an investment tax credit bill (H.R. 6950), the Senate spent five weeks further debating the Presidential Election Campaign Fund Act, enacted in the previous year. A group of Senators concerned about fraud and the allocation of money within the fund pushed for repeal of the law; Minority Whip Long, author of the campaign fund law, vehemently opposed repeal and offered a proposal to establish a new fund, similar to the existing one, but with more controls on how funds could be spent. The Senate on April 13, voted 48–42, to repeal the law at the end of July, but on April 20, it also adopted Long's amendment, 46–20. On April 25 the Senate then adopted, 64–22, Majority Leader Mansfield's motion to recommit the bill that: 1) stripped all previously adopted amendments from the bill; 2) repealed the campaign fund law as of July 31, 1967; and 3) instructed the Finance Committee to report revisions of the 1966 law within six weeks. After it became clear that debate would continue on the campaign fund, Majority Leader Mansfield proposed to delete the repeal in the re-reported bill, but prohibit any expenditure from the fund until Congress passed a new law clarifying how the money was to be used. The Senate adopted this compromise, 93–4, and passed the bill, 93–1.
- 1968—When the Senate returned to work January 15, its pending business was an Administration-backed bill (H.R. 2516) which provided protection for civil rights workers and others exercising their federally guaranteed rights. Formal debate began January 18. Southerners criticized the parliamentary move by which H.R. 2516 had been made the pending business at the end of the 1967 session. In previous years, Southerners usually filibustered the motion to formally begin consideration of civil rights legislation, but this was denied them on H.R. 2516. Leading the opposition was Senator Ervin. On February 6, Senator Mondale proposed an open housing amendment to the bill which was cosponsored by Senator Brooke and endorsed by the Leadership Council on Civil Rights. President Johnson urged the Senate to adopt the open housing amendment. This amendment was vigorously contested in debate by those opposed to it.

Majority Leader Mansfield filed a cloture motion on February 16, which was rejected on February 20, 55–37. On February 26, the Senate defeated a second cloture motion on the open-housing amendment, 56–36. Minority Leader Dirksen was considered instrumental in the defeat of this second motion. A 59–35 vote (4 short of adoption) defeated a third motion for cloture on March 1. This motion was on a compromise version of the amendment introduced by Dirksen and was expected to be adopted. The compromise would have reduced coverage on the open housing amendment, exempting owner-occupied single family dwellings that were rented or sold privately.

The fourth, and final, cloture vote, March 4, also came on the Dirksen compromise and the Senate voted to invoke cloture, 65–32. H.R. 2516 passed the Senate and eventually became law.

- 1968—On September 17, the Senate Judiciary Committee by an 11–6 vote recommended the confirmation of Justice Abe Fortas for the post of Chief Justice of the United States. On September 24, Majority Leader Mansfield called the Senate into executive session and moved for the Senate to consider the nomination. The motion to consider the nomination was debatable, and a filibuster to prevent a roll call vote on that motion began on September 25. Senator Griffin led the fight against the nomination. This was the first time cloture was sought on a nomination. On September 27, Mansfield introduced a cloture motion which was defeated on October 1 by 45–43. On October 2, President Johnson withdrew his nomination of Abe Fortas to be Chief Justice of the United States.
- 1969—Debate began on January 9 on S. Res. 9, to amend Rule XXII so that the votes required for cloture be changed from two-thirds to three-fifths of those present and voting. On January 28, the Senate defeated a second attempt by Senate liberals to invoke cloture, the first being an abortive parliamentary maneuver to invoke majority cloture.
- 1969—Lengthy debate occurred in the Senate on S. 2546, a defense procurement authorization bill. At issue were funds for deployment of a controversial Anti-Ballistic Missile (ABM) Safeguard system. Senate consideration of the bill was the longest debate on any military measure since 1945 and one of the longest debates in the history of the Senate. Debate commenced July 8, with Committee Chairman Stennis arguing in favor of passage of the bill including the ABM provision. Opponents of the ABM provisions were led by Senators Cooper, Hart, and Gore. They argued that the ABM would not work, was obsolete before begun, was a threat to world peace, and harmful to possible arms limitation talks with the Soviet Union. Proponents claimed the system was necessary to protect U.S. missile sites, would work, and that the Russians were not upset at the thought of deployment since they themselves were safeguarding their sites and cities. Debate continued fairly constantly from July 8 to August 6. On successive roll calls of 50–51 (Vice President Agnew casting a negative, but unneeded, vote) and 49–51 the Senate approved the authoriza-

tion in the bill for partial deployment of Safeguard antiballistic missiles by striking down amendments which would have prevented deployment. This occurred on August 6. Debate on other parts of the bill continued through August 12. Debate recommenced September 3, lasting until September 18, when the Senate passed S. 2546. Debate occurred on this bill on 34 days.

- 1970—Seven weeks of debate occurred on the Cooper-Church amendment to the Foreign Military Sales Act (S. 3429, H.R. 15628). The amendment was occasioned by President Nixon's ordering of U.S. troops into Cambodia to eliminate Vietcong and North Vietnamese caches of weapons and food. The Cooper-Church amendment prohibited the President from retaining troops in Cambodia after July 1, without specific Congressional authorization. Administration supporters in the Senate spoke at length against the amendment in order to delay a vote until the troops had withdrawn on July 1 as scheduled by the President. Certain amendments were added to the original wording of the Cooper-Church amendment in an attempt to preserve presidential initiative in the deployment of U.S. troops abroad, and to underscore his constitutional powers to take action to protect American troops engaged in combat. Debate on the amendment commenced May 13. On June 24, the Senate voted 81-10 to repeal the Tonkin Gulf resolution of 1964, which President Johnson had used to support his escalation of the war in South Vietnam. On June 30, the Senate adopted a revised Cooper-Church amendment by vote of 58-37.
- 1970—A month was spent debating S.J. Res. 1, an amendment to the Constitution to abolish the Electoral College and substitute direct election of the President and Vice President, with provision for a runoff election should no ticket receive 40 percent of the popular vote in the first election. Opposition to the proposal was led by Senator Ervin, who, together with other Southern Senators and some Senators from small states, argued that to abolish the Electoral College would damage our Federal system of Government, diminish conservative political strength, diminish the power of small states, and create splinter parties. Proponents, led by Senators Bayh, Bellmon, and Hart argued that direct election would correct three shortcomings in the present method of electing the President: (1) the possibility of electing a President who receives fewer popular votes than his opponents; (2) the disenfranchising of many voters because of the unit rule which allots all a state's electoral vote to the winning candidates; and (3) the problem of the independent elector. Debate on the proposal began September 8. The first cloture vote was taken on September 17, failed, 54-36, 6 short of the required two-thirds vote under Rule XXII. Debate continued. On September 24, Senator Bayh attempted to set aside the joint resolution to take up other noncontroversial legislation, but the Senate prevented it. A second cloture vote was taken September 29, which also failed, 53-34. Senator Mansfield filed a third cloture petition with a vote scheduled for October 6. Proponents were unable to gain the necessary numbers to invoke cloture, however, so

- on October 5, by agreement, the proposal was set aside until after the Senate returned from the election recess. S.J. Res. 1 was never taken up and died with the adjournment of the 91st Congress.
- 1970—President Nixon's welfare plan (Family Assistance Plan) was passed by the House in April (H.R. 16311). In November the House passed a Shoe-Textile Import Quotas bill (H.R. 18970) which would have curtailed the importation of foreign-made shoes and textiles into the United States. In the Senate, amended versions of both these measures were attached to the Social Security Amendment Act of 1970 (H.R. 17550) by the Finance Committee. This measure was reported to the floor of the Senate late in the session. Opponents of one or the other of these measures began at once to filibuster against them December 17. With Congress heading toward expiration of its term, Senator Long, chairman of the Finance Committee, agreed to drop the controversial FAP and Trade Quota attachments to the Social Security benefits' increase.
- 1970—The Senate and the House became embroiled over the appropriation of funds for a controversial Supersonic Transport. The House had approved \$290 million for continued construction of the plane in the Transportation Appropriations Act for fiscal 1971 (H.R. 17755). The Senate had voted to strike all funds for continued development. Senate conferees, however, agreed to a \$210 million compromise. Senator Proxmire took exception to this agreement and began to filibuster the conference report on December 16. Minority Leader Scott filed a cloture petition immediately. It was defeated on December 19, 43–48. A second cloture attempt failed on December 22, by a 42–44 vote. Following a Christmas recess, a compromise was worked out and Congress passed a continuing appropriation for the Department of Transportation and related agencies, funding their activities, including the SST, through March 30, 1971, at the levels approved in H.R. 17755. Assurances were given to opponents of the SST that a separate vote on continuance of the plane would be held in 1971.
- 1971—On January 25, the Senate began debate on S. Res. 9 to amend Rule XXII to reduce the number of votes required to invoke cloture from two-thirds to three-fifths of those present and voting. During six weeks of debate, proponents of the Rules change tried unsuccessfully to invoke cloture on four occasions. After the rejection of the fourth cloture motion, the Senate abandoned attempts to reform Rule XXII in the 92nd Congress.
- 1971—The attempt to obtain a two-year extension of the draft (H.R. 6531) provoked lengthy debate on (1) the merits of the nation's conscription system and (2) the war in Vietnam. Those who favored speedy U.S. withdrawal from Vietnam sponsored a number of amendments to H.R. 6531 stipulating a date certain for withdrawal of all U.S. troops from Indochina. For example, the Senate defeated the McGovern-Hatfield amendment but adopted an amendment sponsored by Majority Leader Mansfield requiring the withdrawal of all U.S. troops

from Indochina within nine months, subject to the release of all American prisoners of war.

Senator Gravel and other opponents of the war and the draft hoped to continue debate indefinitely on the bill. On June 23, however, the Senate invoked cloture, 65–27. It was only the ninth time that the Senate had invoked cloture since the adoption of Rule XXII in 1917 and the first time since 1968. Cloture was largely attributable to the support of Senators who had never before voted to restrict debate—Bible, Ervin, Hansen, Hollings, Jordan, Sparkman, Stennis, Talmadge, and Thurmond. These Senators argued that the extension of the draft was vital to the national security and outweighed their preference for unlimited debate.

When the House refused to adopt the Mansfield amendment in conference, Senators Gravel and Cranston attempted to begin another filibuster over approval of the conference report. On September 13, the Senate began its consideration of the conference report. On September 21, cloture was invoked, 61–30. Immediately after cloture was invoked, the Senate approved the conference report, 55–30.

- 1971—The Administration's proposal to guarantee a \$250 million bank loan to Lockheed Aircraft Corporation prompted one of the most closely fought legislative battles of the 92nd Congress. The Senate bill, S. 2308, established a program authorizing federal loan guarantees of up to \$250 million to failing businesses judged essential to the national economy. To bring S. 2308 to the public's attention, Senator Proxmire and others began a lengthy debate.

Proponents of the bill, including Senator Tower, ranking minority member of the Banking, Housing and Urban Affairs Committee, and Senator Sparkman, Chairman of the Committee, said Senator Proxmire was leading a filibuster to prevent the Senate from voting on the measure before the scheduled August 6 recess.

Almost immediately after the debate began (July 21), Senators Tower and Sparkman circulated a cloture petition. The first attempt to invoke cloture came on July 26, and failed, 42–47. Two days later a second attempt was defeated 59–39.

Senator Proxmire offered to cooperate in ending debate if S. 2308 were withdrawn in favor of a bill that guaranteed a loan to Lockheed only. After a third unsuccessful attempt (July 30) to invoke cloture, Proxmire's compromise was agreed to. On Friday, July 30, the House passed 192–189 a loan guarantee of \$250 million to Lockheed. On Monday, August 2, the Senate passed the House bill, H.R. 8432, by a 49–48 vote.

- 1971—President Nixon's nomination of William H. Rehnquist, Assistant Attorney General in the Department of Justice, to fill the Supreme Court vacancy created by the retirement of Associate Justice John Marshall Harlan, provoked one of the briefest debates ever to be termed a Senate filibuster. After five days of hearings on the nominations of Rehnquist and Lewis F. Powell, Jr., to the Court, the Senate Judiciary Committee filed reports on November 30, certifying that both men were qualified to serve on the Court. After perfunctory debate, the

Senate confirmed Powell's appointment on December 6, 89–1. That same afternoon, discussion began on the confirmation of Rehnquist. Senator Bayh, who played a major role in the fight against confirmation of two earlier Nixon appointees to the Court, Judge Clement Haynsworth and Judge G. Harold Carswell, urged the Senate to thoroughly consider the Rehnquist nomination before making a final decision.

Senator Bayh and others expressed doubt about Rehnquist's sensitivity on questions of equal rights for minorities and on other constitutional questions. Those who supported the Rehnquist nomination, including Minority Whip Griffin, asserted that opponents of the nomination were trying to delay the nomination indefinitely while Congress was seeking to adjourn sine die. On December 7, Senator Griffin charged Senator Bayh with leading a filibuster against a nomination which had overwhelming Senate support. On December 8, Senate Minority Leader Hugh Scott of Pennsylvania filed a cloture motion. That attempt failed, 52–42. After cloture was rejected, Senator Bayh moved to postpone final consideration of the nomination until January 18, 1972, in order to give Senators additional time to consider the nomination. The Senate rejected Senator Bayh's motion 70–22. After losing this vote, Senator Bayh was no longer willing to delay the Senate vote on the nomination; that same afternoon the Senate confirmed Rehnquist's appointment to the Court, 68–26.

1972—An attempt to broaden the powers of the Equal Employment Opportunities Commission (EEOC) was filibustered briefly before it was finally passed on February 22. Since the establishment of the Commission under the Civil Rights Act of 1964, advocates had pushed for legislation to grant EEOC broad enforcement powers, particularly the authority to issue cease-and-desist orders to employers who failed to comply with Federal equal employment opportunity standards. That authority was granted the Commission in S. 2515, a measure reported in October 1971 from the Committee on Labor and Public Welfare.

Floor debate began on January 19, with Labor and Public Welfare Chairman Senator Williams and ranking minority member Senator Javits strongly supporting the committee bill. Senators Ervin and Allen were among the chief opponents of S. 2515. Senator Dominick led those who supported the Administration's position, i.e., that the Commission's enforcement powers should be through court suits rather than through their own cease-and-desist orders.

Refusing to accept the cease-and-desist provisions of S. 2515, Dominick and others defeated two attempts to invoke cloture on the bill. The first came on February 1 and failed, 48–37. A second attempt two days later failed, 53–35.

On February 15, after twice rejecting earlier attempts to substitute language deleting the Commission's cease-and-desist powers, the Senate adopted, 45–39, an amendment sponsored by Senator Dominick to provide court enforcement of the Commission findings. The Senate then invoked cloture on February 22, by a vote of 71–23 and passed S. 2515, 73–16.

1972—The question of adopting an interim U.S.-Soviet arms control pact—S.J. Res. 241—led to a filibuster by those desiring to amend the agreement, a filibuster that came as a surprise to the backers of S.J. Res. 241. On August 3, the Senate ratified a U.S.-Soviet treaty limiting the number of anti-ballistic missile systems that each nation could possess. During the debate on the treaty, Senator Jackson announced that he and Senators Scott and Allott would propose an amendment to S.J. Res. 241, a follow on executive agreement that limited strategic offensive weapons, that would establish conditions for negotiations aimed at a permanent offensive weapons agreement. The amendment stipulated (1) that any future agreement should assure nuclear equality for both nations; (2) that U.S. efforts in defense-related research and development should continue; and (3) that failure to successfully negotiate an offensive weapons agreement by 1977 would be grounds for abrogating the ABM treaty.

Foreign Relations Committee Chairman Fulbright urged that the amendment be rejected, and he charged the supporters of the amendment with filibustering against the agreement itself. When Jackson and Fulbright could not agree on a schedule for consideration of the Jackson amendment and possible amendments to the Jackson amendment, the Senate deferred additional action on the agreement until after its August 19 recess for the Republican convention.

When the Senate reconvened on September 5, Senate leaders were still unable to reach a scheduling agreement acceptable to both opponents and supporters of the Jackson amendment. On September 13, Senators Mansfield and Scott headed the list of those signing a cloture petition to end debate on the Jackson amendment and the interim arms control agreement. On Thursday, September 14, the Senate invoked cloture, 76–15. After rejecting substitute amendments by Senators Fulbright, Symington, and Muskie, the Senate approved the Jackson amendment, 56–35. Shortly thereafter, the Senate gave final approval to the agreement itself, 88–2.

1972—Legislation establishing an independent Consumer Protection Agency (CPA) was blocked by a filibuster during the closing days of the 92nd Congress. S. 3970, sponsored by Senators Ribicoff, Percy, and Javits, would have created an independent non-regulatory agency authorized to represent consumer interests during formal and informal court proceedings involving Federal agencies. In addition, the CPA could be called in by state governments to assist in agency proceedings or court action at the state and local level which affected consumer interests.

The Senate began its debate on S. 3970 on September 21. Five days later the Senate defeated an amendment offered by Senator Allen which would have restricted the new agency's involvement in court actions affecting consumer interests. Following the defeat of the Allen amendment, Senators Ervin and Allen began a filibuster to prevent proponents of the bill from bringing the measure to a vote.

On September 29 the Senate defeated an attempt to invoke cloture, 47-29. On October 3, the Senate again refused to curtail debate, defeating a second cloture motion, 55-32. Following an unsuccessful attempt by Senator Percy to arrange a compromise to curtail debate, the Senate defeated a third cloture motion 52-30, thus preventing the passage of S. 3970.

1972—Senate action on H.R. 13195, an anti-busing bill passed by the House, was blocked by a filibuster as the 92nd Congress drew to a close. Known as the Equal Education Opportunities Act, H.R. 13195 would have sharply narrowed the circumstances in which busing could be used to combat segregation in public elementary and secondary schools. Furthermore, the bill would have called for a reevaluation of all previous busing orders by federal courts and agencies in light of the new restrictions set forth in the bill.

Anticipating a possible delay in the Senate Labor and Public Welfare Committee, the bill's proponents, led by Senator Allen, succeeded in having H.R. 13195 placed directly on the calendar without referral to the appropriate standing committee. Supporters of the bill, fearing a filibuster, filed a cloture petition on October 6, before debate had formally begun. The first vote on cloture came on October 10, and failed by a 45-37 margin.

Proponents of the bill, including Senators Griffin and Baker, charged that opponents of H.R. 13195 were conducting a filibuster to prevent a vote on the bill from taking place. The next day, a second cloture vote failed 49-39. Among those voting for cloture was Senator McClellan, the last remaining Senator to have never before voted for cloture. On Thursday, October 12, a third cloture vote failed, 49-38. Shortly thereafter, the Senate agreed to take up consideration of the Supplemental Appropriation Act of 1973, thus abandoning for 1972 any attempt to curtail school busing.

1973-74—An effort to attach campaign financing legislation to the Debt Ceiling bill, H.R. 11104, provoked a four day filibuster that for two days left the United States Treasury without the legal authority to borrow money.

The situation arose when an amendment by Senators Kennedy and Scott providing for the public financing of congressional and Presidential elections was adopted by the Senate; H.R. 11104 had been previously passed by the House. The House, however, refused to accept the Senate amendments, and a compromise was worked out whereby the Senate would remove the provisions for public financing in congressional campaigns and re-pass the measure with public financing only for Presidential elections. It was at this point that Senator Allen, who opposed all of the public financing provisions, initiated his filibuster, thus preventing the bill from going to a conference committee. During four days of debate, including sessions on both Saturday and Sunday, the Senate twice defeated cloture motions, 47-33 (December 2) and 49-39 (December 3). Since it was estimated that the Government would be bankrupt by the end of the week unless the debt ceiling was raised and extended as provided in H.R. 11104,



the Senate agreed to drop all public financing provisions and pass the bill.

The issue, however, was not dead, as public financing proponents agreed to drop their fight only upon the guarantee that the Senate Committee on Rules and Administration would report out public financing legislation early in 1974. Another filibuster mounted against this bill, S. 3044, was defeated, 64–30, on April 9, 1974 (an earlier attempt at cloture during debate on S. 3044 had failed, 60–36, on April 4). This bill, the Federal Election Campaign Act Amendments of 1974, eventually became Public Law 93–443, although the public financing provisions pertained only to Presidential campaigns.

1974—Four attempts at invoking cloture failed as the Senate debated the Consumer Protection Act, S. 707, for nearly two months. The bill was heavily lobbied on both sides. The Consumer Federation of America, Ralph Nader's Congress Watch, and the AFL–CIO supported the measure, while the National Association of Manufacturers and the U.S. Chamber of Commerce opposed it, Senators Allen and Ervin led the filibuster, basing their opposition on the bill's provisions for an independent Consumer Protection Agency. Proponents of S. 707 predicted that the issue would be raised again in the 94th Congress.

The dates and votes of the four cloture attempts follow: July 30 (56–42), August 1 (59–39), August 20 (59–35), September 19 (64–34).

1974—A series of six cloture votes (four successful) on five different measures occurred during the last week of the 93rd Congress (December 13–20). Notable was a filibuster led by Senator Allen on a technical amendment, regarding school desegregation, to a Supplemental Appropriations Bill conference report. The amendment was offered after the conference report had passed the Senate. The filibuster to prevent its inclusion lasted five days; cloture was successfully invoked on the first attempt, December 14.

At roughly the same time, the Senate had been considering a conference report extending the Export-Import Act (debate began on November 26). Four attempts to invoke cloture failed and the report was twice returned to the conference committee by the Senate with instructions to include the Senate position on a number of issues. When final passage came on December 19, the report had been so amended.

Also, at the end of the session, the Senate invoked cloture on three bills (Trade Reform on December 13; Social Services on December 17; and Upholstery Import Regulations/Taxes and Tariffs on December 17) primarily to ensure germaneness of amendments rather than to cut off debate. In fact, cloture motions were filed prior to the beginning of debate on these measures and the purpose was also announced at this time.

1975—Prior to adoption of a modified cloture rule, the Senate voted under the old cloture rule to end debate on House amendments to S. 281, the Regional Railroad Reorganization Act Amendments of 1975. The vote to close debate was 86–8. Debate on the measure had only filled part of three days, but

- cloture was invoked primarily to insure adequate funding of certain railroads facing bankruptcy at the end of February.
- 1975—Two additional cloture votes under the old Rule XXII were taken in the course of Senate debate on a modified filibuster rule. S. Res. 4, as introduced, proposed to reduce the required vote to close debate to three-fifths of those Senators present and voting. Parliamentary maneuvers by several Senators, most notably Senator Allen, prevented the Senate from taking a vote to close debate by a simple majority. In a compromise measure, the Senate overturned an earlier vote by which it had affirmed its right to close debate on a Rules change at the start of a Congress by a simple majority. In so doing, the Senate reaffirmed the doctrine of the Senate as a continuing body. A compromise resolution was substituted for the original language of S. Res. 4 and provided that cloture could be invoked, except on matters relating to Senate Rules, by three-fifths vote of all Senators duly elected and sworn. In matters relating to Senate Rules, cloture could be invoked by a two-thirds vote of those Members present and voting. Cloture was invoked on this compromise language twice, on March 5, and on March 7, in both cases by votes of 73–21.
- 1975—The Senate established a new record for unsuccessful cloture votes taken on one measure during its consideration of the New Hampshire senatorial contest. During 24 days of consideration of S. Res. 166 expressing the sense of the Senate on certain procedural questions surrounding the New Hampshire dispute, six cloture votes were taken, and all failed to receive the necessary sixty votes to close debate. The issue was resolved when the contestants for the Senate seat agreed to withdraw their claims and participate in a new election. The Senate, in an amendment to S. Res. 54 (providing funds for the Select Committee on Nutrition), declared the seat vacant and postponed further consideration of S. Res. 166 indefinitely. The dates and votes on the six cloture motions are as follows: June 24 (57–39); June 25 (56–41); June 26 (54–40); July 8 (57–38); July 9 (57–38); and July 10 (54–38).
- 1975—The Tax Reduction Act of 1975 was the first measure to be brought to a vote through the revised cloture rule. Senator Hollings filed cloture motions shortly after the bill was brought to the Senate floor in order to end debate and pass the tax bill before a spring recess. The Senate failed to invoke cloture on March 20, by one vote, 59–58; a cloture vote the following day passed, 83–13.
- 1975—The consumer protection agency bill which had been successfully filibustered in the 93rd Congress passed in the 94th Congress after the Senate invoked cloture on May 13, 71–27. The bill had been pending before the Senate for five days.
- 1975—A resolution expressing the disapproval of the Senate toward the removal of oil price ceilings was tabled after the Senate failed to invoke cloture on July 28, 54–38. The resolution had been debated by the Senate for six days.
- 1975—The first Senate filibuster after the August recess was directed in favor of a series of anti-busing amendments offered by Senators Byrd and Biden to the Labor-HEW Appropria-

- tions Bill. Under the principal direction of Senator Byrd, the filibusters were determined to force a recorded vote on the anti-busing amendments. It was thought by many that a vote to table the amendments would pass, but that if a recorded vote on the amendments themselves could be forced, the anti-busing provisions would be passed. One cloture motion failed, 46–48. After the Senate voted 51–45 to pass the Byrd anti-busing amendments, a second cloture motion was approved 64–33 on September 24. The bill was before the Senate for eight days.
- 1975—Three separate motions, all offered by Majority Leader Mansfield, were eventually required to end debate on the Common Situs Picketing Bill (H.R. 5900). Opposition to the measure was led principally by Senator Helms. On November 11, the Senate adopted a motion to close debate on the motion to consider the bill. On November 14, a motion to close debate on the bill itself failed of adoption, 58–31. A second cloture motion was adopted on November 18, 62–37. Debate on the Common Situs Picketing Bill filled all or part of ten days.
- 1976—The first Senate filibuster of the year occurred during consideration of H.R. 8529, the Rice Production Act. The bill sought to remove limitations on the production of rice to change to a target price system from a quota system. Opponents of the measure, most notably Louisiana Senators Long and Johnston, sought to delay consideration of the bill until the results of a price producer referendum required by the existing production law were announced by the Department of Agriculture. Supporters of the bill argued that H.R. 8529 established a new rice production policy and that the requirements of the existing law ought not prevent the Congress from changing that law. Senator Bumpers' motion to bring debate to a close was adopted, 70–19 on February 3. The bill had been before the Senate for five days.
- 1976—Two successful cloture votes were required to end debate on a bill amending the Federal antitrust laws, H.R. 8532. The first cloture vote on June 3 occurred on a Senate substitute to the House passed version of the bill. Cloture was invoked, 67–22. Opponents of the measure, most notably Senators Allen and Senator Hruska, had submitted a large number of amendments prior to the cloture vote. To delay consideration of the bill after cloture, the opponents frequently sought to have the amendments read in full, demanded "live" quorum calls, called for the yeas and nays on nearly every vote, and frequently objected to routine unanimous consent requests. The final vote on the Senate substitute occurred five days after cloture was invoked the first time. A second cloture vote was necessary to end debate when the Senate leadership offered an amendment to the House approved version of the bill. The second filibuster began on August 27, cloture was invoked on the bill on August 31, 63–27, and a final vote on passage of the measure occurred on September 8. After cloture was invoked, opponents of the measure called up many of their amendments filed prior to the cloture vote. At one point on August 31, 113 amendments to the bill were pending. Seven

- points of order were raised against various amendments on the grounds that the amendments were dilatory. The Chair sustained only two points of order. The measure was pending before the Senate for fourteen days.
- 1976—Opposition to the Civil Rights Attorney's Fee bill (S. 2278) led to the fourth successful cloture vote of the second session. The measure was brought before the Senate on September 21, and cloture was invoked on September 23, 63–26. However, numerous amendments had been filed on the bill prior to the cloture vote, and significant delay resulted from their consideration, and from additional procedural motions offered by opponents of the bill. The measure was before the Senate for seven days, of which four days' consideration occurred after cloture had been invoked.
- 1977—In one of his first acts as President, Jimmy Carter issued a proclamation offering a conditional pardon for most Vietnam-era draft evaders. In the Senate, opponents of President Carter's pardon plan offered a sense of the Senate resolution (S. Res. 18) expressing Senate opposition to the President's pardon. Opponents of the pardon, led by Senators Allen and Helms, sought to obtain a direct Senate vote on the resolution of disapproval. An attempt to end debate on the resolution failed when a cloture motion was rejected on January 24, 53–43. The following day, the resolution was tabled by a 48–46 vote. The measure was before the Senate intermittently for more than two weeks.
- 1977—The Senate failed to agree on proposed changes in the cloture rule when a compromise acceptable to most Senators in both parties could not be reached. The proposal, S. Res. 5, introduced by Majority Leader Byrd, sought to reduce the opportunities for delay once the Senate had voted to invoke cloture. As the resolution came before the Senate on May 9, it provided that cloture could not be invoked until a measure had been before the Senate for at least one day, limited to 50 hours the amount of time for debate after cloture was invoked, counted against the 50 hours the time needed for quorum calls and votes, and permitted the Senate to extend or further reduce the 50-hour limit by a two-thirds vote.
- Opposition to the proposal, minority party Senators led by Minority Leader Baker, led to the submission of a compromise substitute, drafted by Majority Leader Byrd, in an attempt to gain minority party support for the measure. However, the compromise measure raised concerns among some supporters of the earlier version of S. Res. 5. The measure was laid aside without any attempt being made to invoke cloture. No final vote was taken on passage of either S. Res. 5 or the Byrd substitute. The Senate Republican and Democratic leaders subsequently appointed task forces to study the problem of post-cloture delays, and to report their recommendations for appropriate Senate Rules revisions.
- 1977—Efforts to enact legislation to provide public financing of congressional general election campaigns were halted by a successful filibuster. The bill, S. 926, combined revisions in existing laws relating to public financing of presidential elec-

tions, with a new title establishing a congressional election campaign fund supported through personal income tax allotments. Opponents of the congressional campaign financing provisions, led by Minority Leader Baker, and others, charged that public financing would give congressional incumbents yet another advantage in seeking re-election. Three cloture votes were taken on the measure, and all failed to achieve the necessary sixty votes. On July 29, the first cloture motion failed 49–45; on August 1, a second motion failed, 47–46, and a third motion failed on August 2, 52–46. After the failure of the third cloture vote, the Senate adopted, 58–39, an amendment by Senator Allen to delete the congressional campaign financing provisions from the bill. In this modified form, the bill passed the Senate, but was never brought to the floor of the House. The measure was pending before the Senate for eight days.

1977—The natural gas deregulation bill, S. 2104, part of President Carter's comprehensive energy program, finally passed the Senate after the Senate was able to halt a post-cloture filibuster which had continued over thirteen days. The Senate began consideration of the bill on September 19; three days later, the Senate refused to table a substitute offered by Senators Bentsen and Pearson providing for the eventual end of price controls on newly discovered natural gas. Seeing that a majority supported the concept of deregulation, opponents announced their intention to filibuster the Bentsen-Pearson substitute. On September 26, the Senate invoked cloture on the Bentsen-Pearson substitute, 77–17. Opponents of deregulation, led by Senators Abourezk and Metzenbaum, began a post-cloture filibuster. The Senators called up amendments filed prior to the cloture vote, refused unanimous consent requests, forced the reading of amendments in full, and required frequent roll call votes on amendments. After a session lasting 37 consecutive hours (September 27–28), the Senate agreed to a motion by Majority Leader Byrd to recommit the bill, and to immediately return the bill, amended to include new compromise language, to the floor. Some supporters of full deregulation refused to support the compromise, took up the post-cloture filibuster, and were subsequently joined by those Senators who opposed all end to price controls. The filibuster was broken when, on October 3, the Senate sustained several key parliamentary rulings by the presiding officer, Vice President Mondale. The Vice President ruled amendments to the Bentsen-Pearson compromise dilatory and out of order, because they did not apply to the new compromise bill which had become the pending business on September 29. The Vice President was also sustained in a ruling that permitted Senators to withdraw their own filed amendments, thus limiting the ability of Senators to call up amendments offered by others. Also upheld by the Senate was a ruling from the Vice President that a quorum call may not be demanded under certain circumstances. As a result of these rulings, many amendments were ruled out of order, and opponents of natural gas deregulation ended their post-cloture filibuster. On October 4, the Senate voted 50–46 to accept the modified

- Bentsen-Pearson substitute, and the bill passed the same day by voice vote. The bill had been pending before the Senate for more than three weeks.
- 1978—Over the course of ten weeks, the Senate devoted thirty-eight days to debate two proposed treaties with Panama relating to the future status of the Panama Canal and the Canal Zone. The first pact, a neutrality treaty, gave the United States and Panama the permanent right jointly to defend the Canal, and provided that the canal was to remain open to all ships in times of peace and war. The second treaty ceded the Panama Canal to the Republic of Panama, effective in 1999; until that time, the Panamanian government was, in stages, to assume greater involvement in canal operations and management. The neutrality treaty passed the Senate on March 16, and the cession treaty passed the Senate on April 18. The final passage of both treaties was 68–32. No attempt was made to invoke cloture on either treaty, nor were cloture efforts undertaken against any of the several “reservations,” or clarifying amendments, offered to either of the treaties.
- 1978—The Senate equaled a record it established during the New Hampshire Senate seat contest of 1975 when it failed six times during June to invoke cloture on the proposed labor reform bill, H.R. 8410. Two of the unsuccessful cloture votes occurred on the original version of the bill; the remaining four were taken on an amendment in the nature of a substitute offered by Majority Leader Byrd. The bill sought to ease restrictions in existing law so as to grant greater freedom to labor unions in seeking to organize workers. Opponents of the measure, led by Senators Helms, Lugar, and Hatch, organized a traditional filibuster in which a group of a dozen Senators shared control of the Senate floor, preventing the conduct of all but routine business. On June 8, the Senate rejected a cloture motion on H.R. 8410 as reported, 42–47; the following day, a second cloture vote failed, 49–41. Four additional cloture votes were taken on the Byrd substitute; the days and votes are as follows: June 13, 54–43; June 14, 58–41; June 15, 58–39; June 22, 53–45. After the failure of the sixth cloture vote, the Senate agreed to recommit the bill to committee, with the understanding that “if and when” it was reported back, the bill would become the pending business of the Senate. The bill was not reported back from committee in the 95th Congress. The bill was the pending business before the Senate for seventeen days.
- 1978—The final Senate filibuster of the 95th Congress occurred on the energy tax bill (H.R. 5263) conference report, part of President Carter’s energy package. The House had passed the President’s energy package in the form of one bill, with several different titles; the Senate had divided the bill into five parts. Conferees then met on each of the five parts; Senate conferees submitted five separate reports, and House conferees sought to combine the five reports again into one package. Opponents of natural gas deregulation, led by Senator Abourezk, sought to prevent consideration of the energy tax conference report, in hope of forcing the House vote on each

- of the remaining individual conference reports in the package. It was the aim of Senate opponents to force a separate House vote on natural gas deregulation. If given the chance for a separate vote, it was thought that the House would oppose deregulation. When the energy tax conference report came before the Senate on October 12, Senator Abourezk forced the reading of the report in full; Majority Leader Byrd immediately filed a cloture motion, and laid the bill aside temporarily until a cloture vote could be taken. On October 14, the Senate invoked cloture, 71–13, but Senator Abourezk, using a variety of parliamentary tactics, prevented a vote on the conference report for nearly sixteen hours. When it became clear that the House would not take a separate vote on the natural gas deregulation measure, Senator Abourezk ended his filibuster, and the conference report was passed 60–17.
- 1979—Early in the 96th Congress, the Senate tightened its Rules to prevent a minority of its members from using post-cloture filibuster tactics to delay or kill a bill. On February 22, the Senate approved S. Res. 61, which provided that when three-fifths of the Senate voted to invoke cloture on a measure, a final vote on it is to occur after no more than 100 hours of further consideration, including quorum calls and roll call votes. The measure also incorporated several floor amendments, largely intended to protect the rights of individual Senators during the 100 hours. The 78–16 vote came almost six weeks after Majority Leader Byrd had first introduced a more comprehensive measure. That measure, S. Res. 9, developed strong opposition, and ultimately only the provisions on procedure under cloture, embodied in S. Res. 61, were considered. The Senate spent five days on S. Res. 61, during the first legislative day of the Congress, preserving the possibility of Senators ending debate by majority vote on attempts to change the Rules.
- 1979—During the first session of the 96th Congress the Senate invoked cloture on only one measure, H.R. 3919, which proposed a windfall profits tax on domestic crude oil. Earlier in the session the House had approved an oil windfall profits tax, but the Senate Finance Committee had reported a bill with a smaller tax proposal. An impasse developed between Senators from oil states and others who opposed taxing oil discovered since 1978. Consideration of the bill began on November 15 with numerous amendments proposed. Majority Leader Byrd filed four petitions to invoke cloture, three of which failed. Cloture was finally invoked on December 17, 84–14. H.R. 3919 passed the same day, but not in time to finish conference action before the first session adjourned. This measure was the pending business in the Senate for 21 days.
- 1980—Cloture was invoked for the first time in 1980 to end Senate debate on the confirmation of William A. Lubbers of Maryland to be General Counsel of the National Labor Relations Board. The vote came after a four-day filibuster by Senators who argued that Mr. Lubbers, an employee of the NLRB, was too closely identified with labor unions to be an independent counsel. Majority Leader Byrd filed two cloture motions, the second of which was adopted on April 22, 62–34. The nomina-

- tion, which was confirmed on April 23, had been the Senate's pending business for six days.
- 1980—The Senate failed three times to limit debate on the conference report on a measure (H.R. 10) to protect the rights of persons in state institutions. The filibuster began on April 23, and cloture petitions filed by Majority Leader Byrd and Senators Bayh and DeConcini failed. Cloture was finally invoked on May 1, after another petition filed by Majority Leader Byrd was adopted, 60–34. H.R. 10 was then set aside until May 6 for consideration under a six-hour time agreement. The measure passed the Senate that day after having been the pending business of the Senate for eight days.
- 1980—President Carter's military draft registration plan passed the Senate on June 12 after opposition stretched consideration over seven days, including one all-night session. H.J. Res. 521 was laid before the Senate on June 3, 1980, and a cloture motion was filed by Majority Leader Byrd on June 6. Cloture was invoked, 62–32, but a post-cloture filibuster was attempted for another two days. A unanimous consent agreement was reached for a final vote, and on June 12 the measure passed after having been the pending Senate business for eight days.
- 1980—After two unsuccessful attempts to invoke cloture on the nomination of Don Zimmerman of Maryland to the National Labor Relations Board, the Senate voted to limit debate and confirmed him on August 5. On August 1 and 4, cloture motions filed by Majority Leader Byrd failed to receive a three-fifths vote. A third motion filed by Senator Byrd was agreed to, 63–31 on August 5. Opponents of the nomination had criticized President Carter's choice because they feared his support of labor might affect the labor board's traditional political balance. The nomination was the pending business for six days.
- 1980—On August 19, the Senate passed H.R. 39, known as the Alaska Lands bill, after an unusual parliamentary tangle. Debate began on the measure on July 21. Before recessing on August 5, the Senate voted to again take it up on August 18 and to vote on a cloture motion filed by Majority Leader Byrd. Cloture was necessary because, in spite of a time agreement, Senator Gravel, an opponent of the measure, was able successfully to use a series of parliamentary moves as delaying tactics. Cloture was invoked on August 18, 63–25, and on August 19, the Senate passed the bill to exclude portions of the public lands in Alaska from certain types of development. H.R. 39 was the pending Senate business for 12 days.
- 1980—A routine House-passed ship tonnage bill, H.R.1197, became controversial in the Senate after Senators of some coal-producing states, led by Majority Leader Byrd and Senators Ford and Warner, tried to amend it to include strip mining provisions. Their amendment sought to exempt states from having to comply with the regulations written to implement the Surface Mining Control and Reclamation Act, which they said were arbitrary and inflexible. When the measure was placed before the Senate on August 19, Senators Melcher and Metzzenbaum were prepared to introduce over 200 amendments as delaying tactics. However, a substitute version of the ton-



nage bill that incorporated the strip mining amendments was offered, along with a series of first and second degree amendments. These actions prevented other amendments from being considered until the pending second degree amendments were acted upon. Senator Byrd continued to offer amendments, but also filed a cloture motion on August 19. Cloture was invoked on August 21, 61–32. Senators Metzenbaum and Melcher tried to delay the proceedings after cloture had been invoked, but finally entered into a time agreement. H.R. 1197 passed by a voice vote on August 22, after having been the pending Senate business for five days.

1980—As the 96th Congress neared adjournment, the Senate faced two simultaneous filibusters. The first was on H.R. 5200, the Fair Housing Amendments to the Civil Rights Act of 1968. When Majority Leader Byrd moved to bring the measure up for Senate consideration, opponents immediately launched a filibuster. This legislation, considered by some to be the most significant civil rights legislation since the Voting Rights Act of 1965, sought to enhance the enforcement powers of the 1968 law that forbade housing discrimination. The major dispute in the Senate was over procedures for enforcing prohibitions against discrimination in the sale or rental of housing. Majority Leader Byrd filed two cloture motions in an attempt to cut off debate on the motion to proceed to the consideration of H.R. 5200. The first failed, 51–39, on December 3. The following day the Senate voted 62–32 for cloture, which limited debate to 100 hours on the motion to proceed. With the pressure of an impending adjournment, the opponents vowed to begin another filibuster against the measure itself. On December 5, Majority Leader Byrd, having obtained unanimous consent for this purpose, filed a cloture motion toward ending debate on H.R. 5200 and offered his proposal to take a vote on December 9 on the motion to bring up H.R. 5200. If the motion to take up H.R. 5200 passed, the Senate would vote immediately to invoke cloture on the bill itself. If cloture failed, however, the bill would be withdrawn. On December 9, the Senate voted to proceed to consideration of the measure, but, by a vote of 54–43, failed to close debate on the measure, thus ending its chances for passage in the 96th Congress. The bill was before the Senate for six days.

1980—The last filibuster of the 96th Congress ended on December 9, the same day the Senate defeated the motion to end debate on the Fair Housing Amendments. After defeating that earlier cloture motion, the Senate voted 68–28 to close further debate on the nomination of Stephen Breyer of Massachusetts to be a U.S. Circuit Judge for the First Circuit. The nomination had come to the Senate floor on November 25, but some Senators had objected that it had not been properly reported by the Judiciary Committee. The nomination was sent back to the Committee, which then approved it, 12–0. The nomination was opposed by Senators Morgan and Humphrey, who conducted a filibuster. Stephen Breyer was confirmed on December 9, after his nomination had been the Senate's pending business for four days.

- 1981–1982—The first extended debate of the 97th Congress continued intermittently from June 16 into the second session. As soon as the Senate took up the Justice Department Authorization bill, S. 951, an amendment was offered by Senator Helms to restrict school busing, to which Senator Johnston offered an expanded substitute for the Helms amendment on June 22. On July 8, a cloture motion was filed on the bill, which might have rendered the pending amendments out of order as nongermane; this cloture motion was defeated, 38–48, on July 10. Through September 10, three cloture motions on the Johnston substitute were defeated, the second time by 59–37 with one Senator withholding his vote for cloture because of a live pair. On September 16, a fourth cloture motion on the substitute was agreed to, 61–36, the amendment was agreed to, 60–39, and a cloture motion was filed on the Helms amendment, as amended. On December 10, cloture was invoked on this amendment, 64–35, and a motion to extend the time for post-cloture debate to 124 hours was tabled. On February 4, 1982, the Helms amendment was agreed to, 58–38, and a cloture motion was filed on the bill. On February 9, a second such motion was filed, but rendered moot by the Senate's agreement to the first motion, 61–33. On February 23, an amendment to the bill in the nature of a substitute and a perfecting amendment to the bill, both repeating the text of S. 951, as amended, were offered, in order to restrict the ability of the measure's opponents to call up further amendments. During the post-cloture period, numerous motions, appeals, and amendments still were considered, tabled, or ruled nongermane or dilatory. On March 2, pursuant to a unanimous consent agreement under which other pending amendments were withdrawn, the perfecting amendment was agreed to by voice vote, and the bill was passed, 57–37. In all, the Senate had considered, or acted with respect to, S. 951 on 24 days. The measure then went to the House of Representatives, where it was not reported from committee.
- 1981—The issue of voluntary school prayer prevented Senate passage of fiscal 1982 appropriations for the State, Justice, and Commerce Departments. During debate on the appropriations measure, H.R. 4169, in mid-November, Senate action was slowed by debate on an Appropriations Committee amendment to delete House language to prevent the Justice Department from spending money to block implementation of voluntary school prayer programs. Several votes were taken on the prayer issue before a vote on a cloture motion filed by Senator Helms. That motion failed, 59–35 on December 11, and the bill was laid aside. Funding for the agencies was included in a continuing resolution when it became clear in November that the appropriation bill was in jeopardy. This measure was the pending Senate business for eight days.
- 1982—A last-minute compromise ended twelve days of Senate debate on a measure providing for television and radio broadcasting of Senate floor proceedings. On April 21, the Senate amended and agreed to S. Res. 20, including an amendment requiring the Rules and Administration Committee to report

- a second resolution proposing a complete plan for broadcasting Senate debates. Earlier, the Senate had defeated a cloture motion filed by Majority Leader Baker to limit debate on the resolution, 47–51. No votes were taken on two other cloture motions filed by Senator Baker. The final vote on S. Res. 20 as amended was 95–1. The Senate had considered S. Res. 20 off and on since February.
- 1982—Efforts to revise the Federal criminal code in the 97th Congress were unsuccessful when the Senate failed to limit debate on a motion to consider the bill (S. 1630), which was then withdrawn from consideration. The vote against cloture, 45–46, occurred on April 27. The motion to proceed to consideration was withdrawn although it had been pending before the Senate for only two days. The Chairman of the Senate Judiciary Committee and the bill's chief sponsor, Senator Thurmond, withdrew the motion when no agreement could be reached to limit the amendments to be proposed.
- 1982—An emergency housing stimulus plan jeopardized and delayed Senate passage of an urgent supplemental appropriations measure (H.R. 5922) in late May. The measure was pending before the Senate for three days, with most of the time devoted to working out an agreement over the housing program. Under the agreement reached, a motion filed by Majority Leader Baker to limit debate on the measure was agreed to 95–2 on May 27. Further, by a vote of 63–27, the Senate agreed to a motion by Senator Lugar to suspend Rule XV and portions of Rules XVI and XXII, thus permitting consideration of the housing amendment. That amendment increased the Appropriations Committee recommendation for the housing program from \$1 billion to \$5.1 billion. The Senate then agreed to add the new housing program, 69–23, and H.R. 5922 subsequently passed the Senate on May 27.
- 1982—In June, a group of Senators led by Senator Helms conducted a six-day filibuster on a motion to proceed to consideration of a measure (S. 1992) extending the Voting Rights Act of 1965. The Senate began debate on the motion on June 9, 1982; on the fourth day of debate, cloture was invoked on the motion, 86–8. However, Senator Helms and other Senators continued to delay action. The filibuster was finally broken after the majority leadership announced that the Senate would take up no other business until the voting rights bill was completed, thus depleting as swiftly as possible the 100 hours for post-cloture debate allowed by the rule, and forcing the filibuster leaders to use up the one hour periods that the rule allots to each Senator. Senator Helms was also persuaded to give up the filibuster by promises from the leadership that issues of interest to him such as abortion and school prayer would be taken up at a later date. Accordingly, on June 17, the Senate voted 97–0 to begin consideration of the measure. Afterwards, the Senate considered some 22 amendments in less than 24 hours, and passed S. 1992 on June 18. This measure was pending before the Senate for seven days.
- 1982—The Senate leadership invited amendments to H.J. Res. 520, setting the level of the temporary national debt limit, as a

means of providing for floor action on school prayer and abortion. On August 16, when the Senate took up the measure with a committee amendment in the nature of a substitute, since proponents of Senate action on these questions had not yet settled on language to propose, they offered an amendment to add the words "Title II" to the committee substitute. At the beginning of consideration on August 18, Senator Helms gained the floor, modified his amendment to incorporate the "Voluntary School Prayer Act of 1982," and then offered another amendment, to prohibit abortions, as an amendment to his own first degree amendment. When opponents recovered the floor, they offered language maintaining court jurisdiction on both questions as first and second degree amendments to the original text of the resolution, thus precluding the offering of further amendments. Debate continued until on August 20, the last day before the recess, a cloture motion was filed on the Helms abortion amendment. On September 9, this motion was defeated, as were two similar subsequent motions, the vote most favorable to cloture being 50-44. On September 15, the abortion amendment was tabled, making a fourth motion moot. Beginning on September 16, five cloture motions (one later withdrawn) were filed on the Helms school prayer amendment. The most favorable vote on any of these motions was 54-46; a motion to table this amendment failed, 47-53. On September 23, a motion was tabled, 51-48, that H.J. Res. 520 be recommitted and reported back with the school prayer provisions incorporated. A leadership motion that it be recommitted and reported back without amendments then was agreed to, 79-16. The measure then passed, after 17 days of debate, by 50-41; it became P.L. 97-270.

1982—After two unsuccessful attempts to invoke cloture, a measure governing the contribution of damages in antitrust price-fixing suits (S. 995) was removed from consideration late in the 97th Congress. Both of the votes to invoke cloture occurred on December 2, on motions filed by Majority Whip Stevens. The first vote of 38-52 was on a Judiciary Committee amendment and the second vote of 44-51 was on the bill itself. After the votes, Senator Thurmond, Chairman of the Senate Judiciary Committee and chief sponsor of the legislation, said that he could not in good conscience insist that the Senate continue working on the measure when it seemed clear that opponents had the votes to continue the filibuster. This measure was the pending business for three days.

1982—Attempts to establish a radio station (Radio Marti) to broadcast to Cuba failed in the latter part of the 97th Congress. Opponents led by Senator Zorinsky kept the measure from reaching the floor for consideration by conducting a filibuster off and on for five days on a motion to waive the requirements of the Congressional Budget Act in order to permit consideration of the Radio Marti measure (H.R. 5427). Senator Zorinsky stated that he objected to consideration of the budget waiver because it was voted on at a Foreign Relations Committee meeting that had not been approved by the Senate even though it was held more than two hours after the Sen-

- ate went into session and thus violated Senate Rules. No attempts were made to invoke cloture during the time the Senate considered the motion to waive the Budget Act.
- 1982—The last cloture situation of the 97th Congress involved the Surface Transportation Assistance Act (H.R. 6211), which included a five-cent rise in the tax on gasoline. When a motion to consider the bill was made on December 10, a cloture motion was filed immediately; on December 13, both motions were agreed to. The next day, a cloture motion was filed on an amendment in the nature of a substitute, which included aspects of the proposal reported from other committees, and one on the bill itself. Both were rejected (48–50 and 5–93), in part to protect potentially nongermane amendments several Senators wished to see offered. On December 16, the Senate laid the bill aside for marathon weekend sessions on the fiscal 1983 omnibus continuing resolution. Returning to the bill on December 20, the Senate agreed to a motion to reconsider the vote on invoking cloture on the substitute, and invoked cloture, 87–8. It then adjourned for one minute to make third reading in order, and passed the bill, 56–34. On the same day, the Senate proceeded to consider the conference report, on which a cloture motion was filed; on December 23, cloture was invoked, 81–5 and the conference report was then agreed to, 54–33. The bill became P.L. 97–424; the Senate had considered it for nine days.
- 1983—The first cloture votes of the 98th Congress involved the emergency job and recession relief bill (H.R. 1718). Senator Kasten offered an amendment repealing tax withholding on dividend and interest income, rather than accepting Majority Leader Baker's offer of a later "free standing" vote on this proposal. The Chairman of the reporting committee, Senator Robert Dole, led opposition to the amendment. After three days' debate, Senators Dole and Kasten both sought recognition to offer cloture petitions. Senator Dole was recognized first, insuring that the first cloture vote would come on the bill. If his cloture motion had succeeded, the Kasten amendment might have fallen as nongermane. However, this motion was defeated, 50–48. Next, Senator Kasten's motion for cloture on his amendment came to a vote. The leadership opposed this motion actively, and the motion lost by only one vote, 59–39. The Senate then temporarily laid the bill aside. Subsequently, Senator Baker filed a second cloture petition on the bill. Senator Kasten and the leadership later agreed that the amendment would be offered instead to a trade bill, which was pending on the calendar, immediately after the upcoming Easter recess. H.R. 1718 then passed the Senate on March 17, after having been the pending business for seven days.
- 1983—For the second time in a month, the issue of repeal of tax withholding on interest and dividend income was before the Senate. As previously arranged, Senator Kasten offered his repeal proposal as an amendment to S. 144, the International Trade and Investment Act. Subsequently, he filed two cloture petitions on the amendment. When the time for the first cloture vote arrived, the leadership moved to adjourn the Senate

- instead, but the motion failed, and proponents and opponents began to work out a compromise. Subsequently, Senator Kasten asked his supporters to vote against cloture, to allow him to offer such a compromise later as an amendment. Accordingly, two cloture votes, on April 19 and 20, failed by votes of 34–53 and 39–59 respectively. A compromise plan was later offered by Senator Dole, Chair of the Committee, in the form of a motion to recommit the bill with instructions that it be reported back with the compromise included. However, this agreement among the Republicans ran into difficulty because Senator Long, ranking minority member of the Committee, called for a vote on outright repeal. He moved to amend the instructions to provide that the bill be reported back with straight repeal included. This amendment, however, was tabled. Accordingly, on April 21, the motion to recommit passed the Senate, and the bill with the compromise amendment was passed the same day. Under the compromise, withholding would be delayed until July 1, 1987, and would be implemented only if the General Accounting Office found that interest and dividend tax cheating had not been diminished substantially and only if both Houses of Congress agreed with the GAO's findings. S. 144 was the pending business for six days.
- 1983—The Senate debated S. 675, the defense authorization bill, for 13 days, more than a week of which focused on attempts to remove from the bill funds for production of the MX missile. Proponents of the missile were at first reluctant to move for cloture, because opponents were said to have prepared over 150 amendments for possible use in a “post-cloture filibuster.” However, the leadership ultimately filed six cloture motions on the bill or the committee substitute, fearing that the House, which was debating its own defense authorization bill, might reject MX funding, and thereby strengthen the determination of the Senate MX opponents. On July 21, after the House had voted to authorize the funds, the Senate failed to invoke cloture on the bill, 55–41, and the cloture vote on the committee substitute was vitiated. At this point, both sides agreed to a time certain for a vote on the amendment to strike MX funds from the bill, and the other cloture petitions were vitiated. The following week, the amendment was defeated, 41–58, and the bill passed, 83–15.
- 1983—In late July, opponents of a bill (S. 602) to provide Federal funding for radio broadcasts to Cuba (“Radio Marti”) began extended debate in opposition to a motion to proceed to consider the measure. After two days of debate, cloture was invoked on the motion to proceed, but the motion to proceed itself was agreed to only after the August recess. The bill then passed on the same day, having been the pending business for five days.
- 1983—When the Senate received H.R. 3706, creating a Federal holiday for Martin Luther King, Jr.’s, birthday, the measure was not referred to committee, but placed on the calendar. On October 3, after debate began on a motion to proceed to consider the measure, a cloture petition on the motion was filed. Two days later, however, the cloture motion was withdrawn as

- part of an agreement that the measure would be considered after the Columbus Day recess, that a motion would then be made to commit the bill, and that if this motion failed, a final vote would occur the following day. The motion to commit subsequently failed, and the bill passed, 78–22, on October 19.
- 1983—On November 3, the Senate invoked cloture (86–7) on a motion, offered November 1, to proceed to consider a bill (S. 1715) to remove controls on natural gas prices. When the Senate began consideration of the measure, Senator McClure, the Committee Chairman, offered an amendment, to which it was expected that Senator Johnston, the ranking minority member, would offer a second-degree amendment, giving the bill's supporters initial control of the debate. However, Senator Metzenbaum, an opponent of the bill, obtained recognition instead, and offered his own second-degree amendment. Although several Senators protested that Senate tradition gives floor managers preference in recognition, the Chair stated that he had recognized the Senator who had first addressed him, as required by Senate Rules. As adjournment of the session approached, the Senate returned the measure, which had been the pending business for five days, to the calendar.
- 1984—Cloture was invoked for the first time in this year on a measure to reinstate the death penalty for certain Federal crimes, ranging from treason to attempted or actual assassination of the President. The 65–26 vote to end the five-day filibuster against S. 1765 came during two weeks of Senate work on anti-crime legislation promoted by the Administration. The cloture vote took place on February 9, and the Senate passed the bill on February 22, after the Lincoln-Washington Birthday recess.
- 1984—On March 2 the Senate began a long-promised debate on school prayer, considering a proposed constitutional amendment allowing prayer in public schools. During the 11 days of debate, several proposed prayer amendments were discussed in the Senate, but voting ultimately occurred on S.J. Res. 73, on March 20. The measure failed to receive the required two-thirds majority (56–44). No cloture motions were filed during this debate.
- 1984—A cloture petition was filed soon after Senator Metzenbaum began extended debate in opposition to a motion that the Senate concur in House amendments to S. 268, to preserve existing low rates for power from the Hoover Dam. The cloture vote took place on July 30. When 60 Senators had not voted for cloture by the time the minimum 15-minute voting period had elapsed, Senator Metzenbaum called for the regular order, which would have been the announcement of the result. However, in order to enable the leadership to assemble the minimum 60 votes needed to invoke cloture, several Senators repeatedly switched their votes back and forth until 60 Senators had voted in the affirmative. Senator Metzenbaum then decided not to pursue his opposition, although he had been prepared to launch a post-cloture filibuster. The Senate subsequently agreed to the motion to concur after debating the issue for four days.

- 1984—The Senate approved the nomination of J. Harvie Wilkinson to a Federal Appeals Court seat on August 9, after it had been the pending business for five days and had been stalled in the Senate for some eight months. The Senate first took up the nomination on May 23 and 24. Although it was not taken up again until July 30, it had been the subject of persistent controversy. On July 31, the Senate failed, 57–39, to agree to a motion for cloture filed by Majority Leader Baker. After he filed another motion, scheduled for an August 2 vote, the Senate agreed to a one-week postponement of the cloture vote while the Judiciary Committee held a rare additional hearing on the nomination. The agreement also called for an immediate final vote on the nomination should cloture be invoked. Subsequently, on August 9, cloture was invoked, 65–32, and the nominee was confirmed.
- 1984—An agriculture appropriations bill (H.R. 5743) became the subject of extended debate when Senator Chiles, ranking minority member of the Budget Committee, opposed action on the measure while no First Budget Resolution for fiscal year 1985 had been adopted. The Budget Resolution had been held up by a dispute on defense spending levels. As routinely done, the Senate had allowed the appropriations measure to reach the floor by agreeing to a waiver of the Budget Act. Two days after the debate began, Majority Leader Baker filed a cloture petition. The Senate defeated this first motion, 54–31, but later agreed to a second cloture motion, 68–30, and passed the bill the same day. H.R. 5743 was the pending business for seven days.
- 1984—On September 13, the Senate passed a banking deregulation measure (S. 2851) after it had been the pending business for six days. The Senate voted cloture on the motion to proceed to consider the bill, 89–3, then agreed to consider the bill, 95–2. Proponents responded to indications that extended debate would continue by filing a cloture petition on the bill, and the Senate agreed to cloture, 92–6. The bill was then passed without experiencing further delays.
- 1984—The long-awaited question of whether the Senate would allow television and radio coverage of its proceedings abruptly ended near the conclusion of the 98th Congress when the Senate voted decisively not to end a filibuster against the proposal. S. Res. 66 was sponsored by retiring Majority Leader Baker, a persistent advocate of live coverage of Senate activity. On September 13, the Senate took up a motion to proceed to consideration of the measure. Opponents led by Senators Long and Ford, began a filibuster arguing that broadcasting would alter the traditional manner in which Senate debate takes place. Senator Baker filed a cloture petition on the motion to proceed, and cloture was invoked on September 18, 73–26. Once the Senate took up the proposal, however, it indicated that it was not ready to adopt it when a petition for cloture on the resolution, filed by Senator Baker, was rejected on September 21, 37–44. After the defeat of that motion, Senator Baker withdrew his proposal for the session, saying “This is



- an idea whose time has not come." S. Res. 66 was the pending business for four days.
- 1984—During the closing days of the 98th Congress, a bill (S. 2527) to release highway funds to states was the subject of extended debate. After cloture was invoked on the motion to proceed to consider the measure, 70–12, opponents indicated that they would continue to press their objections, and other Senators engaged in extended debate against a proposed amendment adding a civil rights measure to the bill. A cloture petition was filed on the bill, but vitiated when it became necessary for the Senate to turn to other business. Although S. 2527, which had been the pending business for three days, was not brought up again, the Senate later passed another bill.
- 1984—The last cloture petitions of the 98th Congress were filed on a series of possibly nongermane amendments to the fiscal 1985 continuing resolution, H.J. Res. 648. The situation led several Senators to express fears that the Senate would, by reversing rulings from the Chair under cloture that amendments were not germane, establish a precedent that would in effect permit "majority cloture." When the measure was called up on September 27, a substitute for the first committee amendment, and an amendment to the substitute, were offered. These were intended to counteract those portions of the Supreme Court's ruling in *Grove City College v. Bell*, earlier in 1984, that limited the application to colleges of law the sex discrimination provisions of Title X. A cloture petition was filed on each amendment. When the defense of germaneness was raised against a point of order that the substitute would constitute legislation on an appropriation bill, the Senate held the substitute germane, and so in order, by 51–49. Amendments were then offered to the substitute, adding language to establish a tax credit for private school tuition; to the text proposed to be stricken by the committee amendment, relaxing firearms controls; and to the firearms amendment, adding language restricting courts' authority to use school busing for integration. A cloture petition was filed on the committee amendment, and second petitions were filed on each amendment already the subject of such a motion. On September 29, the Senate invoked cloture on the Grove City substitute, 92–4. With the Senate proceeding under cloture, the school busing amendment was ruled nongermane, and an appeal from this ruling was tabled. However, when the gun control amendment was also ruled nongermane, the Senate rejected a motion to table an appeal. Then, on October 1, the Senate voted, 60–37, to reconsider tabling the first appeal as well, and on reconsideration, the tabling motion was defeated, 41–56. After a day of negotiation, the Grove City amendment was tabled, 53–45, the gun control amendment was tabled by voice vote, and the cloture petitions on the committee amendment were vitiated by unanimous consent. The measure was then passed on October 4.
- 1985—Nomination of Edwin Meese III to be Attorney General. Farm-state Senators forestalled a vote on the nomination until a credit package for financially beleaguered farmers was

- worked out. Once these negotiations were concluded, the Senate approved the nomination, 63–31, during a rare Saturday session. February 19–23 (four days).
- 1985—S. 995, H.R. 1460, sanctions against South Africa's apartheid regime. Opponents of sanctions delayed a vote on a motion to consider S. 995 from July 8 until after cloture was invoked on July 10, but on July 11 the Senate approved the motion by voice vote, dealt with numerous amendments, and passed H.R. 1460, the House companion bill, 80–12. The Senate accepted a proposal to authorize a U.S. gold coin to compete with Krugerrands, but supporters of sanctions helped secure rejection of several other amendments (including one to extend the sanctions to communist nations) by agreeing to withhold their proposal to ban imports of Krugerrands. Threats of a filibuster led the Senate to put off consideration of the conference report on H.R. 1460 until after the August recess, by which time President Reagan had imposed his own set of sanctions by executive order. After supporters of the Reagan sanctions twice defeated cloture on the conference report, the leadership withdrew the matter from consideration. In the course of proceedings, however, the minority leader took the unusual step of offering another motion to proceed to the conference report and filing cloture on it, even though the motion was non-debatable, in order to ensure a vote. The subsequent rejection of cloture on this motion to consider was the Senate's last action on the matter. July 8–11, August 1, September 9–12 (eight days).
- 1985—S. 43, giving the President for two years a form of line item veto authority over appropriations bills. The measure was reported unfavorably from committee. After the Senate debated a motion to consider for a week, rejecting in the process three cloture motions, the last and most nearly successful of which received 58 votes, the leadership withdrew the motion to consider. July 16–24 (seven days).
- 1985—H.J. Res. 372, P.L. 99–177, to raise the federal debt limit. When the Senate took up the measure, Majority Leader Dole immediately offered as an amendment a version of a proposal by Senators Gramm, Rudman, and Hollings for reducing deficits over the following several years. Senate leaders hoped to secure quick action on this proposal by postponing action on the debt limit until after its consideration. When Minority Leader Byrd and several other Senators prevented an immediate vote on the amendment, urging that they needed more time to consider it, Senator Dole held the Senate in session on Saturday, October 6, and Sunday, October 7 (only the eleventh Sunday session in Senate history). The Senate rejected cloture on the amendment by 57–38 on October 6 and, on reconsideration, by 53–39 on October 9. On that day, however, after the Treasury resorted to emergency maneuvers to provide cash to run the government, the Senate adopted the amendment, passing the joint resolution the next day. During its consideration, six cloture petitions were filed on other amendments, but none was voted on. The measure remained in conference until December before being enacted with a different version

- of the deficit reduction plan; meanwhile, Congress enacted a temporary debt limit increase in a separate measure. October 3–15, November 1–7, December 11 (15 days).
- 1985—S. 1714, H.R. 2100, P.L. 99–198, agriculture aid. Although the Senate considered numerous amendments, only a few involved attempts to delay the measure. On October 29, a group of Midwestern Senators delayed action on an amendment weakening requirements to ship agricultural exports on U.S.-flag vessels by offering a series of amendments protecting Great Lakes shipping interests, ultimately obtaining acceptance of a compromise proposal on the following day. Beginning on November 22, Senators favoring a four-year freeze on agricultural target prices objected to the Senate's taking up the House companion measure, thereby delaying, until early on November 23, a final vote on the Senate version, which provided only a one-year freeze. Cloture was moved on the Senate version, but an agreement was then reached to include a compromise provision in the Senate version of the House companion. October 25–November 1, November 18–23, December 18 (13 days).
- 1986—S. 638, sale of Conrail. Opponents, who believed S. 638 would give the Federal government too low a price for selling its 85 percent share of Conrail to Norfolk Southern Corp., debated the motion to proceed to consider the bill during three days. Nevertheless, the Senate adopted the motion on January 23 after invoking cloture thereon by 90–7. Debate on the measure itself continued for six days, but on January 30, the Senate invoked cloture on a substitute amendment by 70–27, and on February 4 it adopted the substitute and passed the bill. (The House later returned S. 638 to the Senate because it contained revenue provisions. An alternate plan, to sell Conrail largely through a public stock offering, was ultimately enacted as part of H.R. 5300, the 1986 reconciliation bill.) January 21–February 4 (eight days).
- 1986—Nomination of Sidney A. Fitzwater to be U.S. District Judge. Majority Leader Dole moved cloture on March 14, the second day of debate. On March 18, the Senate invoked cloture, 64–33, then voted 57–42 to confirm the nominee. March 11–18 (three days).
- 1986—S. 1017, to transfer management of National and Dulles Airports to a regional authority. Opponents sought to increase the asking price of the transaction. The Senate rejected cloture on the motion to consider on March 21, but invoked cloture on a third attempt (after a second cloture motion was withdrawn) by 66–32 on March 25, the sixth day of debate. The Senate adopted the motion to consider the next day, took up the bill on April 9, and considered many amendments. Cloture was sought both on the bill itself and on the committee substitute, but the Senate approved both substitute and bill without either motion reaching a vote. The House did not act on the measure. March 19–April 11 (nine days).
- 1986—S. 2638, P.L. 99–661, defense authorization. Consideration began on August 1, the Senate rejected cloture on August 6, and a second cloture motion was vitiated on August 7. Al-

- though the Senate disposed of numerous amendments, much of the debate centered on two nongermane amendments, one for sanctions against apartheid in South Africa and another to aid the Nicaraguan “Contra” rebels and to provide economic aid in Central America. On August 8, however, a cloture motion filed on each of these amendments fell pursuant to an agreement to withdraw both of them, and the Senate then passed the bill the next day. August 1–9, October 15 (eight days).
- 1986—H.R. 5052, military construction appropriations. An unusual consent agreement of August 8 provided for a separate vote on Titles II and III of the bill, which proposed aid to the Nicaraguan “Contras” and to Central America, if cloture was invoked on them. Up to two cloture votes each were to occur on these provisions, and also on a separate measure (S. 2701) for sanctions against the South African apartheid regime; cloture would be considered invoked on neither unless the Senate invoked cloture on both. On August 13, the Senate first rejected cloture on Titles II and III, 59–40, then invoked it on S. 2701, 89–11. The second cloture vote on Titles II and III succeeded, 62–37, after which the Senate adopted Titles II and III by 53–47 and passed H.R. 5052. (Military construction funds were ultimately provided in H.J. Res. 738, continuing appropriations. On August 15, the Senate passed H.R. 4868, the House companion bill for S. 2701, and it ultimately became P.L. 99–440 over the President’s veto.) August 9–13 (four days).
- 1986—Nomination of Associate Justice William H. Rehnquist to be Chief Justice. On several days, Senators addressed the nomination when it was not yet formally before the Senate, and Majority Leader Dole did not move cloture until September 15, the third day of formal debate. After briefly considering the nomination on September 16, the Senate on September 17 invoked cloture by 68–31, and later that evening confirmed Justice Rehnquist, 65–33. September 11–17 (five days).
- 1986—H.R. 5484, P.L. 99–570, drug abuse. The Senate sent to the House its initial version of the measure, a bipartisan leadership substitute for the House bill, in the early hours of September 28, after an amendment to add a death penalty provision similar to that in the House bill was withdrawn to avoid a threatened filibuster. On October 10, when the Senate took up a House amendment reinstating the provision, Minority Leader Dole moved for cloture on the measure in response to indications from about 25 Senators from both parties that they would continue to resist its retention. On October 15, however, after the Senate rejected cloture, 58–38, supporters of the bill accepted a version providing instead for life imprisonment without parole, which passed by voice vote. Ultimately, the Senate concurred in a further House amendment that continued to omit the death penalty, and declined to take up H. Con. Res. 415, to restore the provision. September 26–30, October 10–17 (seven days).
- 1987—H.J. Res. 175, moratorium on aid to the Nicaraguan “Contras.” Immediately after the defeat of S.J. Res. 81, on the same subject, 48–52, on March 18, Majority Leader Byrd

- moved to consider the House version. Cloture was moved three times during consideration of this motion, but after none of these motions received more than 54 votes in favor, the Senate agreed by voice vote to postpone the matter indefinitely. March 18–25 (six days).
- 1987—H.R. 558, P.L. 100–77, assistance to the homeless. When the Senate took up the House bill, a leadership substitute was offered, synthesizing proposals from pertinent Senate committees and bipartisan Senate leadership. Senator Gordon Humphrey offered amendments to reverse a congressional pay raise, to which Majority Leader Byrd offered other amendments (filling the amendment tree) that, if adopted, would have precluded a vote on the reversal itself. Later, Senator Byrd permitted a vote on one of his amendments, which enabled Senator Lowell Weicker to offer an amendment banning honoraria for Senators; supporters of the pay raise hoped adding this provision would weaken support for reversing the raise. Senator Byrd then moved cloture on the substitute; if cloture was invoked, the pay raise amendments would fall, being nongermane. Senator Humphrey responded by permitting unanimous consent to set the amendment tree aside for consideration only of germane amendments, thus preserving a reason for proponents of nongermane amendments to vote against cloture. When it became clear, however, that even with the approach of a scheduled recess, opponents of the pay raise amendments would retain enough votes to invoke cloture on the substitute, Senator Humphrey permitted an early vote on cloture. Cloture was invoked, 68–29, the pay raise amendments fell, and the Senate approved the substitute and the bill (an additional cloture motion on each fell). April 8–9, May 14, June 27 (four days).
- 1987—Nomination of Melissa Wells to be Ambassador to Mozambique. Senator Helms opposed the nomination in order to seek change in U.S. foreign policy toward the nation. The Senate voted to consider the nomination, 56–28, on May 1, and took it up again on July 24. The Senate gave unanimous consent on August 6 that a cloture motion be filed even though the nomination was not pending, and on August 7 that the cloture vote occur after the August recess. On September 9, during debate before the cloture vote, Senator Helms offered an amendment to the *Executive Journal* and appealed a ruling that the action was out of order. The Senate then invoked cloture on the nomination, 65–24, upheld the ruling of the chair, 59–28, and confirmed the nomination, 64–24. May 5, July 28, August 6–7, September 9 (five days).
- 1987—S. 1174, H.R. 1748, P.L. 100–180, defense authorization. Opponents of provisions in the bill restricting the strategic defense initiative (SDI) extended debate on a May 13 motion to consider while three cloture motions were defeated (the last by 59–39 on May 20). A fourth was then withdrawn, and the bill was put off until opponents became willing to allow consideration. On September 10, the motion to consider was renewed and a fifth cloture petition was filed as a precaution, but the Senate approved the motion to consider, 79–4, with

- support from Senators backing SDI. Consideration of numerous amendments continued for the rest of September, during which the Senate rejected an attempt to strike out the restrictions on SDI. Cloture was moved only on an amendment to limit the time for U.S. escort of Kuwaiti oil tankers, and when cloture was rejected, 54–45, the amendment was withdrawn. Thereafter, cloture was also filed on the bill, but the Senate passed it before the cloture vote could occur, and the measure went on to enactment under the House bill number. May 13–20, September 10–October 2, October 16, November 19 (23 days).
- 1987—S.J. Res. 194 would have invoked the timetable of the War Powers Act for Congress to vote on U.S. military actions in the Persian Gulf, especially on U.S. escorts for Kuwaiti oil tankers. A bipartisan substitute required that the President report on U.S. policy in the Gulf, and that Congress then vote on the policy under a procedure precluding filibusters, without reference to the requirements of the War Powers Act. Supporters of the initial resolution moved for cloture on the substitute, but Senators supporting the President successfully opposed it. Even after cloture was invoked on the substitute (67–28), the Senate first rejected it, then reconsidered it and adopted several amendments defending the President's position, and only thereafter approved it. The House did not act on the Senate-passed measure. October 9–21 (four days).
- 1987—H.R. 2700, energy-water appropriations. Nevada Senators and their allies opposed provisions added in a Senate committee that were designed to enable construction of a nuclear waste repository in that state. The Senate first tabled an amendment to strike the provisions, then, after four days considering an amendment affirming the provisions, invoked cloture on it, 87–0. Opponents of the repository, however, then continued to debate the amendment under cloture, after which it was withdrawn, pursuant to a unanimous consent agreement that also permitted opponents to offer specified amendments against the repository (none of which the Senate subsequently adopted). Ultimately, provision for the nuclear waste repository was enacted in the 1987 reconciliation bill, and energy-water funding was included in an omnibus appropriations bill. November 4–18, December 9 (nine days).
- 1987–1988—S. 2, to provide public funding for Senate candidates who accepted spending limits, became the first measure on which eight cloture votes occurred. The Senate began debate on June 3, 1987; two days later, Majority Leader Byrd first moved cloture on the committee substitute. By June 19 the Senate had rejected cloture on the substitute five times, never with more than 52 votes in favor. During this period and during renewed consideration in August, the Senate considered few amendments. The Senate again returned to the bill on September 9, simultaneous with consideration of the defense authorization bill under a two-track arrangement, and non-germane amendments dealing with the Nicaraguan “Contras” and Latin American policy were offered. Cloture again failed on September 10, 53–42, and September 15, 51–44. A final at-

- tempt began on February 17, 1988, when a revised proposal was offered as a substitute through instructions in a motion to recommit. Beginning on February 23, the leadership proceeded to all-night sessions for its consideration. When opponents responded by making repeated calls for a quorum and then denying the Senate a quorum by not responding, Senator Byrd secured Senate acceptance of an order for the arrest of absent Senators. In pursuance of this order, Capitol Police officers, under direction of the Sergeant at Arms, brought Senator Bob Packwood bodily to the floor. The next day, the final cloture motion, on the new substitute, was filed, but following a second all-night session, the Senate rejected this motion, 53-41, and the measure was shelved. June 3-18, August 3-7, September 9-15, 1987; February 1, 17-26, 1988 (26 days).
- 1987-1988—S. 1420, H.R. 3, broadly revised and extended laws governing foreign trade and trade agreements. It received extensive consideration and amendment. Early in the course of consideration, controversy focused on an amendment to require a Senate vote on a Constitutional amendment to require a balanced budget, but apparent delaying actions occurred only with respect to two amendments addressing policy in the Persian Gulf. One of these, to restrict escorts of Kuwaiti oil tankers by U.S. warships, was offered on July 1, and cloture was rejected twice, by 57-42 on July 9 and by 53-40 on July 14, when the amendment had been pending for six days. The other, to impose a 90-day moratorium on such escorts, was offered on July 9, and cloture was rejected, 54-44, on July 15, when the amendment had been pending for four days. The Senate then accepted a unanimous consent agreement providing for a compromise resolution of the balanced budget proposal. Under this agreement, both Persian Gulf amendments were withdrawn and cloture was deemed invoked on the bill. The Senate passed the House companion the following week, but a conference agreement was not reached until April 20, 1988, and the Senate adopted it only after four additional days of consideration. President Reagan vetoed the measure, among other reasons because of its provision for advance notification of plant closings and mass layoffs. June 25-July 21, 1987; April 22-27, June 7-9, 1988 (21 days).
- 1988—S. 79, to provide for notification to employees of high risk occupational diseases. Opponents, who considered the measure burdensome on businesses, offered a series of amendments (some of them raising broader, politically sensitive issues), which prevented consideration of amendments by proponents. The leadership moved cloture on the committee substitute at the outset of consideration and again on the following day. After the first cloture vote failed, 33-59, proponents secured modifications to the substitute, then voted against the second cloture motion in order to offer opponents time to examine the modified measure, so that cloture failed, 2-93. Thereafter, opponents continued to extend consideration, and after two further cloture motions on the substitute also failed to attract even majority support, the bill was returned to the calendar. March 18-29 (eight days).

- 1988—S.J. Res. 282 was a constitutional amendment to allow Congress and the states to limit campaign spending. It came to the floor in return for the support of its sponsor, Senator Hollings, for cloture on S. 2 (the campaign finance bill). Senator Gramm offered a substitute to transform S.J. Res. 282 into a balanced budget constitutional amendment, to which Senator Hollings offered a substitute reconverting it to a campaign spending constitutional amendment. After the Senate rejected cloture, 52–42, on the Hollings substitute, it unanimously consented to a second cloture vote, but when this second vote again rejected cloture, 53–37, the measure was taken from the floor. April 18–22 (four days).
- 1988—H.R. 4222, to extend for six months an amnesty program for illegal aliens. Supporters argued that slow implementation by the Immigration and Naturalization Service (INS) made the extension necessary. When a Senator objected to a request for unanimous consent to consider H.R. 4222, the majority leader offered a motion to consider the bill and sought cloture on the motion, but when the Senate voted against cloture, 40–56, the attempt was abandoned. April 27–28, May 18 (three days).
- 1988—S. 2355, defense authorization. On May 13, the fifth day of consideration of the bill, Senator D'Amato proposed amendments to authorize the death penalty for drug-related killings. After opponents threatened to block passage of the bill if this amendment were included, consideration was suspended from May 17 to 27, when a consent agreement was reached for consideration on June 8 of a bill (S. 2455) embodying the text of the D'Amato amendments. The agreement included specified limitations on debate and amendments to the bill if cloture was invoked one day later. The Senate then readily passed S. 2355 (but the House did not act on this measure). The Senate invoked cloture on S. 2455 on June 9 and passed it the next day. May 8–17, 27 (eight days).
- 1988—Treaty Doc. 100–11 was an agreement with the Soviet Union on intermediate nuclear forces, known as the INF treaty. Senator Helms and others delayed the Senate from turning to the resolution of ratification by offering numerous amendments to the text of the treaty itself. After proponents moved for cloture on the treaty, some Senators raised the prospect in floor debate that if the 30 hours provided for consideration under cloture expired before the resolution of ratification was presented, the Senate would be able to act only on amendments to the text of the treaty already pending and on committee amendments to the resolution of ratification. The cloture vote was postponed several times, and ultimately vitiated, by unanimous consent, after which the Senate advised and consented to the treaty, 93–5. May 17–27 (nine days).
- 1988—S. 2527, P.L. 100–379, contained the provisions to require advance notification of plant closings and mass layoffs to which President Reagan had objected in the trade bill, H.R. 3. After President Reagan vetoed H.R. 3, the Senate on June 22 voted, first, to reject a motion to table the motion to consider S. 2527, and, then, to adopt the motion to consider. On June 27–28, after several days of active consideration, four motions



- for cloture on the bill were filed, and on June 29, after cloture was rejected, 58–39, a fifth was filed. On its second attempt, on July 6, the Senate invoked cloture, 88–5, then passed the measure. The Senate deferred action on broader trade legislation until the President allowed S. 2527 to pass into law without his signature. June 22–July 6 (seven days).
- 1988—S. 2662, H.R. 1154, to establish textile import quotas. Opponents feared the bill would threaten home-state importers with short supplies and exporters with retaliation. The Senate took up the bill, and Majority Leader Byrd moved cloture on it, before the August recess, but only when the Senate returned did Members invoke cloture on the bill. Senators also tabled a point of order that the bill was unconstitutional. The bill passed on September 9, but opponents delayed routine action to amend the House companion with the Senate text and pass it until, by September 15, they felt assured of the votes to sustain an expected veto. (Ultimately, the House sustained the veto). August 10, September 7–15 (seven days).
- 1988—S. 837, to increase the minimum wage. Although the Senate readily adopted the motion to consider the bill, 87–7, opponents extended debate against the measure itself. After the Senate rejected two cloture motions on the committee substitute, 53–43 and 56–35, Majority Leader Byrd returned the measure to the calendar. September 15–23 (six days).
- 1988—S. 2488, a parental-leave bill. On the fourth day of consideration, September 29, Majority Leader Byrd moved to recommit the bill with instructions to report a substitute including child-care provisions and sought cloture on his motion. On the following day, the Senate tabled a motion to postpone the measure until October 6, and on October 3, the Senate adopted the cloture motion, 85–6. By October 5, the Senate had exhausted the allotted 30 hours of post-cloture debate, apparently for the first time since the 30-hour cap was established in 1986. The Senate then agreed by voice vote to recommit the bill, and a cloture motion was filed on the committee reported substitute, as amended. On October 7, the Senate rejected cloture, 50–46, and the measure was returned to the calendar. September 26–October 7 (10 days).
- 1988—H.R. 1495, to declare 90 percent of the Great Smoky Mountains Park a wilderness. Senators who opposed provisions regarding access to family gravesites in the park denied unanimous consent to consider the measure. The majority leader twice sought cloture on his motion to consider the measure, but after both motions were defeated, 49–35 on June 20 and 54–42 on June 21, the measure was returned to the calendar. June 16–21 (four days).
- 1989—H.R. 1231, to suspend a strike at Eastern Airlines and establish a presidential board to resolve it. A first attempt to secure cloture on a motion to consider was abandoned on April 4 in the face of opposition to government intervention in the strike. A second attempt began on September 29, when an alternative providing only for a commission to make recommendations had been crafted. The Senate invoked cloture on the motion to consider the bill on October 3 and took up the

- bill on October 17. The alternative plan was offered in the form of a complete substitute on October 23, and cloture was moved on it the following day. On October 26 the Senate voted for cloture, 62–38, adopted the substitute, 65–35, and passed H.R. 1231 as thus amended by voice vote. Although the House accepted the Senate’s version, President Bush vetoed it, and the House sustained the veto. March 17, April 4, September 29–October 26 (eight days).
- 1989—H.R. 3628, to reduce capital gains taxes. In the House, a bipartisan coalition initially added the proposal, backed by President Bush, to the 1990 budget reconciliation bill (H.R. 3299), but the version reported by the Senate Committee on Finance struck this provision, which meant that it could be restored on the Senate floor only if 60 Senators voted to waive a restriction in the Rules and permit consideration of it. Senators instead reached an agreement to pass H.R. 3299 without this and several other extraneous provisions. Conferees deadlocked over whether to include the capital gains tax cut until the President accepted its omission from the conference report, at which point the House re-passed the cut as a separate measure, H.R. 3628. The Senate took up H.R. 3628 under a unanimous consent agreement pursuant to which Senator Packwood offered an alternative plan, with one cloture vote to occur on the alternative after three hours’ debate, and another on the following day. Under this agreement, after cloture was rejected, 51–47, on both votes, the Senate returned the measure to the calendar. November 13–15 (three days).
- 1990—S.J. Res. 212 designated a day of remembrance for Armenians killed under the Ottoman Empire between 1915 and 1923. Opposition, led by Senator Byrd, focused on the use of the word genocide and concern about offending Turkey. Minority Leader Dole moved cloture twice on the motion to proceed to consider the resolution, but after both cloture motions were defeated, by 49–49 on February 22 and 48–51 on February 27, the Senate took no further action. February 20–March 1 (five days).
- 1990—S. 1970, H.R. 5269, criminal justice. After taking up the Senate bill on May 21, the Senate acted on numerous amendments, but Senators who wished to offer others, together with opponents of provisions banning a group of assault weapons, defeated two motions for cloture on the bill, by 54–37 on June 5 and 57–37 on June 7. Consideration was suspended until June 28, when the Senate reached a unanimous consent agreement providing for consideration of additional amendments and a final vote. The measure passed, still including the assault weapons ban, on July 11, 94–6. The Senate later received the House companion and passed it, as amended with the Senate text, on October 23, but the measure was never reported from conference. May 21–June 7, June 28–29, July 11, October 23 (11 days).
- 1990—S. 2104 sought to strengthen remedies against discrimination in employment. The Bush Administration and Senate opponents of the bill objected that its authorization of suits against employment practices if they had a disparate negative

- impact on women or minorities would effectively compel employers to adopt quota systems. The Senate considered the bill intermittently while trying to negotiate an acceptable compromise on this question. In June, an initial motion for cloture on a motion to consider was vitiated when the Senate gave unanimous consent to take up the bill after the July 4 recess. In July, the Senate voted cloture, 62–38, on a new full-text substitute, offered as a replacement for the committee substitute by Senator Kennedy, chair of the reporting committee, thereby vitiating additional petitions on both the substitute and the bill. Under a unanimous consent agreement, the Senate then adopted a further revision of the substitute by voice vote, and passed the bill, 65–34. Ultimately, however, the Senate narrowly failed, 66–34, to override President Bush's veto. June 22–July 18, September 18, October 16, 24 (10 days).
- 1990—S. 1224, to raise automobile fuel efficiency standards. The Senate invoked cloture, 68–28, on a motion to consider the bill, but when it later rejected cloture on the committee substitute, 57–42, Senators Bryan and Gorton, the co-sponsors of the measure, withdrew it from further consideration. September 12–25 (five days).
- 1991—S. 429, to prohibit retail price fixing by manufacturers. Opponents considered the bill unfair to businesses, and President Bush threatened a veto. The Senate, however, quickly invoked cloture first on a motion to consider, 61–37, and the next day on the bill, 63–35, then, on the following day, passed the bill. Ultimately, however, the House defeated the conference report. April 25, May 6–9, 1991; March 18, 1992 (six days).
- 1991—S. 1435, foreign aid authorization. The Senate readily invoked cloture on the motion to consider, 87–10, but Administration supporters opposed amendments to contribute to the U.N. Population Fund (because the Fund operated in China, which they said maintained a policy of forced abortions) and to restrict aid to El Salvador. After the Senate rejected, 43–56, a motion to table the El Salvador proposal, immediate cloture votes occurred by unanimous consent on both amendments, with each to be withdrawn if cloture was defeated. The Senate rejected cloture on the El Salvador amendment, 43–56, but invoked it, 63–33 on the Population Fund amendment. It then adopted the latter after sponsors of two other proposals (to require Middle East arms purchasers to demonstrate progress in democratization and development, and opposing the linkage of aid to Israel with its policy on settlements in occupied territory) withdrew them in response to threatened filibusters, even though the Senate had also defeated, 39–57, a motion to table the Middle East amendment. The Senate then passed the bill, but the House later rejected the conference report. July 22–26, October 8 (five days).
- 1991—S. 1220, to establish a national energy strategy, responded to concerns about oil supply after the Persian Gulf War. A motion to consider the measure was not offered until four months after the Committee on Energy and Natural Resources originated the bill, and opponents, who objected especially to its provisions for oil drilling in the Arctic National Wildlife

Refuge, extended debate on the motion. After the Senate rejected cloture on the motion to consider, 50–44, the bill was abandoned. (Further action occurred in 1992 on S. 2166 and H.R. 776, below.) October 30–November 1 (three days).

1991–1992—S. 1241, H.R. 3371, broadening the Federal death penalty, banning assault weapons, and providing aid for local law enforcement. In a month of intermittent initial consideration, the Senate considered numerous amendments, adopting one to regulate handgun purchases (the “Brady bill”), but rejecting an array of others and tabling a nongermane amendment to ban racial preferences in employment. The Senate rejected cloture twice, by 41–38 on June 28 and 56–43 on July 10, but on the following day, after several more amendments were adopted, it invoked cloture 71–27, and passed the bill, 71–26. The House returned S. 1241 as containing revenue provisions, so in November the two houses went to conference on the House companion bill, H.R. 3371. The Senate made several attempts to consider the conference report, which President Bush and Senate Republicans opposed as not sufficiently loosening evidentiary rules or restricting challenges to death sentences, but rejected cloture on November 27, 1991, 49–38, and March 19, 1992, 54–43. The Senate again took up the conference report on May 14, after Republicans threatened to offer their anti-crime proposals to another bill before the Senate (S. 250, the “motor voter” bill, discussed next), but then once more laid it aside. A final attempt was made on September 30, but the measure died after the Senate again rejected cloture, 55–43, on October 2. June 20–28, July 8–11, November 21, 27, 1991; March 5, 19, May 6–7, 14, September 30, October 2, 1992 (20 days).

1991–1992—S. 250 would have required states to permit voters to register while applying for a driver’s license (“motor voter”). Opponents objected that it would facilitate voter fraud. On July 18, 1991, the Senate rejected two motions for cloture on motions to consider, 57–41 and 59–40. A motion to consider and associated cloture motion were not again offered until October 25, and the Senate did not vote on that cloture motion until May 7, 1992, but then invoked cloture, 61–28, and took up the measure by unanimous consent. When Senator Kasten immediately offered an amendment adding federal standards for product-liability suits, the leadership moved cloture on the committee substitute for S. 250. Cloture would have precluded nongermane amendments, but the motion failed on May 12, 58–40. Senator Mitchell moved to reconsider it, but on May 14 the Senate instead tabled the Kasten amendment. Because Senator Gramm was prepared to offer Republican legislation against crime as an amendment to the bill, the majority leader then laid S. 250 aside and turned to other legislation in which the Republican-backed crime package appeared, after which he obtained unanimous consent that the Senate further consider only specified germane amendments to S. 250. The Senate returned to S. 250 on May 19 and passed it the next day, 61–38, after tabling most of the specified amendments. The House passed the bill as well, but the President vetoed it,

- and the Senate failed to override the veto, 62–38. July 16–18, October 25, 1991; May 7, 12–20, September 21–22, 1992 (11 days).
- 1992—S. 640 embodied the legislation regulating personal injury lawsuits resulting from faulty products that Senator Kasten had offered as an amendment to the “motor voter” bill. Majority Leader Mitchell immediately moved cloture on his motion to consider and, when the Senate rejected cloture, 57–39, he immediately moved that the Senate reconsider the vote. On reconsideration, the Senate again defeated cloture, 58–38. September 8–10 (two days).
- 1991–1992—S. 2 established block grants and goals for elementary and secondary education. The Senate took the subject up as the first major business of the second session, immediately invoked cloture on the motion to consider by 93–0, and passed the bill 92–6 in a version that rejected the Administration’s plan for education vouchers for private schools. Later, however, the Senate agreed to go to conference with the House version, which also omitted “school choice,” only after invoking cloture on the motion to disagree to the House amendment, 85–6. The conference report, which still omitted many features of President Bush’s “America 2000” education proposals, failed enactment when the Senate rejected cloture on the matter, 59–40. November 27, 1991; January 21–28, September 10, 15, 30, October 2, 1992 (11 days).
- 1992—S. 1504, H.R. 2977, P.L. 102–356, reauthorizing the Corporation for Public Broadcasting. The Senate readily invoked cloture on the motion to consider the bill, 87–7, but did not vote on proceeding to the bill, however, as Minority Leader Dole proposed to offer the Republican alternative to the crime bill as a substitute. Majority Leader Mitchell had the Senate lay the measure aside and turned to the conference report on the crime bill. The Senate returned to the reauthorization three months later and passed the House companion. February 27–March 4, June 2–3 (five days).
- 1992—S. 55, to prohibit hiring permanent replacements for striking employees. After supporters failed to close debate on the committee substitute, 55–41, on the third day of consideration, they offered an alternative to permit replacement hiring under some circumstances after mediation. On the sixth day of debate, the Senate again rejected cloture, 57–42, and the majority leader withdrew the bill. June 9–16 (six days).
- 1992—S. 2733 proposed stricter capital standards and mandates to finance affordable housing for the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation (“Fannie Mae” and “Freddie Mac”). Delay in floor consideration stemmed largely from an attempt to attach a proposed constitutional amendment to require a balanced budget, as opponents of the amendment extended debate over four days. By unanimous consent, the Senate ordered two cloture votes on successive days on the amendment; if both failed, the amendment was to be withdrawn and a vote on the bill to follow. The Senate rejected cloture on both attempts, 56–39, the amendment was withdrawn, and the Senate then passed the

- bill. (Its opponents blocked unanimous consent to send it to conference, but similar provisions were ultimately enacted in H.R. 5334, P.L. 102-550.) June 23–July 2 (six days).
- 1992—H.R. 11 established special tax treatment for urban enterprise zones and expanded deductions for individual retirement accounts, along with other tax provisions. No delays attended initial consideration, but Senator D’Amato extended proceedings on the conference report by demanding that the conference report be read in full because his amendment protecting domestic typewriter makers against foreign imports had been dropped in conference. Cloture was then moved on the conference report, and the next day the Senate by unanimous consent also substituted the typewriter provisions for the text of H.R. 3837 (originally a measure altering laws on Medicare payments, pension funding, and other matters) and passed this bill in that form (although no further action occurred on this measure). On the following day, the Senate invoked cloture on the conference report by 80–10, after which it adopted the report, but President Bush pocket vetoed the legislation. August 11–12, September 23–29, October 6, 8 (nine days).
- 1993—S. 460, H.R. 2, P.L. 103-31. The “motor voter” bill required states to offer voter registration with driver’s license applications and at certain public offices. On a second attempt the Senate invoked cloture on the motion to proceed, 62–38. After an amendment to prohibit registration at welfare and other offices was defeated, the Senate rejected cloture on S. 460, 59–41, but passed the bill after the requirement to include those offices was replaced with permissive language. The conference report on H.R. 2 restored the requirement in a modified form, but the Senate ultimately invoked cloture on the report, 63–37, and adopted it, 62–36. March 3–17, May 5–11 (12 days).
- 1993—H.R. 1335, P.L. 103-24. One of President Clinton’s first major proposals was a \$16 billion package of appropriations for economic stimulus programs. Senate opponents offered a series of amendments to strip components from the Senate’s substitute amendment. After four attempts to invoke cloture on the substitute failed, the final attempt by 56–43, the Senate stripped out all provisions except for an extension of unemployment benefits. In that form, the measure passed the Senate and was enacted. March 23–April 21 (13 days).
- 1993—S. 919, H.R. 2020, P.L. 103-82, established education grants for participants in community service programs. Opposition to the cost was strong enough that two motions for cloture on the committee substitute were vitiated for lack of support, and supporters offered an alternative with a spending cap and shorter authorization. After one cloture motion on the alternative failed, 59–41, the Senate accepted the plan, vitiated another cloture motion, and passed the measure. July 20–August 3, September 8 (10 days).
- 1993—H.R. 2520, P.L. 103-138, the fiscal 1994 interior appropriations bill, included increases in grazing fees opposed by many Western Senators. When the conference agreement retained the increases, in a compromise form, opponents vigorously

- fought the measure, defeating three cloture motions (a fourth was vitiated). After the Senate insisted on its grazing provision and the House concurred, the measure went on to enactment. September 14–15, October 21–November 9 (seven days).
- 1993—Nomination of Walter Dellinger to head the Office of Legal Counsel. Opponents objected to the nominee's views and his testimony against the 1987 Supreme Court nomination of Robert Bork. Two cloture motions were filed at the outset of three days' debate; the next day the Senate rejected the first by one vote, but the second became moot when the Senate confirmed the nomination, 65–34. October 6–13 (three days).
- 1993—S. 414, H.R. 1025, P.L. 103–159. The "Brady bill" required a waiting period to purchase a handgun. Two cloture attempts failed when they received 57 votes of support each, but the Senate subsequently was able to pass the bill after an agreement was struck on a modification to shorten the period for which the program was authorized. Senate opponents objected when the conference report included the House's sunset provision instead of the shorter one agreed to by the Senate, but after securing agreement that the Senate would later take up a bill to modify the language in the conference report, the Senate approved it, and action on two motions for cloture on it became unnecessary. November 19–20, 23–24 (four days).
- 1993–1994—S. 3, financing of congressional campaigns. In 1993, the Senate rejected two motions for cloture on the bill in the course of 11 days' consideration before supporters accepted removal of most provisions for public financing and the inclusion of various other amendments. The Senate then invoked cloture, 62–37, and passed the bill. The Senate took steps toward conference only in late 1994, after informal negotiations had reached a resolution of differences with a House companion bill. Debate on a motion to disagree with the House amendments persisted even after the Senate invoked cloture by 96–2. The Senate then adopted the motion to disagree, 93–0, but debate was again extended on the motion to request a conference. After twice failing to invoke cloture on this motion, the Senate abandoned further proceedings. May 21–June 17, 1993; September 20–30, 1994 (20 days).
- 1994—S. 1150, H.R. 1804, P.L. 103–227, the "Goals 2000" bill, set national goals for elementary and secondary education. After five days' debate, the Senate initially passed S. 1150 including an amendment to withhold federal funds from districts not permitting voluntary student prayer. When the conference report on the companion bill, H.R. 1804, only forbade districts from using federal funds to prevent such prayer, supporters of the earlier language demanded that the report be read in full and, in post-midnight proceedings, attempted to secure adoption of a concurrent resolution directing its restoration in the final version of the bill. After this and several other unanimous consent arrangements were objected to, the Senate voted to consider the conference report, 60–31, and two cloture motions were immediately filed. A day later, having turned to other business in the meantime, the Senate again

- voted to consider the conference report, 83–12, and two more cloture motions were filed. Finally, in another post-midnight session early on a Saturday on which a recess would start, the Senate invoked cloture on the first attempt, 62–23, and agreed to the conference report, 63–22. February 2–8, March 2, 23–26 (10 days).
- 1994—H.R. 3345, P.L. 103–226, offered \$25,000 payments for voluntary retirements of federal managers. Initially, the Senate had easily passed its version, including a provision putting savings into a fund to finance crime reduction programs, but supporters of this provision opposed the conference report, from which it was dropped. The Senate voted to consider the conference report, 62–29, and two cloture motions were filed. The next day, cloture was first rejected, 58–41, then invoked, 63–36, when, according to news reports, Senators concerned a further conference might drop benefits for their states changed their votes. The Senate then adopted the conference report. February 11, March 11, March 23–24 (four days).
- 1994—S. 4, H.R. 820, provided support for electronic technology firms to compete globally, but Senate opponents objected to the cost, attempted to attach amendments addressing other protections for commerce, and defeated a motion for cloture on the committee substitute, 56–42. Modifications made a vote on a second cloture motion unnecessary and the Senate passed the bill, but a conference committee never reported. March 3–16 (seven days).
- 1994—S. 21, P.L. 103–433 established new national parks and wilderness areas covering large areas of the California desert. Though California Senators pressed for action, the Senate put off debating a motion to take up the bill for two weeks, but then approved the motion after a cloture motion was withdrawn. Numerous amendments were offered, but the bill passed on the second day of consideration. Opponents, who cited the expense of the project and the removal of land from commercial and military uses, debated the motion to disagree with the House amendments and, later, the conference report, but in each case cloture was invoked on the next day and the question agreed to. March 26, April 11–13, September 20–23, October 4–8 (nine days).
- 1994—Nomination of Sam Brown to head the U.S. delegation to the Conference on Security and Cooperation in Europe. Opposition stemmed from Brown’s leadership of protests against the Vietnam War and his performance as head of the ACTION volunteer service agency. Upon first being considered, the nomination was recommitted after a cloture motion was withdrawn. After the nomination was re-reported, two cloture votes failed, the second vote was 56–42, and consideration was terminated. April 12–13, May 19–25 (six days).
- 1994—S. 349 initially passed the Senate in 1993 as a measure for disclosure of lobbying activities; the conference report also included restrictions on gifts from lobbyists. Objections to the conference report focused on the impact of the disclosure requirements on “grass roots” organizations, but a unanimous consent request to adopt a concurrent resolution to strike the



- provisions affecting “grass roots” lobbying from the final version of the measure met objection, after which the Senate rejected cloture on the conference report twice during four days’ consideration, 52–46 and 55–42. (Cloture would have required two-thirds of Senators voting, because the measure included a change in Senate Rules.) May 4–6, 1993; October 3–7, 1994 (seven days).
- 1994—S. 687 regulated lawsuits and limited liability for injuries caused by manufactured products. Opponents objected to the bill’s limitations on product liability and threatened numerous amendments that would bring in such subjects as tobacco and gun control. The Senate twice rejected cloture on the bill, the second time, 57–41, despite sponsors’ offer to drop a prohibition against punitive damages for products approved by the Food and Drug Administration. The bill was returned to the calendar. June 24–29 (four days).
- 1994—S. 55 prohibited hiring permanent replacements for striking workers. A motion to consider was withdrawn after extensive debate and two failed cloture votes. July 1–13 (four days).
- 1994—S. 1513, H.R. 6, P.L. 103–382 reauthorized elementary and secondary education programs. Opponents fought the conference report on H.R. 6 because it dropped House language denying federal funds to school districts that did not permit voluntary student prayer in favor of a Senate provision denying funds only to districts under court order to permit such prayer. On the fourth day of debate, the Senate approved the first of two cloture motions, 75–24, and the conference report, 77–20. July 27–August 2, September 30–October 5 (nine days).
- 1995—H.J. Res. 1, proposing a constitutional amendment to require a balanced budget. After 14 days of consideration and the failure of numerous amendments, three cloture motions were filed in two days. The first was defeated, 57–42, but when it became clear that the second would likely win, the leaders were able to negotiate a unanimous consent agreement for a final vote. The constitutional amendment was defeated by a vote of 65–35, short of the two-thirds required for passage. Majority Leader Dole filed a motion to reconsider but the amendment failed on reconsideration, 64–35. January 30–31, 1995; February 1–28, 1995; March 2, 1995; June 4–6, 1996 (23 days).
- 1995—H.R. 889, P.L. 104–6, was an emergency supplemental appropriations bill. An amendment to the bill would have prohibited funding to implement an executive order barring federal contractors from hiring replacement workers. After a vote to table the amendment failed, leadership filed two cloture motions on consecutive days; the first failed 58–39, the second was withdrawn after it became clear the votes had not changed. The amendment was withdrawn. March 7–16, April 6 (nine days).
- 1995—S. 1, P.L. 104–4, restricting unfunded federal mandates to state and local governments. After an initial cloture motion failed, 54–44, supporters of the measure filed two additional cloture petitions. Those were withdrawn after a unanimous consent agreement was reached that limited additional

- amendments to the measure (to 62) and provided for a final vote on the bill. January 12–27, March 15 (11 days).
- 1995—H.R. 1158, making rescissions to appropriations for FY1995 and providing assistance for various disasters. The text of S. 617 was offered as a full text substitute for H.R. 1158. Several policy disagreements slowed consideration, including the level of the proposed rescissions, an amendment to bar financial support for the Mexican peso, and a potential battle over Medicaid abortion policy. When cloture on the substitute failed, 56–44, after five days' debate, an alternative was developed that reduced the overall amount of the rescissions. The peso amendment was withdrawn, and the abortion fight never materialized. A second cloture motion on the original substitute fell, and the amended substitute was passed by voice vote. The President vetoed this bill, and Congress did not attempt to override it. The President later signed another measure (H.R. 1944) that rescinded some FY1995 spending. March 29–31, April 3–6, May 24–25 (nine days).
- 1995—Nomination of Henry W. Foster to be Surgeon General. Opponents objected to the nominee's views on abortion. Two cloture motions were filed at the outset of consideration, and a unanimous consent agreement proved for three hours of debate prior to the cloture votes. The Senate rejected both cloture motions by identical 57–43 votes. The nomination was never confirmed. June 21–22 (two days).
- 1995–1996—H.R. 956, sought to restrict product liability lawsuits. The text of S. 565 was offered as a full text substitute to H.R. 956. The Senate agreed to amendments to limit frivolous lawsuits, medical malpractice liability, and punitive damages in all civil cases. After opponents defeated two cloture motions on the substitute, as amended, the majority offered a new substitute that did not include the amendments. Cloture was rejected on the new substitute, 43–49. After an agreement to drop more lawsuit restrictions from the bill, cloture was invoked on the amended substitute by a vote of 60–38. Almost a year later, conferees completed work on the final bill. Two cloture motions were immediately filed on the conference report, and cloture was invoked 60–40. The President vetoed the bill and the House sustained the veto. April 24–May 10, 1995; March 15–21, 1996 (16 days).
- 1995—S. 343, to limit government regulatory powers. Opponents argued that an alternative offered by Majority Leader Dole would have unduly hindered government regulation in some important areas, such as food safety. After consideration and approval of numerous amendments to limit the reach of the substitute, the Senate failed to invoke cloture on the measure by a vote of 48–46. A second substitute was proposed and rejected by the Senate, 48–52. After two further cloture motions also failed, 53–47, and 58–40, Majority Leader Dole declared the measure effectively dead. June 28–30, July 10–20 (11 days).
- 1995—S. 908, the Foreign Relations Revitalization Act, proposed to reorganize and consolidate offices in the State Department and related agencies, such as the Agency for International

- Development. Cloture was immediately filed on the motion to proceed to the measure, because of a scheduling dispute, but was later withdrawn and the Senate took up the bill by unanimous consent. Cloture was immediately filed on the bill, and a unanimous consent agreement was reached that provided for two cloture votes. Both failed and the bill was returned to the calendar. Three months later, the Senate adopted a scaled-back version of the bill as a complete substitute for the House-passed version, H.R. 1561, and passed the bill in that form. The President vetoed the bill and the House sustained the veto. July 26–31, August 1, December 14 (five days).
- 1995—H.R. 927, P.L. 104–114, to tighten U.S. economic sanctions against Cuba represented a response of the Republican-controlled Congress to President Clinton's modification of the U.S. embargo to permit more travel and trade. A key provision would have allowed U.S. citizens whose properties were expropriated by the government of Fidel Castro to seek legal redress in U.S. courts against foreign corporations that took over those properties. Bipartisan opposition to that provision prevented the Senate from invoking cloture on the substitute amendment offered by Majority Leader Dole. Once Senators agreed to drop the property provision, the Senate invoked cloture, 98–0. While the House and Senate were negotiating the final version of the measure, Cuba shot down two aircraft, killing four Americans. A substantially tougher version of the bill emerged from conference, quickly passed the Senate and House and was signed by the President. October 11–24; November 13; December 14; March 3, 1996 (9 days).
- 1995–1996—S. 562, H.R. 1555, P.L. 104–104, a bill overhauling telecommunication law, was brought to the floor as a centrist compromise with strong majority and minority support. Opponents sought significant changes to various provisions of the bill, and numerous amendments and speeches kept the bill on the floor for six days. Two cloture motions were eventually filed, the first of which passed 89–11. June 7–13, October 13, February 1 (1996) (nine days).
- 1996—S. 1541, H.R. 2854, P.L. 104–127, the Agricultural Reform and Improvement Act of 1996, was designed to replace support payments to farmers with payments on a fixed, declining schedule over the seven-year life of the bill. Majority Leader Dole brought the bill directly to the floor without committee consideration, and cloture was filed immediately both on the bill and on a full substitute that would have modified the fixed payment plan and reauthorized several key conservation and food programs. The Senate rejected cloture on the bill, 53–45, and on the substitute, 59–34, but the closeness of the votes suggested that cloture would ultimately be achievable, which fostered negotiations that resulted in easy Senate passage and, later, enactment of a version of the bill that retained a fixed, declining payment schedule, but did not repeal permanent farm law. January 31, February 1–7, March 27–28 (seven days).
- 1996—S. 1936, the Nuclear Waste Policy Act of 1996. The measure, to construct an interim nuclear waste storage site at Yucca

- Mountain in Nevada, was determinedly opposed by the state's two Senators. Supporters successfully invoked cloture on the motion to proceed to the measure, 65–34, but opponents, who hoped to delay proceedings sufficiently to preclude Congress from completing action on the measure and on overriding an expected veto, were reportedly prepared to offer numerous amendments. Before a cloture vote on the bill could occur, opponents agreed to a unanimous consent agreement for an additional eight hours of debate on the bill and amendments thereto. The Senate passed the bill, but faced with a crowded legislative calendar and a promised veto, the House did not take up the bill. July 11–31 (four days).
- 1996—H.R. 3539, P.L. 104–264, reauthorized the Federal Aviation Administration. When the conference report came up for consideration in the Senate, some members opposed a provision to make it more difficult for workers in express mail companies to unionize. Although the motion to consider the conference report was not debatable, leadership immediately moved for cloture on the motion to consider, in hopes of demonstrating support sufficient for cloture on the conference report itself. The Senate tabled, 97–0, a motion to postpone consideration of the motion to proceed. Opponents forced the reading of the entire conference report to forestall a final vote, then accepted a unanimous consent agreement to proceed to its consideration, in exchange for extended debate on the express mail provision. Cloture was filed on the conference report. The Senate debated the measure for 6 hours over two days, and then invoked cloture, 66–31. A point of order was then sustained that the express mail provision was outside the scope of the conference. The Senate overturned that ruling, by a vote of 39–56, and then agreed to the conference report, 92–2. September 18–30, October 1–3 (seven days).
- 1996—H.R. 2937, was a bill to reimburse the legal expenses of seven fired White House travel office employees. A series of amendments by the majority leader filled the amendment tree, and opponents declined to accept limits on debate so long as this action prevented them from offering an amendment to raise the minimum wage. Two attempts to invoke cloture on the measure failed. Majority Leader Dole withdrew his amendments and offered an alternative amendment that combined a minimum wage increase with repeal of a gasoline tax, but the Senate failed to invoke cloture on it. A further attempt to get cloture on an amendment to repeal the gas tax also failed, and the Senate never completed action on the bill. Funds to reimburse the travel office workers were included in an FY1997 appropriations bill (H.R. 3756). May 3–14 (seven days).
- 1996—S. Res. 227 would have granted an additional \$600,000 and unlimited time for investigation to the Special Committee to Investigate Whitewater Development Corporation. Opponents argued that there was no need to continue the life of the committee, which had expired on February 29, 1996 (floor debate on the measure took place in March and April). Over 15 days, proponents filed eight cloture motions on the motion to consider the resolution. The first six were rejected, generally along

- party lines; the seventh and eighth were withdrawn, and the Senate never completed action on the resolution. Instead, the Senate agreed by unanimous consent to a second resolution (S. Res. 246) that provided \$450,000 for the expenses of the committee and extended its authority to June 17. March 6–29, April 15–17 (15 days).
- 1996—H.R. 1296, a bill to provide administration for certain federal properties at the Presidio of San Francisco. Cloture was immediately filed on a substitute adding dozens of other park and land provisions to the measure, including a controversial Utah wilderness provision. Democrats offered, and moved cloture on, an amendment increasing the minimum wage. After cloture failed on both the substitute (51–49) and the minimum wage amendment (55–45), the bill was returned to the calendar. Weeks later, the Senate passed it by unanimous consent after adopting the substitute, minus the wilderness provision. Conferees restored the Utah provision, but neither chamber approved the conference report. Instead, the House and Senate passed at the very end of the session an alternative parks and lands bill, which included the Presidio provisions (H.R. 4236, P.L. 104–333) which was signed by the President. March 25–29, May 1–17, September 30, October 3 (nine days).
- 1996—H.R. 2546, the District of Columbia appropriations bill for FY1996, was initially easily approved in both chambers, but over several weeks, the Senate four times rejected cloture on the conference report, which included a House provision establishing a school voucher program. Eventually, funding for the District of Columbia was included in an omnibus bill (H.R. 3019, P.L. 104–134) that omitted the voucher provision. November 2–7, 1995, February 23–29, March 5–19, April 25 (15 days).
- 1996—S. 1745, FY1997 Defense authorization. After more than a week of consideration, a cloture motion was filed on the bill. Cloture was not invoked, 52–46, and a second cloture attempt also was unsuccessful, 53–43. A third cloture motion was withdrawn after the leaders worked out a unanimous consent that altered controversial language about deployment of missile defenses and provided for a Senate ratification vote on the Chemical Weapons Convention. Following those changes, the Senate substituted the amended version of S. 1745 into the House-passed bill (H.R. 3230, P.L. 104–21) and agreed to the measure. June 18–July 10, September 9–10 (11 days).
- 1997—S. 4 would have amended the Fair Labor Standards Act to allow employees to choose compensatory time off instead of overtime pay. Opponents thought the bill would allow workers to be coerced by employers into taking the time off instead of overtime pay. After the bill was brought to the floor, two attempts at cloture on a committee-approved full text substitute failed, 53–47 and 51–47. May 1–15, June 2–4 (eight days).
- 1997—S. 1173, H.R. 2400, P.L. 105–178, the Transportation Equity Act, reauthorized highway and construction programs for six years. The majority precluded the minority from offering a rewrite of campaign finance laws (S. 25) as an amendment to the transportation measure by offering several amendments

- and filling the tree, and the minority responded with parliamentary delays. Four cloture motions on the modified committee substitute amendment failed. The bill was returned to the calendar, and Congress enacted a six month authorization (S. 1519, P.L. 105-130) for transportation projects, while it finished work on the larger measure. After the leadership agreed to bring up a campaign finance bill in early March, the Senate resumed consideration of the transportation bill. A new substitute for the entire bill, embodying expanded funding for highways and other transportation programs, was offered, on which the Senate invoked cloture, 96-3. It then passed the bill in that form, 96-4, and went to conference on the House companion. October 8-29, February 26-March 12, April 2 (20 days).
- 1997—H.R. 2646 would have created tax-free savings accounts that could be used to pay for public or private school education for students of any age. Minority opponents of the bill defeated two cloture motions on the bill in late 1997, citing the lack of hearings and the inability to get a unanimous consent (UC) agreement on offering amendments. When the bill was taken up again in March 1998, supporters won cloture on the motion to proceed, 74-24, but two cloture votes on the bill failed, and supporters withdrew it from the floor. One month later, a UC agreement was reached that allowed the minority to offer 10 amendments and the majority five amendments to the bill. After considerable amendment activity, the Senate passed the bill, 56-43. A conference report on the measure later cleared the Senate, 59-36, but the President vetoed the bill, and the House did not attempt an override. October 29-November 4, 1997; March 13-27, April 20-28, June 23-24, 1998 (18 days).
- 1997—S. 25, the Bipartisan Campaign Finance Reform Act (known as McCain-Feingold), would have significantly rewritten campaign finance laws. For months, the minority sought to attach the provisions of S. 25 to any major bill moving through the Senate, and used delaying tactics to extend debate on unrelated measures when they were prevented from offering it. The majority agreed to bring the bill to a floor vote in order to ease action on other bills. Majority Leader Lott filled the tree with versions of an amendment, opposed by the minority, to require that unions get member consent before using dues to make political donations. Cloture was filed on the Lott amendment but failed, 52-48. Opponents of the underlying bill then successfully prevented cloture on the bill in three separate votes, and when cloture failed again on the Lott amendment, 51-48, the bill was withdrawn from the floor. September 29, October 3-9 (seven days).
- 1997—S. 543, P.L. 105-19, the Volunteer Protection Act of 1997, was designed to enhance legal protections for volunteers acting on behalf of a non-profit organization. The minority twice killed efforts to invoke cloture on the motion to proceed, in protest for delay in confirming Labor Secretary nominee Alexis Herman. The Senate took up the bill by unanimous consent on the same day Herman was confirmed, and passed it, 99-1, the next day. The House passed S. 543 after inserting an amend-

- ed version of H.R. 911, and the Senate by unanimous consent agreed to the House amendment. April 25–May 21 (six days).
- 1998—S. 648, would have rewritten product liability law. Supporters successfully invoked cloture on the motion to proceed, 71–24, but the minority was able to defeat cloture on the majority substitute amendment, in part because they argued cloture would prevent them from offering gun liability and other amendments. Once cloture was defeated, the bill was returned to the calendar. June 26, July 7–9 (three days).
- 1998—S. 1415 dealt with tobacco regulation. It would have raised taxes on cigarettes, penalized tobacco companies if youth smoking did not decrease, and capped liability on tobacco companies if certain conditions were met. The majority party was split over the bill's provisions, and majority supporters found themselves in an unusual alliance with the minority against conservative members of the majority party. Opponents, who thought the terms too tough on the tobacco industry, engaged in numerous procedural delays—including extended debate and objections to limitations on the number of amendments—and four attempts at cloture on the full text committee substitute were defeated. The final blow for the bill came when the Senate declined to waive the Budget Act in regards to the bill, automatically sending it back to committee. May 14–21, June 1–17 (17 days).
- 1998—H.R. 1270 would have created a nuclear waste storage site at Yucca Mountain, Nevada. The Nevada delegation's vociferous opposition to the measure continued well into the 105th Congress. Though measures to open the plant had passed the House and Senate earlier in the Congress, tax issues required the Senate to consider a second, House-originated measure. After House Speaker Newt Gingrich announced the House would not take up a Yucca Mountain bill during the remainder of the 105th Congress, Senate support for cloture dropped below previous expectations and the chamber abandoned the measure after rejecting cloture, 56–39. May 22, June 2 (two days).
- 1998—S. 1873, legislation to develop and deploy a national anti-missile defense system, never made it to the Senate floor. Opponents wanted to delay deployment until further research was conducted. Two cloture votes on motions to proceed—held four months apart—were defeated by identical 59–41 tallies. May 11–13, September 3–9 (five days).
- 1998—S. 1663 would have prohibited corporations and labor unions from collecting fees from members or employees if such fees were to be used for political activities. It became the vehicle for a battle over a more comprehensive measure to rewrite campaign finance laws known as the McCain-Feingold bill (see also S. 25 above). Once the union bill was called up, Senator McCain offered his measure as a full text substitute. Another Senator then offered an amendment to prohibit companies and unions from sponsoring issue-advocacy advertisements during the final days of congressional campaigns. Majority Leader Lott then filled the rest of the amendment tree. Efforts to table both the McCain-Feingold and the al-

- ternative amendment failed, as did cloture on the substitute amendment, 51–48, and on the underlying bill, 45–54, either of which would have rendered the amendments out of order as nongermane. The bill was then committed to the Senate Committee on Rules and Administration. February 24–26 (three days).
- 1998—S. 1645 would have criminalized transporting minors across state lines for abortions. While the Senate voted 97–0 to invoke cloture on the motion to proceed, opponents who wanted to limit the reach of the bill, which the Clinton Administration threatened to veto, were able to hold together enough votes to prevent final action on the measure. It was withdrawn after cloture on the committee full text substitute failed, 54–45. September 9–22 (six days).
- 1999–2000—H.R. 434, P.L. 106–200, removed certain quotas and reduced tariffs on some imports from Africa and the Caribbean. Senators from textile states sought to delay, modify or kill the bill. Cloture on the motion to proceed to consider the bill was easily invoked, 90–8, but further progress on the bill faltered because of disagreement between the majority and minority over scheduling votes to increase the minimum wage and to rewrite bankruptcy laws. In an effort to prevent the wage provision from being offered, Majority Leader Lott filled the amendment tree immediately after calling up the bill, which prevented other Senators from offering amendments, and then filed cloture on a committee-endorsed full text substitute. Cloture failed, 45–46, but once the leaders agreed on scheduling the other matters, cloture was invoked 74–23, and the Senate passed the bill the next day. Cloture also was invoked on the conference report, 76–18, and the Senate then adopted it, 77–19. October 21–29, November 1–3, 1999; May 10–11, 2000 (11 days).
- 1999—S. 96, H.R. 775, P.L. 106–37, to limit business' liability linked to the year 2000 computer programming issue. To forestall amendments backed by consumer and trial-lawyer lobbies, as well as ongoing minority attempts to attach a minimum wage increase to measures reaching the floor, Majority Leader Lott offered a series of amendments to the bill, filling the amendment tree. Senator Kennedy was nevertheless able to offer the minimum wage proposal as instructions in a motion to recommit, but the Senate tabled his motion, 55–44. After the Senate also rejected cloture on the Lott full-text substitute, the bill was returned to the calendar. Later, after rejecting cloture on a motion to take the bill up again, the Senate reached a unanimous consent agreement on offering amendments, following which it easily passed its text under the number of the House companion. April 22–29, May 14–18, June 7–15 (12 days).
- 1999—S. 280, H.R. 800, P.L. 106–25, made it easier for states to get waivers from federal rules governing distribution of aid for education. The minority opposed cloture on the complete substitute because it would have prevented them from offering education amendments that might not be germane to the bill. Cloture on the substitute failed twice. After a unanimous consent agreement allowed five majority and five minority



- amendments to be offered, the Senate approved the House companion, 98–1, after substituting the amended text of S. 280 for the House version of H.R. 800. A conference resolved the differences between the chambers, and the President signed the bill. (P.L. 106–25). March 3–11 (seven days).
- 1999—S. 557 would have limited the ability of Congress to designate legislation as “emergency” in order to bypass budget laws and rules. The bill was used as a vehicle for a controversial amendment to make it harder for Congress to use surplus Social Security money to “pay” for tax cuts or spending. As with many measures in this Congress, a key complaint from the minority was that the majority leader had filled the amendment tree to prevent consideration of additional amendments. Over the course of consideration, four efforts to invoke cloture, on three different versions of the amendment, never gained more than 54 votes, and the bill was withdrawn. April 20–30, June 10–29, July 1–16 (11 days).
- 2001—H.R. 2311, P.L. 107–66, energy-water appropriations. When the Senate took up the House bill, a substitute amendment consisting of the text of S. 1171 (an original measure reported by the Appropriations Committee) was offered and agreed to. Consideration continued for almost a week as the minority protested in an effort to force action on a number of the President’s judicial and executive branch nominees. On the third day of debate, two cloture motions on the bill were filed. After negotiators reached an agreement on a timetable for approval of nominees, the Senate came to a consent agreement to vote on the bill before the cloture motions were voted upon, and the measure passed the Senate, 97–2. A conference report was later agreed to 96–2. July 16–19, November 1, 2001 (five days).
- 2001—H.R. 2299, P.L. 107–87, transportation appropriations. The Senate took up the House bill and a complete substitute amendment consisting of the text of S. 1178 (an original bill reported by the Appropriations Committee) was offered. After four days of debate, the majority leader filed for cloture on the substitute amendment, which, among other things, established regulations on Mexican trucking, and also filed cloture on the bill. Cloture was invoked on the substitute amendment, 70–30. Opponents of the regulations continued to offer amendments to strip or limit the safety standards and engaged in other parliamentary tactics; the bill manager responded by offering several place-holder amendments and making multiple motions to table pending amendments. Later that day, the Senate adopted the committee substitute but failed to invoke cloture on the bill, 57–27. The leader then entered a motion to reconsider the vote. On August 1, the Senate agreed to reconsider the vote by which cloture was not invoked on the bill, and this time voted 100–0 to invoke cloture. After negotiations on stalled presidential nominations were concluded, the Senate passed the bill, as amended, by the substitute by voice vote. A conference report was later agreed to, 97–2. July 19–27, August 1, December 4, 2001 (nine days).

- 2001—H.R. 2506, P.L. 107–115, foreign operations appropriations. On October 12, the majority leadership offered a motion to proceed to the bill and filed cloture on it. After a weekend recess, the Senate rejected cloture, 50–46, and a second cloture motion on the motion to proceed was filed. A unanimous consent agreement delayed voting on the motion for a week; cloture was again rejected, 50–47. The measure was largely non-controversial, but was being delayed by the minority in an effort to force consideration of more judicial nominations to the floor. The motion to consider was agreed to by unanimous consent on the same day, following the second failed cloture vote, after which the Senate agreed by unanimous consent to the committee-reported substitute amendment. The amended bill passed the Senate, 96–2; a conference report was later agreed to by unanimous consent. October 12–24, December 20, 2001 (six days).
- 2001–2002—S. 1731, H.R. 2646, P.L. 107–171, agriculture policy (the farm bill). A motion to proceed to S. 1731 was made on November 30, and cloture was filed on it that day. On December 5, the Senate invoked cloture on the motion to proceed, 73–26; the motion to proceed was agreed to by unanimous consent the next day. On the third day of floor consideration, the leadership proposed a complete substitute amendment. The next day, a cloture motion was filed on the substitute, but the Senate rejected cloture, 53–45. On December 18, the Senate reconsidered cloture on the substitute, and it failed again, 54–43. The following day, a vote on another cloture motion (filed two days earlier) also failed by the same margin. Opponents of the substitute disliked the legislation’s approach to federal commodity price supports, among other things. The leadership set aside the bill in late December, but the legislation was again taken up in February of 2002. Debate over amendments continued for six days. The substitute amendment, as amended, was agreed to by voice vote and incorporated into the corresponding House measure, which passed 58–40. The conference report later was agreed to, 64–35, after two days on the floor. November 30, December 5–19, 2001; February 6–13, May 7–8, 2002 (19 days).
- 2002—S. 27, H.R. 2356, P.L. 107–155, campaign finance (Bipartisan Campaign Reform Act of 2002). The Senate spent 10 days considering its own bill, S. 27 (also known as McCain-Feingold), eventually passing it, 59–41, without use of a cloture process in April 2001. After final passage, some Senators—pointing to the 41 Senators who voted ‘no’—threatened a filibuster of any further vehicle (e.g., from the House) on the topic. Almost a year later, after the House completed a contentious (but ultimately successful) consideration of H.R. 2356 (also known as Shays-Meehan), Senate leadership started to negotiate with Senate opponents for floor consideration. Protracted discussions included public filibuster threats and claims that all-night sessions to break a filibuster might be in the offing. In March, after negotiations to bring the bill to the floor via unanimous consent were unsuccessful, the leadership moved to proceed to the bill and filed a cloture motion on it; however,

- the next day the Senate agreed by unanimous consent to take up the bill the following week (and withdraw the motion to proceed and cloture on it). On the first day of consideration, a cloture motion was filed on the bill. Two days later, cloture was invoked, 68–32; pursuant to a unanimous consent agreement reached before the cloture vote, the Senate proceeded immediately to three hours of post-cloture consideration, and then passed the bill without amendment, 60–40. March 19–22, March 26–30, April 2, 2001; March 13–14, March 18–20, 2002 (15 days).
- 2002—S. 517, H.R. 4, energy policy, drilling in Arctic National Wildlife Refuge (ANWR), federal oversight over energy trading markets. The Senate took up S. 517 by unanimous consent, and began considering an amendment in the nature of a substitute. Over the next few weeks, the Senate agreed to a number of non-controversial amendments. In the fourth week, an amendment dealing with federal regulatory oversight on energy trading markets was offered, and a cloture motion was filed on it; two days later, the motion failed, 48–50. The next week, two amendments that would have allowed drilling in the ANWR were offered; cloture motions were immediately filed on both. Cloture failed on each amendment (36–64 and 46–54), and the amendments were eventually withdrawn. On the same day, a cloture motion was filed on the complete substitute amendment. Cloture was later invoked, 86–13, and the Senate agreed to the substitute, as amended, by voice vote. The Senate substituted this language for the text of H.R. 4 (the House energy bill), and passed H.R. 4, as amended, 88–11. Conferees were appointed by each chamber, but no final agreement was reached, and no further action occurred on the bill. February 15, March 5–21, April 8–25, May 1, 2002 (25 days).
- 2002—H.R. 3009, P.L. 107–210, Andean trade, expedited procedures for bills to implement trade agreements. Intending to use H.R. 3009, a bill on Andean trade, as a vehicle for an omnibus trade package, the Majority Leader moved to proceed to the bill and filed cloture on the motion. Cloture was invoked, 69–21; two days later, the Senate agreed to the motion to proceed, 77–21. After an initial amendment in the nature of a substitute fell on a Budget Act point of order, the Majority Leader offered a new complete substitute. The substitute combined the Andean trade provisions, “fast-track” procedures for implementing trade agreements, and health insurance assistance for displaced workers, among other items. There was opposition from multiple quarters, with some Senators opposing the fast-track provisions and others opposing the worker aid provisions. After more than a week of consideration, cloture was filed on the new substitute amendment and invoked, 68–29. The amendment was agreed to by voice vote. (Earlier, another amendment granting assistance to displaced steelworkers was filed; cloture was tried but failed, 56–40, and the amendment was withdrawn.) A cloture motion also had been filed earlier on the underlying bill, but it was eventually withdrawn and the bill, as amended, was agreed to, 66–30. The

Senate voted 66–33 to proceed to the conference agreement, and, after invoking cloture, 64–32, the Senate agreed to the conference report, 64–34. April 25–26, April 29–May 2, May 6–23, July 30, August 1, 2002 (21 days).

2002—H.R. 5005, P.L. 107–296, creation of the Homeland Security Department. Issues of contention included whether the prospective head of the new entity created by the bill would be subject to Senate confirmation, and the flexibility the President would have in fashioning a new department (including personnel rules and the bargaining rights of departmental employees). H.R. 5005 reflected the President’s proposal. A motion to proceed to the bill was made in the Senate before the August recess; cloture was filed on the motion, but withdrawn. Once back from an August recess, the Senate agreed to the motion to proceed, 94–0. The next day, a substitute amendment (reflecting the committee-reported alternative to a Senate companion bill, S. 2452) was offered; it provided less presidential authority in determining departmental organization and administration than the White House had proposed. After five additional days of consideration, including a variety of amendments and extended floor speeches over multiple days by Senator Byrd and others, cloture was filed on the substitute amendment, but failed, 50–49. A second cloture motion also failed, 49–49. (A reconsideration of that vote the next day also failed, 50–49.) An amendment was offered to the substitute (Gramm-Miller) that represented an option closer to the White House’s original proposal; two cloture motions on the amendment failed (44–53 and 45–52), though a motion to reconsider was entered on one of the votes. Many of the amendment’s proponents voted against cloture out of concern that the amendment’s opponents would offer a second-degree amendment that would undercut key elements of the Gramm-Miller amendment. The majority leader also offered all possible amendatory motions in relation to a motion to commit, hoping to freeze the parliamentary circumstances while Senators engaged in negotiations. Unable to come to an agreement on further disposition, the Senate suspended consideration of the bill for over six weeks. An alternative compromise proposal was negotiated during this time; a new vehicle, H.R. 5710, was introduced and passed in the House. Upon taking H.R. 5005 back up, the Senate invoked cloture on the Gramm-Miller amendment (on reconsideration of a prior cloture motion), 89–8. However, the substitute amendment was then tabled, 50–47, causing the Gramm-Miller amendment to fall. A new substitute amendment representing the text of H.R. 5710 was offered; cloture was immediately filed on it and on the underlying measure. Notwithstanding an extended floor speech from Senator Byrd arguing against cloture, the Senate invoked cloture on the substitute, 65–29. The substitute amendment was agreed to 73–26, and cloture was invoked on the bill, as amended, 83–16. H.R. 5005 passed, as amended, 90–9. The House agreed to the Senate amendment, and the President signed the bill into law. July 31–August 1, September 3–October 1, November 13–19 (22 days).

- 2002—H.R. 5093, Department of the Interior appropriations, forest conservation. The Senate took up the bill by unanimous consent and a complete substitute amendment was offered. Amendments offered to the substitute included at least two that would become sticking points: one to provide funds for repaying accounts utilized for emergency wildfire suppression and one to provide emergency disaster assistance to farmers suffering from a drought. (Cloture was moved on the latter amendment, but was vitiated before the Senate agreed to the amendment.) After three additional days of consideration, a cloture motion was filed on the fire suppression amendment but cloture failed, 50–49. The majority leader entered a motion to reconsider that vote. After three further days of debate, the Senate again failed to invoke cloture (on reconsideration), 49–46. A second cloture motion was filed that same day, but failed again, 51–47. Though the leader entered a reconsideration motion on this cloture vote, there was no further action on the bill. (Interior appropriations were later enacted as part of an omnibus appropriations vehicle.) September 4–5, 10–13, 17–25 (10 days).
- 2002—S.J. Res. 45, H.J. Res. 114, P.L. 107–243, authorization for use of force in Iraq. A motion to proceed to the joint resolution was made and cloture was filed. Cloture was invoked two days later, 95–1; the Senate proceeded to the joint resolution by unanimous consent the same day. After two more days of consideration, an amendment in the nature of a substitute representing a compromise among the White House, House leaders and some Senators was offered; cloture was filed immediately on both this substitute amendment and on the joint resolution. Senator Byrd and others prevented leaders from considering the resolution on a tight timetable, insisting, for example, on a longer debate and on consideration of a wider variety of amendments. In addition, an unusual threat to force separate consideration of the preamble of the resolution (and thus significantly extend floor consideration) forced a modification of the substitute amendment. A few amendments proposing alternative approaches were offered in subsequent days of consideration, but each was defeated, and cloture was invoked on the substitute amendment, 75–25; the next day, the substitute was agreed to by voice vote. That same day, the Senate then agreed by unanimous consent to have several additional hours of debate (controlled, in part, by Senator Byrd). After this debate, rather than agree to S.J. Res. 45, as amended, the Senate—by unanimous consent—took up the House companion (H.J. Res. 114, the language of which was nearly identical to the Senate-passed substitute to S.J. Res. 45) and agreed to it without amendment, 77–23. October 1–11 (eight days).
- 2002—S. 565, H.R. 3295, P.L. 107–252, providing federal funding for changes to the administration of elections and improving voting procedures. Spurred, in part, by voting irregularities and recounts in the 2000 election, Congress considered legislation to adopt new requirements on the administration of elections and their oversight. The Senate took up S. 565 by

unanimous consent and a complete substitute representing a bipartisan compromise proposal was offered. Later that day, the Senate adopted the substitute amendment and agreed to consider it as original text for the purposes of further amendment. Many amendments were offered and disposed over the next five days, but by February 27, the Senate was unable to dispose of a controversial pending amendment (on which a motion to table failed, 46–51). The amendment proposed a change in a provision intended to prevent voter fraud and its opponents threatened to filibuster. A cloture motion was filed that day on the bill, but failed, 49–39. The majority leader entered a motion to reconsider that vote, but it also failed, 51–44. The bill was pulled from the floor, and three weeks of negotiations produced a March 26 unanimous consent agreement that structured amending, limited debate, and provided for a final vote. On April 10, the Senate returned to the bill, and amendments were considered and disposed of. The next day, the Senate passed the bill, as amended, 99–1. The Senate eventually considered a conference report on the House vehicle (H.R. 3295) for two days before agreeing to it, 92–2. February 13–15, 26–27, March 1, 4; April 10–11; October 15–16 (12 days).

2003—Judicial nominations. Over the course of more than a year, the Senate held more than a dozen failed cloture votes on six nominees to the circuit courts. Miguel Estrada was nominated to be a Circuit Judge for the District of Columbia. His was the first of several judicial nominations brought to the floor in 2003 despite the expressed intention of minority Senators to attempt to block confirmation. Seven attempts by leadership to invoke cloture on the nomination failed over the course of five months. Opponents wanted more information on the nominee’s legal positions and objected to his failure to provide documents from his time working in the Department of Justice. President Bush withdrew the nomination in September. March 6–July 30 (33 days).

Priscilla Owen was nominated to be a Circuit Judge for the Fifth Circuit. Hers was the second of six judicial nominations to be taken up on the floor despite minority Senators’ known opposition. Opponents asserted that the nominee had a record of putting her own views ahead of legal precedent. Leadership attempts to invoke cloture failed four different times over the course of eight months. The nomination was returned to the President upon sine die adjournment of the Congress. April 7–8, April 29–May 8, July 25–29, November 12–14 (13 days).

William H. Pryor, Jr. was nominated to be a Circuit Judge for the Eleventh Circuit. Pryor’s was the third of six judicial nominations to be called up despite minority Senators’ known opposition. Opponents considered the nominee’s views “extreme.” Leadership attempts to invoke cloture failed once in July and again in November. Although debate on the nomination was relatively brief on each occasion, more extensive remarks were offered on three other days, when the matter was not formally before the Senate. The nomination was returned

to the President upon sine die adjournment of the Congress. July 29–November 6 (four days).

The nomination proceedings of three other Circuit Court nominees were also halted after failed cloture votes: Carolyn B. Kuhl (one withdrawn, one defeated), Charles W. Pickering, and Janice Rogers Brown, were each halted after a single cloture vote failed. July 29–31, November 4–6 (four days).

- 2003—H.R. 6, setting national energy policy. After considering and amending the Senate version of an energy bill (S. 14) for 17 days over the course of the summer of 2003, the majority leader offered a “motion to commit with instructions,” effectively proposing a new version of the legislation. He filed cloture on the motion two days before the start of the August recess, citing frustration with the large number of amendments that had been filed and the lack of progress on the bill. The minority then offered to support moving the House-passed bill (H.R. 6) to conference by substituting the language of a version that had passed 88–11 when they were in the majority, in 2002. The majority leadership accepted this offer (and the cloture motion was withdrawn) with the expectation of rewriting the text in conference, and the bill gained temporary momentum. Opponents of the resulting conference report, however, objected to subsidies and tax benefits granted for fossil fuels, a temporary continuation of production of the fuel additive MTBE (methyl tertiary butyl ether), which competed with ethanol and was found to pollute groundwater, and a waiver of liability for MTBE producers. After a bipartisan group of Senators debated the conference report, threatened a Budget Act point of order, and defeated a cloture motion, the leadership terminated consideration. July 31, November 19–21 (four days).
- 2004—H.R. 2673, consolidated appropriations. At the close of the first session of the 108th Congress, the House approved the conference report accompanying the bill. The Senate majority leader hoped to dispose of the conference report the next day by unanimous consent, but the minority leader objected, citing modifications of bipartisan agreements, reversal of Senate floor decisions, and the inclusion of earmarks. The majority leader filed cloture on the conference report and the Senate agreed to vote on it the first day of the second session of the 108th Congress, approximately six weeks later. The cloture motion failed initially by a vote of 48–45, but two days later it was successfully reconsidered and agreed to 61–32. The opponents of the conference report reportedly acknowledged they were in a weak bargaining position because they wanted to avoid a government shut down. January 20–22 (three days).
- 2004—S. 1637, H.R. 4520, corporate tax bill. During consideration of S. 1637, disputes over proposed nongermane, labor-friendly amendments and two unsuccessful cloture votes led Senate leaders to pull the measure from the floor. Senators finally reached an agreement regarding which amendments would be offered, and cloture was invoked on the bill, 90–8. After the House passed its version of the legislation that included a buyout of tobacco farmers, H.R. 4520, Senators granted unanimous consent to arrange for a conference with the House,

- but only after securing a vote adding a provision requiring FDA regulation of tobacco products. The conference report on H.R. 4520 faced further opposition in October from Senators who objected to the exclusion of the provision requiring FDA regulation of tobacco products, and from Senator Landrieu, who sought the preservation of a National Guard and Reserve pay provision, with the Senate taking the unusual step of working on a Sunday. These Senators spoke at length on the floor, requested multiple quorum calls, and objected to many unanimous consent requests. Eventually, the majority compromised with invested Senators which involved partial provision of their requests or assurances their interests would be addressed in future legislation. March 3–4 and 22–24, April 5–8, May 3–11, October 8–11 (17 days).
- 2004—Judicial nominations. The conflict regarding the nomination of federal judges continued from 2003 into 2004, beginning with William G. Myers III, and continuing with Henry W. Saad, Richard A. Griffin, and David W. McKeague. Minority opponents cited the nominees' ideological stances or administration track records as a basis for their objection. Each nomination was the object of a failed cloture vote and all were returned to the President upon adjournment of Congress. Myers: July 16, 20 (2 days); Saad: July 20–22 (3 days); Griffin: July 21–22 (2 days); McKeague: July 21–22 (two days).
- 2005—Nomination of John R. Bolton as United Nations Ambassador. Opponents, who considered the nominee's style too combative and his views on the UN too negative, rejected cloture on the nomination on two separate attempts. President Bush later gave Ambassador Bolton a recess appointment. May 25–26, June 20 (three days).
- 2005—H.R. 2863, P.L. 109–148, defense appropriations. The Senate initially invoked cloture on the bill while adding provisions against abuse of U.S. detainees and, despite veto threats, shifting funds to emergency hurricane relief. After the conference committee added provisions for oil drilling in the Alaska wildlife refuge, however, the Senate rejected cloture on the conference report, clearing the measure only after these provisions were dropped. September 29–October 7, December 19–21 (nine days).
- 2005–2006—H.R. 8, to end the estate tax. The Senate twice was unable to get to a vote on the proposal. In 2005, the majority leader moved to proceed to the bill and filed cloture on the motion, but withdrew both motions when he realized he did not have the necessary 60 votes. In 2006, a second attempt terminated when the Senate rejected cloture on the motion to proceed, 57–41. July 29, September 6, 2005; June 6–8, 2006 (five days).
- 2005–2006—S. 147. The bill establishing a governmental structure for native Hawaiians was abandoned after two attempts to bring it to the floor failed. In 2005, one motion for cloture on a motion to proceed was withdrawn; in 2006, another was defeated after debate on two days. July 29, Sep. 6, 2005; June 6–8, 2006 (five days).



- 2005–2006—S. 1389, H.R. 3199, P.L. 107–177, reauthorized and amended the USA PATRIOT anti-terrorism Act. The Senate rejected, 52–47, cloture on the conference report because it would have reauthorized controversial portions of the law for seven years, three years longer than the Senate-passed version of the measure. Instead of re-opening the conference, the House and Senate passed separate legislation (S. 2271, P.L. 109–178) amending the problematic conference report provisions, which cleared the way for Senate passage of the conference report. (Supporters of the original reauthorization opposed S. 2271, and its consideration lasted six days, but the Senate passed it after invoking cloture on the motion to consider and the bill itself.) July 29, December 14–16, 2005; March 1–2, 2006 (six days).
- 2006—Nomination of Samuel A. Alito, Jr., to the Supreme Court. Opponents of the nominee’s conservative views attempted to pursue an extended debate, but the Senate invoked cloture, 72–25, and confirmed the nomination, 58–42. January 25–31 (four days).
- 2006—S. 852, to establish a \$140 billion federal asbestos injury trust fund. While cloture on the motion to proceed was invoked, 98–1, and an effort to tighten eligibility to sue for those claiming damages from asbestos was easily rejected, the Senate could not agree on the basic outlines of the bill. Consideration was suspended after the Senate could not muster the 60 votes needed to waive the Budget Act and allow its consideration. February 6–14 (six days).
- 2006—S. 2454, immigration. The introduced bill emphasized enforcement of existing law, while a committee substitute included expanded guest worker programs and paths to legalization for immigrants already in the U.S. After opponents of the substitute defeated a motion for cloture on the substitute, a compromise version was offered in a motion to recommit, but minority Senators still resisted any consent agreement that would limit offering amendments to the compromise. As a result, the Senate rejected cloture on both the motion to recommit and the underlying bill. Later, an agreement to permit amendments and specify conferees made it possible for a new version, S. 2611, to be debated for nine more days and passed (after cloture was invoked), but the measure did not reach conference. March 16–April 7 (10 days).
- 2006—S. 1955, to facilitate group health coverage for small businesses. Opponents charged that the bill would force employees into insurance with limited coverage. The Senate invoked cloture on the motion to consider by 96–2, but rejected cloture on the bill itself, 55–43, and the Senate took no further action. May 5–11 (four days).
- 2006—S.J. Res. 1, constitutional amendment defining marriage as the union of a man and a woman. Action terminated when, on the fourth day of debate, the Senate rejected cloture, 49–48, on the motion to consider. May 26–June 7 (four days).
- 2007—S. 1, P.L. 110–81, revising congressional ethics regulations, came to the floor as a largely bipartisan proposal, but debate became extended when a minority Senator insisted on

- his amendment to permit expedited congressional approval of proposed presidential rescissions of appropriations. After the Senate preserved its right to consider the nongermane amendment by rejecting cloture on the bill, 51–46, an arrangement was reached under which the amendment would be offered instead to a subsequent minimum wage bill. With several additional amendments, including ones broadening procedural barriers against earmarks and other provisions added to bills in conference, the Senate passed the bill, 96–2. Jan 9–22, July 31–August 2 (11 days).
- 2007—H.R. 2, to raise the minimum wage. The Senate rejected cloture on the House bill, but invoked it, 87–10, on the Senate substitute that added tax benefits for small business. Both before and after cloture, the Senate considered numerous amendments, and among the few major proposals adopted was one tightening enforcement against employers of illegal immigrants. Cloture was also rejected on an amendment enhancing presidential power to rescind appropriations, which was ultimately withdrawn. Consideration of the substitute concluded only when Senators exhausted the full 30 hours available under cloture, which majority Senators viewed as an attempt to delay consideration of legislation on Iraq policy. Thereafter, however, the Senate quickly agreed to the substitute, invoked cloture on the bill, 88–8, and passed it. (No further action occurred on H.R. 2 because of the constitutional difficulty posed by the Senate’s introduction of the tax provisions into a House measure not addressing revenues. A minimum wage increase and some tax benefits were ultimately enacted in a supplemental appropriations bill, H.R. 2206, P.L. 110–28.) January 22–February 1 (nine days).
- 2007—S. 574, sense of Congress against increased troop levels in Iraq. The Senate rejected, three separate times on three different measures, efforts to bring to the floor measures disapproving of the President’s plan to increase troops levels in Iraq. The various measures represented successive attempts to formulate a vehicle acceptable to both sides, but minority Senators continued to oppose taking them up in part because, they argued, the majority leader planned to restrict their ability to offer amendments in support of continued funding for the Iraq war. During four days of consideration, the Senate rejected cloture first on a motion to consider S. Con. Res. 2, then on one to consider S. 470 (which reflected the text of S. Con. Res. 7). The Senate continued debating the subject on at least four additional days with no measure formally pending, then took up a motion to consider a new version of the legislation, S. 574. In a Sunday session on its third day of considering this motion, the Senate rejected cloture on this motion as well, 56–34. (Further action occurred on S.J. Res. 9, described below.) February 15–17 (three days).
- 2007—H.J. Res. 20, P.L. 110–5, continuing appropriations. To facilitate enactment before existing funding expired, the majority leader forestalled floor amendments by filling the amendment tree. Minority party Senators objected, but no unanimous consent agreement to allow specified amendments was reached,

- and the leadership urged that such amendments be pursued instead on an expected supplemental appropriations bill. The Senate invoked cloture on the continuing resolution and passed it. February 8–14 (three days).
- 2007—S.J. Res. 9, Iraq policy. Although opponents criticized the resolution for setting a target date to withdraw U.S. forces, the Senate invoked cloture on the motion to consider, 89–9. An agreement to limit debate on the resolution, however, was reached only later, and it also required 60 votes for passage of both S.J. Res. 9 and two non-binding measures (S. Res. 107 and S. Con. Res. 20) opposing a cutoff of funding for forces in Iraq. The Senate adopted both non-binding measures, but not the joint resolution, 48–50. March 12–15 (three days).
- 2007—S. 372, intelligence authorization. The Senate easily invoked cloture on a motion to consider the bill, 94–3, but after the failure of two attempts to forestall numerous expected amendments, including nongermane amendments, by invoking cloture on the bill itself, efforts to pass it were abandoned. April 10–17 (four days).
- 2007—S. 1348, on immigration, originally reflected provisions of the bill passed by the Senate in the previous Congress. A cloture vote on a motion to consider was twice postponed to permit development of a new compromise proposal. Once it was ready, the Senate invoked cloture on the motion to consider, 69–23. The compromise, which was offered as a substitute for the complete text of the bill, included legalization for current immigrants and retained a guest worker program. The Senate considered numerous amendments, and ultimately adopted one permitting deportation of immigrants whose legalization was denied and another making the guest worker program temporary. The leadership then attempted to limit further amendment by moving cloture on the substitute (twice) and the bill, but the Senate rejected all three motions. Thereafter, consideration was suspended, and an agreement to limit the offering of further amendments to a specified set was never reached on this measure. May 14–June 7 (10 days).
- 2007—H.R. 6, P.L. 110–140, was comprehensive energy policy legislation. Though the Senate unanimously invoked cloture on a motion to consider, opponents of one amendment mandating power from renewable sources and another raising oil and gas taxes to fund alternative energy research were able to extend debate until the Senate invoked cloture on the full-text substitute that had been offered on the floor, 61–32, at which point the amendments fell as nongermane. The Senate then invoked cloture on the bill, 62–32, and passed it without those provisions, but the House later inserted a different version of them. The Senate responded by rejecting cloture on a motion to agree to the measure in that form, 53–42, as well as on a compromise proposal, 59–40. It proved possible to reach a vote only on a version that dropped these provisions, which went on to enactment. June 6–21, December 7–13 (15 days).
- 2007—S. 1639, immigration, represented a successor measure to S. 1348. The Senate narrowly voted cloture on the motion to consider, 64–35, and the majority leader limited amend-

- ments by offering a package that was then divided into its 27 components for voting (which he described as a “clay pigeon” procedure). After tabling several components of the amendment, however, the Senate rejected cloture on the bill itself, 46–53, and it was withdrawn from consideration. June 20–28 (4 days).
- 2007—H.R. 1585, defense authorization. The Senate rejected cloture, 52–47, on an amendment requiring withdrawal of U.S. forces from Iraq, and Administration supporters prevented unanimous consent for immediate votes on other related proposals. The leadership then suspended consideration until after the summer recess, when the Senate first rejected several Iraq proposals, then precluded further such proposals and other nongermane amendments by invoking cloture on the bill, 89–6, and the measure quickly passed. (H.R. 1585 was ultimately vetoed; the defense authorization was enacted in P.L. 110–181.) June 27–July 18, September 17–October 1, December 14 (21 days).
- 2007–2008—H.R. 2419, P.L. 110–234, agriculture reauthorization. When the majority leader was unable to obtain unanimous consent to admit only relevant amendments, he filled the amendment tree, allowing him to admit only amendments he found acceptable. On the fifth day of consideration, he moved for cloture on the complete substitute proposed by the Senate committee, as well as on the bill, but Senators whose proposals had been precluded helped to defeat cloture on the substitute, 55–42. Consideration was suspended for two weeks until a unanimous consent agreement was reached to put off further cloture votes and to permit amendments accepted by both party managers, together with a limited number to be selected by each side from among those previously filed, which included nongermane proposals. On the fifth day of consideration under these terms, after rejecting amendments to limit farm support payments that had been subjected to a 60-vote requirement for passage, the Senate invoked cloture on the substitute, 78–12, and passed the bill. November 5–December 14, 2007; May 14–15, 2008 (16 days).
- 2007–2008—S. 2248, to reauthorize foreign intelligence surveillance. As reported by the Select Committee on Intelligence, the bill included immunity from prosecution for telecommunications firms that had cooperated with government surveillance of communications between persons abroad and in the United States; opponents preferred the substitute reported by the Committee on the Judiciary, which omitted this provision. At the close of the first session, the Senate invoked cloture on a motion to consider, but opponents secured a postponement by extending post-cloture debate on the motion; they also declined consent to limit debate on amendments and require 60 votes for their adoption (an arrangement that would have allowed 41 Senators to block adoption without engaging in tactics of delay). In January, the Senate tabled the Judiciary Committee substitute, and the leaders of the Intelligence Committee offered a new bipartisan substitute (still including the immunity provision), on which the minority leader moved

- cloture. The Senate rejected cloture, but also defeated an attempt to eliminate the immunity provision. Eventually, the possibility of delay was overcome by unanimous consent to a limitation on amendments that included 60-vote requirements for adoption on four proposals generally limiting the powers of the foreign intelligence surveillance court, thereby permitting administration supporters to contest these without having to bring about further delay in the reauthorization. Only one of the four amendments attained the required threshold, and the Senate then invoked cloture on the bill and passed it. (A later version of the bill, H.R. 6304, became P.L. 110–261.) December 14, 2007–February 12, 2008 (15 days).
- 2008—H.R. 3221, P.L. 110–289, energy taxes and mortgage foreclosures. The Senate used the House-passed energy bill as a vehicle for reforming the regulation of housing agencies and for funding aid against foreclosures. It first rejected cloture on a motion to consider, 48–46, and only several weeks later, after supporters dropped a provision permitting bankruptcy judges to modify mortgages, did it invoke cloture on the motion, 94–1, then on the Senate substitute, 92–6, and finally adopt the substitute and pass the bill. When the House returned the measure with amendments, committee leaders offered a new Senate substitute for the housing provisions. The Senate rejected a motion to refer the substitute to committee to investigate its financial consequences, then invoked cloture on the substitute, 83–9, and adopted it, 79–16. It also invoked cloture on, and accepted, a House proposal to strike out Senate provisions extending energy tax benefits without offsetting revenue increases, despite efforts by supporters of the tax benefits to force cloture on all remaining amendments and use all post-cloture time unless the benefits were restored, 76–10. After invoking cloture on, and accepting, a motion to disagree with the House version of tax credits for homeowners, 80–13, the Senate sent the measure back to the House, which accepted the Senate changes. February 14–April 10, June 19–July 11, 23–26 (26 days).
- 2008—S. 3036 to cap and tax greenhouse gas emissions. The Senate invoked cloture on the motion to take up the bill, 74–14, but minority party leadership insisted on the full reading of the substitute amendment to protest slow action on judicial nominations, and objected to a proposed unanimous consent agreement placing strict limits on the number of amendments to be offered. When cloture on the substitute failed, 48–36, the leadership terminated consideration. May 22–June 6 (five days).
- 2008—S. 3044, oil windfall profits. Opponents raised objections to provisions repealing tax benefits for oil companies and taxing windfall profits to finance renewable energy, and the Senate debated motions to consider the measure for several days, both before and after rejecting cloture on such a motion, 51–43. June 4–11 (six days).
- 2008—H.R. 6049, extension of energy tax benefits. Opponents objected to provisions, included in the Senate committee version, raising revenue to offset the tax benefits, and the Senate re-

- jected cloture on a motion to consider twice in June and once again in July. In July (when the Senate also rejected cloture on a motion to consider a similar free-standing Senate bill, S. 3335, offered by the Chairman of the Finance Committee), the action also reflected some Senators' protest against the inability to offer amendments encouraging oil drilling to S. 3268. In September, however, under a consent agreement requiring 60 votes for each amendment, the Senate agreed to energy tax benefits with revenue offsets, rejected relief from the alternative minimum tax (AMT) with full offsets, and agreed to AMT relief and additional tax benefits with partial offsets. The Senate then passed the measure, but Congress took no further action on this vehicle. June 6–19, July 29, September 17–23 (11 days).
- 2008—S. 3268, energy futures trading. Although the Senate invoked cloture on the motion to consider, 94–0, supporters of expanded oil drilling rejected cloture on the bill, 50–43, in order to preserve their opportunity to offer amendments on that subject. The leadership, instead, withdrew the bill from consideration. July 17–25 (five days).
- 2008—S. 3001, P.L. 110–417, defense authorization. Some minority party Senators strove to attach amendments for expanded offshore oil drilling and other energy proposals, and others pressed to strike language declaring “earmarked” spending provisions in the committee report on the bill to be legally binding. This language had been included in response to a presidential directive that agencies ignore “earmarks” set forth only in the report. Supporters of the energy proposals initially blocked an attempt to bring the bill up under conditions that would have excluded nongermane amendments, defeating cloture on a motion to consider, 51–39, but after the August recess they dropped their objections, and the Senate took up the bill after reconsidering and invoking cloture, 83–0. Earmark opponents sought an opportunity to offer their amendment by forestalling final action on the bill, but the Senate was able to dispose of numerous other amendments. Finally, as the end of the session approached, the Senate invoked cloture on the bill, 61–32, abandoned many remaining amendments, including ones accepted by both sides, and passed the measure, 88–8. When earmark opponents continued their efforts by objecting to a House-Senate conference on the bill, a final version was instead negotiated by leaders of the two defense committees. This version, which included many of the abandoned amendments and omitted several provisions over which the President had threatened a veto, was quickly accepted by both chambers, with the Senate acting in a Saturday session. July 30–September 17, September 27 (12 days).

## DISPOSITION OF CLOTURE MOTIONS, 1917–2008

The following table displays information about Senate action on each cloture motion filed from the adoption of the initial cloture rule in 1917 through the end of the 110th Congress in 2008, including motions that never reached a vote. The date in the first column of the table is that on which the cloture motion was filed; the date under “Action and Result” is that of the vote or other final action on the motion, as explained further below.

For legislative business, the “Measure” column gives the measure number of the bill or resolution under consideration, and the “Subject” column identifies the overall subject of the measure in question. For executive business, the “Measure” column carries the notation “Nomination” or “Treaty,” and the “Subject” column identifies the specific nomination or treaty.

The “Subject” column also provides two additional items of information. First, cloture may be moved not only on an item of business, but also on any debatable question arising in connection with its consideration. Among these questions, those on which cloture has most often been sought are (1) motions to proceed to consider a measure; (2) amendments to the measure, including full substitutes for the entire text of the measure; and (3) conference reports or other questions related to the resolution of differences between the chambers. When cloture is moved on any question other than the item of business itself, the entry in the “Subject” column also identifies the specific question.

Second, if a cloture motion is defeated, any Senator may enter a motion to reconsider the vote; if such a motion is entered, the Senate may later vote a second time on the same cloture motion. In these cases, the entry under “Subject” includes a notation that the vote was reconsidered, and the entries in the columns under “Action and Result” display the dates, the tallies, the vote numbers, and the disposition reached, for each of the two votes. The “Motion Filed By” column displays the name of the Senator who filed the motion for cloture.

Under “Action and Result,” the “Date” column provides the date on which the Senate disposed of each cloture motion. For cloture motions on which the Senate voted, the date shown is the date of the vote. When no vote occurred, the date shown is that on which the motion was withdrawn, vitiated, or simply became moot, with no other disposition occurring, because it was superseded by other action. If no specific date could be assigned on which a motion became moot, no entry appears in this column.

For the cloture motions on which the Senate voted, the “Vote and Vote Number” column gives the tally of the vote (ayes, then nays) and, where available, the Senate’s reference number of the vote. For cloture motions that were withdrawn or vitiated by unanimous consent, it displays the entry “UC.” For cloture motions that were

withdrawn or vitiated by action of an individual Senator, and for those that became moot with no other disposition occurring or were superseded, the entry displayed is “no vote.”

The last column under “Action and Result,” headed “Result,” displays a code for the specific disposition the Senate made of each cloture motion. The key to these codes is:

I—Senate invoked cloture.

F—Senate failed to invoke cloture.

W—No vote occurred because the cloture motion was withdrawn.

V—No vote occurred because action pursuant to the cloture motion was vitiated.

N—No vote occurred because the cloture motion became moot or was superseded by other action.

The Congressional Record columns refer to the volume and page number in the Record on which the Senate’s vote on the cloture motion is found; for cloture motions that received no vote, the column is blank. For years for which the permanent, bound edition of the Record is available, the entries refer to this edition; otherwise, the reference is to the daily edition. Page citations to the daily edition are preceded by the letter “S” (indicating the Senate pages of the Record). This information, as well as the vote numbers, is provided as an aid to further research.



## Disposition of Cloture Motions, 1917–2008

Motions Filed			Action and Result				Congressional Record	
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
<i>65th</i> July 9, 1917 ..... Aug. 29, 1917 .....	H.R.4961 ..... H.R.4289 .....	National security food and fuel supply ..... War revenue .....	Chamberlain ..... Simmons .....	July 10, 1917 ..... Aug. 30, 1917 .....	UC UC	W W	55 55	4838 6436
<i>66th</i> Nov. 13, 1919 ..... Jan. 31, 1921 .....	S.139 ..... H.R.15275 .....	Versailles Treaty ..... Emergency Tariff bill .....	Hitchcock ..... Penrose .....	Nov. 15, 1919 ..... Feb. 2, 1921 .....	78–16 36–35	I F	58 60	8555 2432
<i>67th</i> July 5, 1922 .....	H.R.7456 .....	Tariff bill .....	McCumber .....	July 7, 1922 .....	45–35	F	62	10040
<i>69th</i> Jan. 28, 1926 ..... May 28, 1926 ..... Feb. 12, 1927 ..... Feb. 24, 1927 ..... Feb. 24, 1927 ..... Feb. 25, 1927 ..... Feb. 26, 1927 .....	S.Res.5 ..... S.2607 ..... H.R.2 ..... S.3531 ..... S.3027 ..... S.4463 ..... H.R.10729 .....	World Court Protocol ..... Migratory Bird Refuges ..... Branch Banking Act ..... Colorado River Dam ..... Disabled Officers ..... D.C. Buildings ..... Prohibition Bureau .....	Lenroot ..... Norbeck ..... Pepper ..... Johnson ..... Lyson ..... Lenroot ..... Jones .....	Jan. 25, 1926 ..... June 1, 1926 ..... Feb. 15, 1927 ..... Feb. 26, 1927 ..... Feb. 26, 1927 ..... Feb. 28, 1927 ..... Feb. 28, 1927 .....	68–26 46–33 65–18 32–59 51–36 52–31 55–27	I F I F F F I	67 67 68 68 68 68 68	2678 10392 3824 4900 4901 4985 4986
<i>70th</i> Mar. 1, 1929 .....	H.R.15430 .....	Federal Radio Commission .....	Watson .....	Mar. 1, 1929 .....	no vote	N	70	4885
<i>71st</i> June 24, 1930 .....	H.R.12902 .....	Deficiency Appropriations .....	Jones .....	June 25, 1930 .....	UC	W	72	11693
<i>72nd</i> Jan. 17, 1933 ..... Feb. 14, 1933 .....	S.4412 ..... S.J.Res.211 .....	Branch Banking Act ..... Constitutional Amendment to Repeal Prohibition ..... motion to proceed .....	Robinson ..... Bingham .....	Jan. 19, 1933 ..... Feb. 16, 1933 .....	58–30 no vote	F W	76 76	2077 4211
<i>75th</i> Jan. 25, 1938 ..... Feb. 14, 1938 .....	H.R.1507 ..... H.R.1507 .....	Anti-lynching Bill ..... Anti-lynching Bill .....	Neely ..... Wagner .....	Jan. 27, 1938 ..... Feb. 16, 1938 .....	37–51 42–46	F F	83 83	1166 2007
<i>77th</i> Nov. 20, 1942 .....	H.R.1024 .....	Anti-poll-tax legislation .....	Barkley .....	Nov. 23, 1942 .....	37–41	F	88	9065

Vote Key: 61–32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetiated; W—Withdrawn.

## Disposition of Cloture Motions, 1917-2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
78 <sup>th</sup> May 11, 1944	H.R.7	Anti-poll-tax legislation	Barkley	May 15, 1944	36-44	F	90	4470
79 <sup>th</sup> June 29, 1945	H.R.3368	War Agencies Appropriations, FY45	Taft	June 30, 1945	no vote	N	91	7068
Feb. 7, 1946	S.101	Fair Employment Practices Commission	Barkley	Feb. 9, 1946	48-36	F	92	1219
Mar. 23, 1946	H.R.4908	Mediation of Labor Disputes	Knowland	May 25, 1946	3-77	F	92	5714
May 4, 1946	S.J.Res.138	Lean to Great Britain	Ball	May 7, 1946	41-41	F	92	4539
June 27, 1946	H.R.6042	Amend the Emergency Price Control Act and the Stabilization Act						
July 29, 1946	H.R.7	conference report Anti-poll-tax legislation	Barkley Barkley	June 28, 1946 July 31, 1946	UC 39-33	W F	92 92	7871 10512
81 <sup>st</sup> May 17, 1950	S.1728	Fair Employment Practices	Lucas	May 19, 1950	52-32	F	96	7299
July 10, 1950	S.1728	Fair Employment Practices	Lucas	July 12, 1950	55-33	F	96	9982
83 <sup>rd</sup> July 23, 1954	S.3690	Atomic Energy Act Amendments	Knowland	July 26, 1954	44-42	F	100	11942
86 <sup>th</sup> Mar. 8, 1960	H.R.8315	Civil Rights bill	Douglas	Mar. 10, 1960	42-53 No. 112	F	106	5118
87 <sup>th</sup> Sept. 16, 1961	S.Res.4	Amending the Cloture Rule. motion to proceed	Mansfield	Sept. 19, 1961	37-43 No. 209	F	107	20147
May 7, 1962	H.R.1361	Literacy Tests Mansfield substitute amendment	Mansfield	May 9, 1962	43-53 No. 48	F	108	8058
May 9, 1962	H.R.1361	Literacy Tests Mansfield substitute amendment	Mansfield	May 14, 1962	42-52 No. 51	F	108	8294
Aug. 11, 1962	H.R.11040	Communications Satellite	Mansfield	Aug. 14, 1962	63-27 No. 162	I	108	16431
88 <sup>th</sup> Feb. 5, 1963	S.Res.9	Amending the Cloture Rule. motion to proceed	Mansfield	Feb. 7, 1963	54-42 No. 22	F	109	2058
June 6, 1964	H.R.7152	Civil Rights bill	Mansfield	June 6, 1964	UC	W	110	12861
June 8, 1964	H.R.7152	Civil Rights bill	Mansfield	June 10, 1964	71-29 No. 281	I	110	13327
Sept. 8, 1964	H.R.11380	Legislative Reapportionment Amendment	Dirksen	Sept. 10, 1964	30-63 No. 564	F	110	21896
89 <sup>th</sup> May 21, 1965	S.1564	Voting Rights bill	Hart	May 25, 1965	70-30 No. 85	I	111	11466

Oct. 8, 1965	H.R.77	Right-to-work repeal motion to proceed	Mansfield	Oct. 11, 1965	45-47 No. 287	F	111	26581
Feb. 4, 1966	H.R.77	Right-to-work repeal motion to proceed	Mansfield	Feb. 8, 1966	51-48 No. 31	F	112	2512
Feb. 8, 1966	H.R.77	Right-to-work repeal motion to proceed	Mansfield	Feb. 10, 1966	50-49 No. 34	F	112	2864
Sept. 12, 1966	H.R.14765	Civil Rights bill motion to proceed	Mansfield	Sept. 14, 1966	54-42 No. 254	F	112	22670
Sept. 15, 1966	H.R.14765	Civil Rights bill motion to proceed	Mansfield	Sept. 19, 1966	52-41 No. 256	F	112	23042
Oct. 7, 1966	H.R.14644	Higher Education Amendments of 1966 D.C. Home Rule amendment	Mansfield	Oct. 10, 1966	41-37 No. 293	F	112	25878
<i>90th</i>								
Jan. 19, 1967	S.Res.6	Amending the Cloture Rule. motion to proceed	Mansfield	Jan. 24, 1967	53-46 No. 7	F	113	1336
Feb. 16, 1968	H.R.2516	Open Housing	Mansfield	Feb. 20, 1968	55-37 No. 7	F	114	3427
Feb. 21, 1968	H.R.2516	Open Housing	Mansfield	Feb. 26, 1968	56-36 No. 10	F	114	4064
Feb. 28, 1968	H.R.2516	Open Housing S.Amdt.554	Dirksen	Mar. 1, 1968	59-35 No. 14	F	114	4845
Mar. 1, 1968	H.R.2516	Open Housing S.Amdt.554	Mansfield	Mar. 4, 1968	65-32 No. 16	I	114	4960
Sept. 27, 1968	Nomination	Judicial nominee Abe Fortas motion to proceed	Mansfield	Oct. 1, 1968	45-43 No. 300	F	114	28933
<i>91st</i>								
Jan. 14, 1969	S.Res.11	Amending the Cloture Rule. motion to proceed	Church	Jan. 16, 1969	51-47 No. 7	F	115	994
Jan. 24, 1969	S.Res.11	Amending the Cloture Rule. motion to proceed	Church	Jan. 28, 1969	50-42 No. 15	F	115	1937
Sept. 15, 1970	S.J.Res.1	Abolishing the Electoral College	Mansfield	Sept. 17, 1970	54-36 No. 306	F	116	32357
Sept. 25, 1970	S.J.Res.1	Abolishing the Electoral College	Mansfield	Sept. 29, 1970	53-34 No. 334	F	116	34034
Oct. 2, 1970	S.J.Res.1	Abolishing the Electoral College	Mansfield	Oct. 5, 1970	UC	W	116	34937
Dec. 17, 1970	H.R.17755	Supersonic Transport Funds conference report	Scott	Dec. 19, 1970	43-48 No. 439	F	116	42712
Dec. 19, 1970	H.R.17755	Supersonic Transport Funds conference report	Scott	Dec. 22, 1970	42-44 No. 443	F	116	43176
<i>92nd</i>								
Feb. 11, 1971	S.Res.9	Amending the Cloture Rule. motion to proceed	Pearson	Feb. 18, 1971	48-37 No. 6	F	117	3014
Feb. 19, 1971	S.Res.9	Amending the Cloture Rule. motion to proceed	Church	Feb. 23, 1971	50-36 No. 8	F	117	3623
Feb. 26, 1971	S.Res.9	Amending the Cloture Rule. motion to proceed	Church	Mar. 2, 1971	48-36 No. 13	F	117	4566
Mar. 5, 1971	S.Res.9	Amending the Cloture Rule. motion to proceed	Pearson	Mar. 9, 1971	55-39 No. 15	F	117	5485
June 21, 1971	H.R.6531	Military Draft Extension	Mansfield	June 23, 1971	65-27 No. 119	I	117	21584
July 23, 1971	S.2508	Lockheed Loan Guarantee. tower	tower	July 26, 1971	42-47 No. 163	F	117	27154

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; V—Vetiated; N—No action; Y—Yielded; W—Withdrawn.



Apr. 2, 1974	S.3044	Federal Election Campaign Financing	Mansfield	Apr. 4, 1974	60-36 No. 115	F	120	9781
Apr. 5, 1974	S.3044	Federal Election Campaign Financing	Mansfield	Apr. 9, 1974	64-30 No. 127	I	120	10354
June 18, 1974	H.R.14832	Public Debt Limit	Bennett	June 19, 1974	45-48 No. 264	F	120	20105
June 24, 1974	H.R.14832	Public Debt Limit	Mansfield	June 19, 1974	50-43 No. 263	F	120	20104
June 25, 1974	H.R.14832	Public Debt Limit	Mansfield	June 26, 1974	48-50 No. 279	F	120	21105
July 10, 1974	H.R.7824	Legal Services Corporation amendments	Griffin	July 11, 1974	no vote	N	120	21207
July 16, 1974	H.R.7824	Legal Services Corporation amendments	Mansfield	July 11, 1974	UC	V	120	22878
July 25, 1974	S.707	Senate amendments	Taft	July 17, 1974	UC	V	120	23855
July 30, 1974	S.707	Consumer Protection Act	Rhodes	July 30, 1974	56-43 No. 336	F	120	26876
Aug. 15, 1974	S.707	Consumer Protection Act	Rhodes	Aug. 1, 1974	50-39 No. 345	F	120	26827
Aug. 15, 1974	S.707	Consumer Protection Act	Rhodes	Aug. 20, 1974	50-35 No. 371	F	120	29163
Sept. 17, 1974	S.707	Consumer Protection Act	Cranston	Sept. 19, 1974	64-34 No. 415	F	120	31904
Nov. 26, 1974	H.R.15977	Export Import Bank conference report	Packwood	Dec. 3, 1974	51-39 No. 512	F	120	37819
Dec. 2, 1974	H.R.15977	Export Import Bank conference report	Packwood	Dec. 4, 1974	48-44 No. 515	F	120	38070
Dec. 3, 1974	H.R.15977	Export Import Bank conference report	Mansfield	Dec. 4, 1974	no vote	N	120	38071
Dec. 5, 1974	H.R.14449	Headstart, Economic Opportunity and Community Partnership Act	Byrd	Dec. 10, 1974	no vote	V	120	38966
Dec. 11, 1974	H.R.16900	Supplemental Appropriations FY75	Byrd	Dec. 14, 1974	56-27 No. 540	I	120	39904
Dec. 11, 1974	H.R.10710	Trade Reform Act	Byrd	Dec. 13, 1974	71-19 No. 532	I	120	39768
Dec. 12, 1974	H.R.15977	Export Import Bank conference report	Byrd	Dec. 14, 1974	49-35 No. 543	F	120	39909
Dec. 12, 1974	H.R.16900	Supplemental Appropriations FY75	Scott	Dec. 14, 1974	no vote	N	120	39905
Dec. 12, 1974	H.R.10710	Trade Reform Act	Byrd	Dec. 13, 1974	UC	V	120	39769
Dec. 13, 1974	H.R.16900	Supplemental Appropriations FY75	Byrd	Dec. 14, 1974	no vote	N	120	40067
Dec. 13, 1974	H.R.15977	Export Import Bank conference report	Byrd	Dec. 16, 1974	54-34 No. 546	F	120	40058
Dec. 14, 1974	H.R.17045	Social Service Amendments	Long	Dec. 17, 1974	70-23 No. 559	I	120	40330
Dec. 14, 1974	H.R.421	Tariff Schedules	Long	Dec. 17, 1974	67-25 No. 561	I	120	40330
Dec. 14, 1974	H.R.15977	Export Import Bank conference report	Byrd	Dec. 16, 1974	no vote	N	120	40066
Feb. 24, 1975	S.281	Regional Rail Reorganization Act Amendments	Hartke	Feb. 26, 1975	86-8 No. 26	I	121	4352
Feb. 25, 1975	S.281	Regional Rail Reorganization Act Amendments	Byrd	Feb. 26, 1975	UC	V	121	4369
Mar. 3, 1975	S.Res.4	Amend Cloture Rule	Byrd	Mar. 5, 1975	73-21 No. 42	I	121	5252
Mar. 3, 1975	S.Res.4	Amend Cloture Rule	Byrd	Mar. 7, 1975	73-21 No. 45	I	121	5612

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent. Result Key: F—Failed; I—Invoked; N—No action; V—Visited; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Mar. 6, 1975	S.Res.4	Amend Cloture Rule	Byrd	Mar. 7, 1975	UC	V	121	5652
Mar. 16, 1975	H.R.2166	Tax Reduction Act	Hollings	Mar. 20, 1975	59–38 No. 81	F	121	7755
Mar. 19, 1975	H.R.2166	Tax Reduction Act	Mansfield	Mar. 21, 1975	83–13 No. 100	I	121	8020
May 8, 1975	S.200	Consumer Protection Act	Packwood	May 13, 1975	71–27 No. 171	I	121	14055
June 10, 1975	S.Res.60	Senate Committee Staffing	Byrd	June 11, 1975	77–19 No. 222	I	121	18381
June 21, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	June 24, 1975	57–39 No. 249	F	121	20531
June 23, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	June 25, 1975	56–41 No. 251	F	121	20720
June 24, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	June 26, 1975	54–40 No. 254	F	121	21045
June 25, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	June 26, 1975	no vote	W	121	21187
June 26, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	July 8, 1975	57–38 No. 261	F	121	21433
July 7, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	July 9, 1975	57–38 No. 268	F	121	21815
July 8, 1975	S.Res.166	Contested Election of New Hampshire Senator	Byrd	July 10, 1975	55–38 No. 270	F	121	22177
July 18, 1975	H.R.6219	Voting Rights Act Extension. motion to proceed	Byrd	July 21, 1975	72–19 No. 303	I	121	23738
July 19, 1975	H.R.6219	Voting Rights Act Extension. motion to proceed	Byrd	July 21, 1975	no vote	N	121	23738
July 21, 1975	H.R.6219	Voting Rights Act Extension.	Mansfield	July 21, 1975	76–20 No. 310	I	121	24211
July 22, 1975	H.R.6219	Voting Rights Act Extension.	Mansfield	July 23, 1975	UC	I	121	24251
July 28, 1975	S.Res.145	Oil Price Ceiling	Byrd	July 30, 1975	54–38 No. 355	V	121	26004
Sept. 19, 1975	H.R.8069	Labor, HEW Appropriations, FY76	Brooke	Sept. 23, 1975	46–48 No. 410	F	121	29812
Sept. 22, 1975	H.R.8069	Labor, HEW Appropriations, FY76	Brooke	Sept. 24, 1975	64–33 No. 412	I	121	30045
Sept. 23, 1975	H.R.8069	Labor, HEW Appropriations, FY76	Brooke	Sept. 24, 1975	UC	V	121	30052
Nov. 6, 1975	H.R.5900	Common Site Picketing motion to proceed	Byrd	Nov. 11, 1975	66–30 No. 476	I	121	35916
Nov. 10, 1975	H.R.5900	Common Site Picketing motion to proceed	Mansfield	Nov. 11, 1975	no vote	N	121	35916
Nov. 11, 1975	H.R.5900	Common Site Picketing	Byrd	Nov. 14, 1975	58–31 No. 486	F	121	36748
Nov. 14, 1975	H.R.5900	Common Site Picketing	Mansfield	Nov. 18, 1975	62–37 No. 500	I	121	37196
Dec. 2, 1975	S.2718	Rail Services Act	Harlike	Dec. 4, 1975	61–27 No. 5421	I	121	38441
Dec. 3, 1975	H.R.10481	Intergovernmental Emergency Assistance	Byrd	Dec. 5, 1975	70–27 No. 553	I	121	38785
Dec. 5, 1975	H.R.10647	Supplemental Appropriations Act FY76 motion to proceed	Byrd	Dec. 8, 1975	UC	V	121	39043
Dec. 5, 1975	H.R.10647	Supplemental Appropriations Act FY76 motion to proceed	Byrd	Dec. 8, 1975	UC	V	121	39043
Jan. 30, 1976	H.R.8529	Rice Production Act	Huddleston	Feb. 3, 1976	70–19 No. 21	I	122	2123
May 13, 1976	S.Res.400	Establish Senate Intelligence Activities Committee.	Mansfield	May 17, 1976	UC	V	122	14152
May 28, 1976	H.R.8632	Anti-trust Amendment substitute amendment	Byrd	June 3, 1976	67–22 No. 211	I	122	16472
June 4, 1976	H.R.8632	Anti-trust Amendments	Byrd	June 10, 1976	UC	V	122	17541
June 29, 1976	H.R.14232	Labor, HEW Appropriations Act, FY77	Byrd	June 29, 1976	UC	V	122	21260
Aug. 21, 1976	H.R.8632	Anti-Trust Amendments motion agreement	Mansfield	Aug. 31, 1976	63–27 No. 546	I	122	28573
Sept. 21, 1976	S.2278	Civil Rights Attorney's Fees Awards Act. motion agreement	Byrd	Sept. 23, 1976	63–26 No. 638	I	122	32172



## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Apr. 21, 1980.....	Nomination.....	Nominee William A. Labbers.....	Byrd.....	Apr. 22, 1980.....	UC	V	126	8510
Apr. 24, 1980.....	H.R.10.....	Civil Rights of Institutionalized Persons..... conference report	Byrd.....	Apr. 28, 1980.....	44–39 No. 85	F	126	9176
Apr. 25, 1980.....	H.R.10.....	Civil Rights of Institutionalized Persons..... conference report	DeConcini.....	Apr. 29, 1980.....	56–34 No. 86	F	126	9928
Apr. 28, 1980.....	H.R.10.....	Civil Rights of Institutionalized Persons..... conference report	Byrd.....	Apr. 30, 1980.....	53–35 No. 87	F	126	9384
Apr. 29, 1980.....	H.R.10.....	Civil Rights of Institutionalized Persons..... conference report	Byrd.....	May 1, 1980.....	60–34 No. 90	I	126	9585
May 13, 1980.....	S.598.....	Soft Drink Interbrand Competition Act.....	Byrd.....	May 15, 1980.....	86–6 No. 143	I	126	11336
June 6, 1980.....	H.J.Res.521.....	Draft Registration.....	Byrd.....	June 10, 1980.....	62–32 No. 176	I	126	13864
June 9, 1980.....	H.J.Res.521.....	Draft Registration.....	Byrd.....	June 10, 1980.....	no vote	N	126	13864
July 30, 1980.....	Nomination.....	Nominee Don A. Zimmerman.....	Byrd.....	Aug. 1, 1980.....	51–35 No. 338	F	126	20998
July 31, 1980.....	Nomination.....	Nominee Don A. Zimmerman.....	Byrd.....	Aug. 4, 1980.....	45–31 No. 340	F	126	21185
Aug. 1, 1980.....	Nomination.....	Nominee Don A. Zimmerman.....	Byrd.....	Aug. 5, 1980.....	63–31 No. 344	I	126	21305
Aug. 5, 1980.....	H.R.39.....	Alaska Lands Conservation Act..... committee substitute	Byrd.....	Aug. 18, 1980.....	no vote	N	126	21583
Aug. 5, 1980.....	H.R.39.....	Alaska Lands Conservation Act..... committee substitute	Byrd.....	Aug. 18, 1980.....	63–25 No. 354	I	126	21583
Aug. 19, 1980.....	H.R.1197.....	Tonnage Measurement Simplification Act..... S.Amdt.1972	Byrd.....	Aug. 21, 1980.....	61–32 No. 362	I	126	22469
Aug. 20, 1980.....	H.R.1197.....	Tonnage Measurement Simplification Act..... S.Amdt.1972	Byrd.....	Aug. 21, 1980.....	no vote	N	126	22469
Dec. 1, 1980.....	H.R.5200.....	Fair Housing Amendments of 1979..... motion to proceed	Byrd.....	Dec. 3, 1980.....	51–39 No. 500	F	126	31699
Dec. 2, 1980.....	Nomination.....	Judicial Nominee Stephen G. Breyer.....	Kennedy.....	Dec. 9, 1980.....	68–28 No. 512	I	126	33009
Dec. 2, 1980.....	H.R.5200.....	Fair Housing Amendments of 1979..... motion to proceed	Byrd.....	Dec. 4, 1980.....	62–32 No. 504	I	126	32336
Dec. 3, 1980.....	H.R.5200.....	Fair Housing Amendments of 1979..... motion to proceed	Byrd.....	Dec. 9, 1980.....	54–43 No. 511	F	126	32989
Dec. 3, 1980.....	Nomination.....	Judicial Nominee Stephen G. Breyer.....	Byrd.....	Dec. 9, 1980.....	no vote	N	126	33009
Dec. 5, 1980.....	H.R.5200.....	Fair Housing Amendments of 1979..... motion to proceed	Byrd.....	Dec. 9, 1980.....	no vote	N	126	32989
797h								
July 8, 1981.....	S.951.....	Department of Justice Authorization FY82.....	Baker.....	July 10, 1981.....	38–48 No. 184	F	127	15399
July 9, 1981.....	S.951.....	Department of Justice Authorization FY82..... S.Amdt.96	Johnston.....	July 13, 1981.....	54–32 No. 185	F	127	15487
July 13, 1981.....	S.951.....	Department of Justice Authorization FY82..... S.Amdt.96	Johnston.....	July 29, 1981.....	59–37 No. 240	F	127	17986
Aug. 3, 1981.....	S.951.....	Department of Justice Authorization FY82..... S.Amdt.96	Byrd.....	Sept. 10, 1981.....	57–33 No. 252	F	127	20175
Sept. 10, 1981.....	S.951.....	Department of Justice Authorization FY82..... S.Amdt.96	Byrd.....	Sept. 16, 1981.....	61–36 No. 257	I	127	20787



Sept. 16, 1981	S.951	Department of Justice Authorization FY82. S.Amdt.69	Helms	Dec. 10, 1981	64-95 No. 468	I	127	30408
Dec. 9, 1981	H.R.4169	Department of Commerce, Justice, State Appropriations FY82	Helms	Dec. 11, 1981	59-35 No. 468	F	127	30904
Feb. 4, 1982	S.951	Department of Justice Authorization FY82	Johnston	Feb. 9, 1982	63-33 No. 4	I	128	1180
Feb. 9, 1982	S.951	Department of Justice Authorization FY82	Johnston	Feb. 9, 1982	no vote	V	128	7065
Apr. 13, 1982	S. Res. 30	Broadcasting of Senate Proceedings	Baker	Apr. 20, 1982	47-51 No. 81	V	128	7306
Apr. 17, 1982	S. Res. 30	Broadcasting of Senate Proceedings	Mathias	Apr. 21, 1982	UC	V	128	7306
Apr. 20, 1982	S. Res. 20	Broadcasting of Senate Proceedings	Baker	Apr. 21, 1982	UC	V	128	7306
Apr. 22, 1982	S.1630	Criminal Code Reform Act of 1981 motion to proceed	Stevens	Apr. 27, 1982	45-46 No. 84	F	128	7777
May 25, 1982	H.R.5922	Urgent Supplemental Appropriations FY82	Baker	May 27, 1982	95-2 No. 160	I	128	12219
June 24, 1982	S.1902	Voting Rights Act Amendments	Baker	June 15, 1982	86-8 No. 172	I	128	13678
Aug. 20, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 9, 1982	41-47 No. 340	F	128	23092
Sept. 9, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 13, 1982	45-35 No. 342	F	128	23255
Sept. 13, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 15, 1982	50-44 No. 343	F	128	23617
Sept. 14, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 15, 1982	no vote	V	128	23618
Sept. 16, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 15, 1982	50-39 No. 345	F	128	24169
Sept. 16, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 20, 1982	53-47 No. 346	F	128	24471
Sept. 17, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Helms	Sept. 21, 1982	UC	F	128	24471
Sept. 17, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 17, 1982	UC	W	128	24140
Sept. 20, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 17, 1982	54-46 No. 347	F	128	24583
Sept. 21, 1982	H.J. Res. 520	Temporary Debt Limit Increase	Baker	Sept. 22, 1982	53-45 No. 349	F	128	24776
Nov. 30, 1982	S.995	Anti-Trust Contributions	Stevens	Dec. 2, 1982	44-51 No. 391	F	128	28439
Nov. 30, 1982	S.995	Anti-Trust Contributions committee amendments	Stevens	Dec. 2, 1982	38-58 No. 390	F	128	28438
Dec. 1, 1982	S.995	Anti-Trust Contributions committee amendments	Stevens	Dec. 2, 1982	UC	F	128	28442
Dec. 10, 1982	H.R.6211	Surface Transportation Act of 1982	Thurmond	Dec. 2, 1982	UC	V	128	28442
Dec. 14, 1982	H.R.6211	Surface Transportation Act of 1982 motion to proceed	Baker	Dec. 13, 1982	75-13 No. 401	I	128	30128
Dec. 14, 1982	H.R.6211	Surface Transportation Act of 1982 Vote No. 417 Reconsidered	Baker	Dec. 16, 1982	5-93 No. 417	F	128	31254
Dec. 14, 1982	H.R.6211	Surface Transportation Act of 1982 S.Amdt.4998	Baker	Dec. 20, 1982	87-8 No. 465	I	128	32649
Dec. 21, 1982	H.R.6211	Surface Transportation Act of 1982 Vote No. 416 Reconsidered Surface Transportation Act of 1982 conference report	Baker	Dec. 16, 1982	48-50 No. 416	F	128	31254
Dec. 21, 1982	H.R.6211	Surface Transportation Act of 1982	Baker	Dec. 19, 1982	89-5 No. 456	I	128	32490
Feb. 24, 1983	S.47	Shipping Act of 1983	Baker	Dec. 23, 1982	81-5 No. 468	I	128	33549
				Mar. 1, 1983	UC	V	129	3264

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Votated; W—Withdrawn.

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## Disposition of Cloture Motions, 1917–2008—Continued

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Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Mar. 14, 1983	H.R.1718	Emergency Jobs Appropriations. S.Amdt.504	Kasten	Mar. 16, 1983	59–38 No. 27	F	129	5437
Mar. 14, 1983	H.R.1718	Emergency Jobs Appropriations.	Dole	Mar. 16, 1983	50–48 No. 26	F	129	5437
Mar. 16, 1983	H.R.1718	Emergency Jobs Appropriations.	Baker	Mar. 17, 1983	no vote	F	129	5909
Apr. 15, 1983	S.144	International Trade and Investment Act.	Kasten	Apr. 19, 1983	34–53 No. 57	F	129	8971
Apr. 18, 1983	S.144	International Trade and Investment Act.	Kasten	Apr. 20, 1983	39–59 No. 58	F	129	9131
July 19, 1983	S.675	Defense Authorization FY84	Baker	July 21, 1983	UC	V	129	20293
July 19, 1983	S.675	Defense Authorization FY84 committee substitute	Baker	July 21, 1983	55–41 No. 214	F	129	20293
July 20, 1983	S.675	Defense Authorization FY84	Baker	July 22, 1983	UC	V	129	20477
July 20, 1983	S.675	Defense Authorization FY84 committee substitute	Baker	July 22, 1983	UC	V	129	20477
July 21, 1983	S.675	Defense Authorization FY84	Baker	July 22, 1983	UC	V	129	20477
July 21, 1983	S.675	Defense Authorization FY84 committee substitute	Baker	July 22, 1983	UC	V	129	20477
July 29, 1983	S.602	Radio Broadcasting to Cuba Act.	Baker	July 22, 1983	UC	V	129	20477
Aug. 2, 1983	S.602	Radio Broadcasting to Cuba Act.	Baker	Aug. 3, 1983	62–33 No. 242	I	129	22441
Oct. 3, 1983	H.R.3706	motion to proceed	Baker	Aug. 3, 1983	no vote	N	129	22441
Nov. 1, 1983	S.1715	Radio Broadcasting to Cuba Act.	Baker	Oct. 5, 1983	UC	V	129	27220
Nov. 1, 1983	S.1715	motion to proceed	Baker	Nov. 3, 1983	86–7 No. 331	I	129	30645
Nov. 2, 1983	S.1715	Natural Gas Policy Act Amendments of 1983.	Baker	Nov. 3, 1983	no vote	N	129	30645
Nov. 14, 1983	H.J.Res.290	Natural Gas Policy Act Amendments of 1983.	Baker	Nov. 3, 1983	no vote	N	129	30645
Feb. 7, 1984	S.1765	Olympic Duty Suspension.	Baker	Nov. 15, 1983	UC	V	129	32554
Mar. 21, 1984	H.R.4072	Capital Punishment.	Baker	Feb. 9, 1984	65–26 No. 13	I	130	2472
Mar. 21, 1984	H.R.4072	Agricultural Programs Adjustment Act.	Baker	Mar. 22, 1984	no vote	N	130	6416
July 26, 1984	Nomination.	Agricultural Programs Adjustment Act.	Baker	Mar. 22, 1984	no vote	N	130	6408
July 26, 1984	S.268	committee substitute	Baker	July 31, 1984	57–39 No. 208	F	130	21600
July 27, 1984	S.268	Judicial nominee James H. Wilkinson III	Baker	July 30, 1984	60–28 No. 202	I	130	21523
July 27, 1984	S.268	Hydroelectric Powerplants	Baker	July 30, 1984	no vote	N	130	21524
July 31, 1984	Nomination.	Hydroelectric Powerplants	Baker	Aug. 9, 1984	65–32 No. 225	I	130	23284
Aug. 2, 1984	H.R.5743	motion to concur in the House amendment	Baker	Aug. 9, 1984	no vote	N	130	23284
Aug. 6, 1984	H.R.5743	Judicial nominee James H. Wilkinson III	Baker	Aug. 6, 1984	54–31 No. 211	F	130	22510
Sept. 6, 1984	S.2851	Department of Agriculture Appropriations FY85	Baker	Aug. 6, 1984	68–30 No. 213	I	130	22721
Sept. 6, 1984	S.2851	Department of Agriculture Appropriations FY85	Baker	Aug. 8, 1984	no vote	N	130	22721
Sept. 6, 1984	S.2851	Department of Agriculture Appropriations FY85	Baker	Aug. 8, 1984	no vote	N	130	22721
Sept. 6, 1984	S.2851	Financial Services Competitive Equity Act.	Carn	Sept. 10, 1984	89–3 No. 232	I	130	24715
Sept. 6, 1984	S.2851	motion to proceed	Carn	Sept. 10, 1984	no vote	N	130	24715

Sept. 11, 1984	S.2851	Financial Services Competitive Equity Act.	Baker	Sept. 13, 1984	92-6 No. 236	I	130	28284
Sept. 13, 1984	S. Res. 66	Broadcasting of Senate Proceedings motion to proceed	Baker	Sept. 18, 1984	73-26 No. 240	I	130	28771
Sept. 19, 1984	S. Res. 66	Broadcasting of Senate Proceedings	Baker	Sept. 21, 1984	37-44 No. 247	F	130	26455
Sept. 20, 1984	S.2527	Federal-Aid Highway Act of 1984 motion to proceed	Baker	Sept. 24, 1984	70-12 No. 249	I	130	26601
Sept. 25, 1984	S.2527	Federal-Aid Highway Act of 1984	Baker	Sept. 27, 1984	UC	V	130	27462
Sept. 27, 1984	H.J. Res. 648	Continuing Appropriations FY85 Committee Amendment No. 1	Hatch	Oct. 2, 1984	UC	V	130	28291
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Hatch	Oct. 2, 1984	no vote	N	130	28290
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Byrd	Oct. 2, 1984	no vote	N	130	28290
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Byrd	Sept. 29, 1984	92-4 No. 255	I	130	27825
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Byrd	Oct. 2, 1984	UC	V	130	28291
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Byrd	Oct. 2, 1984	no vote	N	130	28290
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Byrd	Oct. 2, 1984	no vote	N	130	28290
H.J. Res. 648	H.J. Res. 648	Continuing Appropriations FY85	Baker	Oct. 2, 1984	no vote	N	130	28290
<i>99/h</i>								
June 25, 1985	H.R.2475	Amend IRS Code to Simplify Interest Rules motion to proceed	Dole	June 26, 1985	no vote	N	131	17275
July 8, 1985	S.995	South Africa Anti-Apartheid	Dole	July 10, 1985	88-8 No. 143	I	131	18323
July 16, 1985	S.43	Lane Item Veto	Dole	July 18, 1985	57-42 No. 156	F	131	19565
July 19, 1985	S.43	Lane Item Veto	Dole	July 23, 1985	57-41 No. 157	F	131	19950
July 22, 1985	S.43	Lane Item Veto	Dole	July 24, 1985	58-40 No. 158	F	131	20296
Aug. 1, 1985	H.R.1460	South Africa Anti-Apartheid conference report	Dole	Sept. 9, 1985	53-34 No. 171	F	131	23035
Sept. 9, 1985	H.R.1460	South Africa Anti-Apartheid conference report	Kennedy	Sept. 11, 1985	57-41 No. 173	F	131	23299
Sept. 10, 1985	H.R.1460	South Africa Anti-Apartheid conference report	Byrd	Sept. 12, 1985	11-88 No. 175	F	131	23582
Oct. 2, 1985	S.J. Res. 77	Charter of Free Association	Thurmond	Oct. 2, 1985	UC	W	131	25626
Oct. 4, 1985	H.J. Res. 372	Public Debt Limit and Balanced Budget Vote No. 203	Dole	Oct. 6, 1985	57-38 No. 203	F	131	26326
Oct. 5, 1985	H.J. Res. 372	Public Debt Limit and Balanced Budget Vote No. 203 reconsidered	Dole	Oct. 8, 1985	53-39 No. 209	F	131	26764
Oct. 5, 1985	H.J. Res. 372	Public Debt Limit and Balanced Budget	Dole	Oct. 6, 1985	no vote	N	131	26328

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

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Oct. 6, 1985.....	H.J.Res.372.....	Public Debt Limit and Balanced Budget..... motion to recommit	Byrd	Oct. 6, 1985.....	no vote	N	131	26328
Oct. 6, 1985.....	H.J.Res.372.....	Public Debt Limit and Balanced Budget..... S.Amdt.738	Dole	Oct. 8, 1985.....	UC	V	131	26743
Oct. 8, 1985.....	H.J.Res.372.....	Public Debt Limit and Balanced Budget..... S.Amdt.743	Dole	Oct. 9, 1985.....	no vote	N	131	26847
Oct. 8, 1985.....	H.J.Res.372.....	Public Debt Limit and Balanced Budget.....	Byrd	Oct. 10, 1985.....	UC	V	131	27242
Nov. 22, 1985.....	S.1714.....	Expand Export Markets..... motion to recommit	Byrd	Oct. 10, 1985.....	UC	V	131	27242
Jan. 21, 1986.....	S.638.....	Conrail Sale..... motion to proceed	Byrd	Nov. 23, 1985.....	no vote	N	131	33482
Jan. 28, 1986.....	S.638.....	Conrail Sale..... S.Amdt.1437	Dole	Jan. 23, 1986.....	90–7 No. 1	I	132	369
Feb. 18, 1986.....	Treaty.....	Genocide treaty.....	Dole	Jan. 30, 1986.....	70–27 No. 7	I	132	1199
Mar. 14, 1986.....	PN876-05.....	Judicial nominee Sidney A. Fitzwater.....	Dole	Feb. 19, 1986.....	no vote	N	132	2349
Mar. 19, 1986.....	S.1017.....	Metro Washington Airports Transfer..... motion to proceed	Dole	Mar. 18, 1986.....	64–33 No. 40	I	132	5145
Mar. 20, 1986.....	S.1017.....	Metro Washington Airports Transfer..... motion to proceed	Dole	Mar. 21, 1986.....	50–39 No. 43	F	132	5908
Mar. 21, 1986.....	S.1017.....	Metro Washington Airports Transfer..... motion to proceed	Simpson	Mar. 24, 1986.....	UC	W	132	6027
Apr. 9, 1986.....	S.1017.....	Metro Washington Airports Transfer..... committee substitute	Dole	Mar. 25, 1986.....	66–32 No. 44	I	132	6073
Apr. 9, 1986.....	S.1017.....	Metro Washington Airports Transfer.....	Dole	Apr. 10, 1986.....	UC	W	132	7184
Apr. 14, 1986.....	S.1774.....	Hobbs Act Amendments..... motion to proceed	Dole	Apr. 10, 1986.....	UC	W	132	7184
June 24, 1986.....	PN909.....	Judicial nominee Daniel Manion.....	Dole	Apr. 16, 1986.....	44–54 No. 67	F	132	7707
Aug. 4, 1986.....	S.2638.....	National Defense Authorization FY87.....	Thurmond	June 26, 1986.....	UC	V	132	15809
Aug. 5, 1986.....	S.2638.....	National Defense Authorization FY87..... S.Amdt.2417	Warner	Aug. 6, 1986.....	53–46 No. 180	F	132	19535
Aug. 5, 1986.....	S.2638.....	National Defense Authorization FY87..... S.Amdt.2414	Dole	Aug. 8, 1986.....	UC	N	132	20179
Aug. 6, 1986.....	S.2638.....	National Defense Authorization FY87.....	Byrd	Aug. 8, 1986.....	UC	N	132	20179
Aug. 9, 1986.....	H.R.5052.....	Military Construction Appropriations FY87..... Contra Aid	Dole	Aug. 8, 1986.....	UC	W	132	20179
Aug. 9, 1986.....	H.R.5052.....	Military Construction Appropriations FY87..... Contra Aid	Dole	Aug. 13, 1986.....	62–37 No. 220	I	132	21295
Aug. 9, 1986.....	S.2701.....	South Africa Anti-Apartheid.....	Dole	Aug. 13, 1986.....	59–40 No. 218	F	132	21288
Aug. 9, 1986.....	S.2701.....	South Africa Anti-Apartheid.....	Byrd	Aug. 13, 1986.....	no vote	N	132	21291
Sept. 15, 1986.....	PN1184.....	Judicial nominee William Rehnquist.....	Byrd	Aug. 13, 1986.....	89–11 No. 219	I	132	21291
Sept. 23, 1986.....	S.2760.....	Product Liability Reform Act..... motion to proceed	Dole	Sept. 17, 1986.....	68–31 No. 265	I	132	23739
			Kasten	Sept. 25, 1986.....	97–1 No. 291	I	132	26136

Sept. 30, 1986	H.R.4868	Anti-Apartheid Act of 1986.....	Byrd	Oct. 1, 1986	UC	V	132	27567
Oct. 10, 1986	H.R.5484	passage over veto Anti-Drug Abuse Act.....	Dole	Oct. 15, 1986	58-38 No. 346	F	132	31364
Oct. 15, 1986	S.1200	motion to concur with House amends Immigration Reform and Control Act.....	Simpson	Oct. 17, 1986	69-21 No. 355	I	132	33181
<i>100th</i>								
Feb. 5, 1987	S.83	Appliance Energy Conservation Act.....	Byrd	Feb. 17, 1987	no vote	N	133	3374
Mar. 19, 1987	H.J.Res.175	Contra Aid Moratorium.....	Byrd	Mar. 23, 1987	46-45 No. 36	F	133	6575
Mar. 20, 1987	H.J.Res.175	motion to proceed Contra Aid Moratorium.....	Byrd	Mar. 24, 1987	50-50 No. 37	F	133	6651
Mar. 23, 1987	H.J.Res.175	motion to proceed Contra Aid Moratorium.....	Byrd	Mar. 25, 1987	54-46 No. 38	F	133	6801
Apr. 8, 1987	H.R.558	Homeless Assistance Act.....	Kennedy	Apr. 9, 1987	68-29 No. 73	I	133	8715
Apr. 9, 1987	H.R.558	S.Amdt.90 Homeless Assistance Act.....	Byrd	Apr. 9, 1987	no vote	N	133	8715
Apr. 9, 1987	H.R.558	S.Amdt.90 Homeless Assistance Act.....	Byrd	Apr. 9, 1987	no vote	N	133	8715
May 13, 1987	S.1174	Defense Authorization FY88-89.....	Byrd	Apr. 9, 1987	no vote	N	133	8715
May 14, 1987	S.1174	motion to proceed Defense Authorization FY88-89.....	Byrd	May 15, 1987	52-36 No. 112	F	133	12575
May 15, 1987	S.1174	motion to proceed Defense Authorization FY88-89.....	Byrd	May 19, 1987	58-41 No. 114	F	133	12912
May 15, 1987	S.1174	motion to proceed Defense Authorization FY88-89.....	Byrd	May 20, 1987	59-39 No. 116	F	133	13168
May 19, 1987	S.1174	motion to proceed Defense Authorization FY88-89.....	Byrd	May 20, 1987	UC	V	133	13225
June 5, 1987	S.2	Senatorial Election Campaign Act.....	Byrd	June 9, 1987	52-47 No. 148	F	133	15062
June 11, 1987	S.2	committee substitute Senatorial Election Campaign Act.....	Byrd	June 9, 1987	52-47 No. 148	F	133	15062
June 11, 1987	S.2	committee substitute Senatorial Election Campaign Act.....	Byrd	June 17, 1987	51-47 No. 151	F	133	16377
June 16, 1987	S.2	committee substitute Senatorial Election Campaign Act.....	Byrd	June 16, 1987	49-46 No. 150	F	133	16129
June 17, 1987	S.2	committee substitute Senatorial Election Campaign Act.....	Byrd	June 18, 1987	50-47 No. 152	F	133	16626
July 1, 1987	S.1420	committee substitute Senatorial Election Campaign Act.....	Byrd	June 19, 1987	45-43 No. 153	F	133	16818
July 1, 1987	S.1420	Omnibus Trade Act of 1987.....	Byrd	June 19, 1987	45-43 No. 153	F	133	16818
July 9, 1987	S.1420	S.Amdt.367 Omnibus Trade Act of 1987.....	Byrd	July 9, 1987	57-42 No. 181	F	133	19152
July 10, 1987	S.1420	S.Amdt.367 Omnibus Trade Act of 1987.....	Byrd	July 14, 1987	53-40 No. 189	F	133	19685
July 10, 1987	S.1420	Omnibus Trade Act of 1987.....	Byrd	July 14, 1987	53-40 No. 189	F	133	19685
July 14, 1987	S.1420	S.Amdt.450 Omnibus Trade Act of 1987.....	Byrd	July 15, 1987	54-44 No. 196	F	133	19916
Aug. 6, 1987	PN73	Nominee Melissa F. Wells.....	Byrd	July 16, 1987	UC	I	133	25535
Aug. 7, 1987	S.2	Senatorial Election Campaign Act.....	Byrd	Sept. 9, 1987	65-24 No. 234	I	133	25535
Aug. 7, 1987	S.2	committee substitute Senatorial Election Campaign Act.....	Byrd	Sept. 10, 1987	53-42 No. 239	F	133	23723

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetiated; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Sept. 10, 1987	S.1174	Defense Authorization FY 88–89 motion to proceed	Byrd	Sept. 11, 1987	no vote	N	133	23817
Sept. 10, 1987	S.2	Senatorial Election Campaign Act committee substitute	Byrd	Sept. 15, 1987	51–44 No. 242	F	133	23950
Sept. 30, 1987	S.1174	Defense Authorization FY 88–89	Dole	Oct. 1, 1987	41–58 No. 297	F	133	26125
Sept. 30, 1987	S.1174	Defense Authorization FY 88–89 S.Amdt. 732	Byrd	Oct. 1, 1987	54–45 No. 296	F	133	26125
Oct. 8, 1987	PN589	Nominee C. William Verity	Byrd	Oct. 13, 1987	85–8 No. 320	I	133	27388
Oct. 16, 1987	S.J.Res.194	War Powers Act Compliance S.Amdt. 951	Byrd	Oct. 20, 1987	67–28 No. 339	I	133	28383
Nov. 5, 1987	H.R.2700	Energy and Water Appropriations FY88 S.Amdt.1125	Johnston	Nov. 10, 1987	87–0 No. 372	I	133	31466
Feb. 23, 1988	S.2	Senatorial Election Campaign Act committee substitute	Byrd	Feb. 26, 1988	53–41 No. 30	F	134	2584
Mar. 1, 1988	S.1904	Polygraph Protection Act committee substitute	Byrd	Mar. 3, 1988	77–19 No. 42	I	134	3060
Mar. 4, 1988	S.1721	Intelligence Oversight Act committee substitute	Byrd	Mar. 15, 1988	73–18 No. 49	I	134	3876
Mar. 21, 1988	S.79	Occupational Disease Notification and Prevention committee substitute	Byrd	Mar. 23, 1988	33–59 No. 68	F	134	4844
Mar. 22, 1988	S.79	Occupational Disease Notification and Prevention committee substitute	Byrd	Mar. 24, 1988	2–93 No. 69	F	134	5136
Mar. 24, 1988	S.79	Occupational Disease Notification and Prevention committee substitute	Byrd	Mar. 28, 1988	41–44 No. 77	F	134	5368
Mar. 25, 1988	S.79	Occupational Disease Notification and Prevention committee substitute	Byrd	Mar. 29, 1988	42–52 No. 79	F	134	5464
Apr. 20, 1988	S.J.Res.282	Campaign Contributions Constitutional Amendment S.Amdt.1957	Byrd	Apr. 21, 1988	52–42 No. 107	F	134	8345
Apr. 21, 1988	S.J.Res.282	Campaign Contributions Constitutional Amendment S.Amdt.1957	UC	Apr. 22, 1988	53–37 No. 108	F	134	8459
Apr. 27, 1988	H.R.4222	Immigration Amnesty Program Extension motion to proceed	Byrd	Apr. 28, 1988	40–56 No. 116	F	134	9296
May 24, 1988	Treaty	INF treaty	Byrd	May 27, 1988	UC	V	134	12785
June 8, 1988	S.2455	Death Penalty for Drug Related Killings	D'Amato	June 9, 1988	70–26 No. 172	I	134	14005
June 16, 1988	H.R.1495	Great Smoky Mountains Wilderness Act motion to proceed	Byrd	June 20, 1988	49–35 No. 192	F	134	15172
June 17, 1988	H.R.1495	Great Smoky Mountains Wilderness Act motion to proceed	Byrd	June 21, 1988	54–42 No. 195	F	134	15342
June 27, 1988	S.2527	Plant Closing Notification	Byrd	June 29, 1988	58–39 No. 221	F	134	16320
June 28, 1988	S.2527	Plant Closing Notification	Byrd	July 6, 1988	no vote	N	134	16677
June 28, 1988	S.2527	Plant Closing Notification	Byrd	July 6, 1988	no vote	N	134	16677
June 28, 1988	S.2527	Plant Closing Notification	Byrd	July 6, 1988	88–5 No. 222	I	134	16677
June 29, 1988	S.2527	Plant Closing Notification	Byrd	July 6, 1988	no vote	N	134	16677

Aug. 10, 1988	S.9662	Textile, Apparel and Footwear Trade Act	Byrd	Sept. 7, 1988	68-29 No. 314	I	134	22435
Sept. 9, 1988	H.R.1154	Textile, Apparel and Footwear Trade Act S.Amdt.2945	Byrd	Sept. 13, 1988	UC	V	134	23523
Sept. 19, 1988	S.837	Minimum Wage Restoration Act of 1988 committee substitute	Byrd	Sept. 22, 1988	53-43 No. 335	F	134	24737
Sept. 20, 1988	S.837	Minimum Wage Restoration Act of 1988 committee substitute	Byrd	Sept. 23, 1988	56-35 No. 336	F	134	25194
Sept. 29, 1988	S.2488	Parental and Medical Leave Act motion to recommit	Byrd	Oct. 3, 1988	85-6 No. 349	I	134	27399
Oct. 5, 1988	S.2488	Parental and Medical Leave Act committee substitute	Byrd	Oct. 7, 1988	50-46 No. 355	F	134	29265
<i>101st</i>								
Mar. 17, 1989	H.R.1231	Eastern Airlines Labor Dispute motion to proceed	Kennedy	Apr. 4, 1989	UC	V	135	5391
June 9, 1989	H.R.1722	Natural Gas Decontrol Act	McClure	June 13, 1989	UC	V	135	11461
July 19, 1989	S.1160	Foreign Relations Authorization FY90	Mitchell	July 21, 1989	no vote	N	135	17602
July 31, 1989	S.1352	National Defense Authorization FY90/91	Nunn	Aug. 1, 1989	84-13 No. 169	I	135	
Aug. 2, 1989	S.1352	National Defense Authorization FY90/91	Nunn	Aug. 2, 1989	no vote	N	135	
Aug. 4, 1989	H.R.2969	Treasury Postal Appropriations FY90	Byrd	Aug. 4, 1989	no vote	N	135	
Sept. 13, 1989	H.R.3015	Transportation Appropriations FY90 committee substitute	Mitchell	Sept. 14, 1989	77-21 No. 176	I	135	20457
Sept. 29, 1989	H.R.1231	Eastern Airlines Labor Dispute motion to proceed	Cranston	Oct. 3, 1989	61-36 No. 222	I	135	29900
Oct. 12, 1989	H.R.3385	Nicaragua Election Assistance	Mitchell	Oct. 13, 1989	52-42 No. 244	F	135	24606
Oct. 13, 1989	H.R.3385	Nicaragua Election Assistance	Mitchell	Oct. 17, 1989	74-25 No. 245	I	135	24836
Oct. 24, 1989	H.R.1231	Eastern Airlines Labor Dispute S.Amdt.1045	Mitchell	Oct. 26, 1989	62-38 No. 273	I	135	26119
Nov. 9, 1989 <sup>2</sup>	H.R.3628	Capital Gains Taxes	Mitchell	Nov. 15, 1989	51-47 No. 298	F	135	29112
Nov. 9, 1989 <sup>3</sup>	H.R.3628	Capital Gains Taxes S.Amdt.1127	Mitchell	Nov. 14, 1989	51-47 No. 295	F	135	28695
Nov. 17, 1989	H.R.3660	Ebels Repeal Act S.Amdt.1158	Mitchell	Nov. 17, 1989	90-9 No. 304	I	135	29678
Feb. 20, 1990	S.J.Res.212	Armenian Genocide Day of Remembrance	Dole	Feb. 22, 1990	49-49 No. 16	F	136	2350
Feb. 22, 1990	S.J.Res.212	Armenian Genocide Day of Remembrance motion to proceed	Dole	Feb. 27, 1990	48-51 No. 17	F	136	2778
Apr. 27, 1990	S.135	Hatch Act Reform motion to proceed	Mitchell	May 1, 1990	70-28 No. 76	I	136	8999
May 8, 1990	S.135	Hatch Act Reform	Mitchell	May 9, 1990	UC	V	136	9778
May 11, 1990	S.2240	Ryan White AIDS Resources Emergency Act motion to proceed	Mitchell	May 15, 1990	95-3 No. 91	I	136	10325
May 17, 1990	S.195	Child Welfare Control Act committee substitute	Mitchell	May 17, 1990	87-4 No. 100	I	136	10980
May 24, 1990	S.1970	Federal Death Penalty Act of 1989	Mitchell	June 5, 1990	54-37 No. 109	F	136	12698
June 5, 1990	S.1970	Federal Death Penalty Act of 1989	Mitchell	June 7, 1990	57-37 No. 112	F	136	13359
June 8, 1990	S.341	Air Travel Rights for Blind Individuals	Hollings	June 12, 1990	56-44 No. 114	F	136	13749

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
June 13, 1990	H.R.770	Family and Medical Leave Act. motion to proceed	Mitchell	June 14, 1990	UC	W	136	14176
June 22, 1990	S.2104	Civil Rights Act of 1990 motion to proceed	Mitchell	June 25, 1990	UC	W	136	15504
July 13, 1990	S.2104	Civil Rights Act of 1990 S.Amdt.2110	Mitchell	July 17, 1990	62–38 No. 158	I	136	17670
July 16, 1990	S.2830	Farm bill motion to proceed	Mitchell	July 18, 1990	UC	V	136	18091
July 16, 1990	S.2104	Civil Rights Act of 1990	Mitchell	July 18, 1990	UC	V	136	18023
July 16, 1990	S.2104	Civil Rights Act of 1990 S.Amdt.2110	Mitchell	July 17, 1990	no vote	N	136	17670
Aug. 2, 1990 <sup>4</sup>	S.2884	National Defense Authorization Act FY91 S.Amdt.2514	Mitchell	Aug. 3, 1990	58–41 No. 212	F	136	22646
Sept. 11, 1990	S.1511	Older Workers Benefit Protection motion to proceed	Mitchell	Sept. 12, 1990	UC	V		
Sept. 12, 1990	S.1224	Motor Vehicle Fuel Efficiency Act motion to proceed	Mitchell	Sept. 14, 1990	68–28 No. 235	I	136	24546
Sept. 14, 1990 <sup>5</sup>	S.1224	Motor Vehicle Fuel Efficiency Act motion to proceed	Mitchell	Sept. 14, 1990	no vote	N	136	24546
Sept. 18, 1990	S.1511	Older Workers Benefit Protection committee substitute	Exon	Sept. 20, 1990	UC	V	136	25195
Sept. 19, 1990 <sup>6</sup>	S.874	National Voter Registration Act. motion to proceed	Mitchell	Sept. 26, 1990	55–42 No. 257	F	136	25906
Sept. 19, 1990 <sup>7</sup>	S.110	Family Planning Amendments. committee substitute	Mitchell	Sept. 26, 1990	50–46 No. 256	F	136	25901
Sept. 19, 1990 <sup>8</sup>	S.1224	Motor Vehicle Fuel Efficiency Act committee substitute	Mitchell	Sept. 25, 1990	57–42 No. 248	F	136	25642
Oct. 12, 1990 <sup>9</sup>	H.R.5114	Foreign Operations Appropriations FY91 committee substitute	Mitchell	Oct. 12, 1990	51–38 No. 270	F	136	28912
<i>102nd</i>								
Apr. 25, 1991	S.429	Protection Against Price-Fixing Act. motion to proceed	Ford	May 7, 1991	61–37 No. 53	I	137	10003
May 7, 1991	S.429	Protection Against Price-Fixing Act	Mitchell	May 8, 1991	63–35 No. 54	I	137	10144
June 6, 1991	S.1204	Surface Transportation Efficiency Act motion to proceed	Mitchell	June 11, 1991	UC	V	137	14071
June 28, 1991	S.1241	Violent Crime Control Act	Mitchell	June 28, 1991	41–58 No. 114	F	137	17091
July 8, 1991	S.1241	Violent Crime Control Act	Mitchell	July 10, 1991	56–43 No. 120	F	137	17519
July 9, 1991	S.1241	Violent Crime Control Act	Mitchell	July 10, 1991	71–27 No. 123	I	137	17570
July 16, 1991	S.250	National Voter Registration Act. motion to proceed	Ford	July 18, 1991	57–41 No. 134	F	137	18897
July 17, 1991	S.250	National Voter Registration Act. motion to proceed	Reid	July 18, 1991	59–40 No. 140	F	137	19006



July 18, 1991	H.R.2519	VA, HUD Appropriations FY92	Mitchell	July 18, 1991	57-40 No. 139	F	137	18980
July 22, 1991	S.1435	S.Amdt.794 Security and Economic Cooperation Act	Mitchell	July 24, 1991	87-10 No. 143	I	137	19515
July 25, 1991	S.1435	International Security and Economic Cooperation motion to proceed	Mitchell	July 25, 1991	63-33 No. 151	I	137	19850
July 25, 1991	S.1435	International Security and Economic Cooperation S.Amdt.827	Mitchell	July 25, 1991	52-44 No. 150	F	137	19849
July 26, 1991	S.1554	Emergency Unemployment Compensation Act S.Amdt.833	Mitchell	July 29, 1991	96-1 No. 158	I	137	20227
July 31, 1991	S.1554	Emergency Unemployment Compensation Act motion to proceed	Mitchell	Aug. 1, 1991	no vote	N	137	21213
Aug. 2, 1991	S.1507	Disaster Authorization FY92-93 S.Amt.1038	Mitchell	Aug. 2, 1991	58-40 No. 177	F	137	21621
Aug. 2, 1991	H.R.2707	Labor, HHS Appropriations FY92 motion to proceed	Mitchell	Sept. 10, 1991	UC	V	137	22349
Sept. 19, 1991	H.R.2686	Interior Appropriations FY92 S.Amdt.166	Byrd	Sept. 19, 1991	55-41 No. 199	F	137	23506
Sept. 27, 1991	S.5	Family and Medical Leave Act motion to proceed	Mitchell	Oct. 1, 1991	UC	V	137	24749
Oct. 7, 1991	S.1745	Civil Rights Act of 1991 motion to proceed	Mitchell	Oct. 8, 1991	UC	V	137	25919
Oct. 16, 1991	S.596	Federal Facility Compliance Act motion to proceed	Mitchell	Oct. 17, 1991	85-14 No. 226	I	137	26675
Oct. 17, 1991	S.1745	Civil Rights Act of 1991 motion to proceed	Mitchell	Oct. 22, 1991	93-4 No. 227	I	137	26954
Oct. 25, 1991	S.250	National Voter Registration Act motion to proceed	Ford	May 7, 1992	61-38 No. 86	I	138	10709
Oct. 30, 1991	S.1220	National Energy Security Act motion to proceed	Mitchell	Nov. 1, 1991	50-44 No. 242	F	137	29629
Nov. 1, 1991	S.543	Deposit Insurance Reform Act motion to proceed	Mitchell	Nov. 5, 1991	UC	V	137	30326
Nov. 7, 1991	S.543	Deposit Insurance Reform Act motion to proceed	Mitchell	Nov. 13, 1991	76-19 No. 249	I	137	31372
Nov. 20, 1991	H.J.Res.157	Disaster Emergency Supplemental Appropriations FY92 motion to proceed	Mitchell	Nov. 21, 1991	UC	V	137	33687
Nov. 21, 1991	S.Res.198	Amendment to Committee on Foreign Relations Powers	Mitchell	Nov. 22, 1991	51-43 No. 271	F	137	33851
Nov. 23, 1991	H.R.3595	Medicaid Moratorium Amendments 1991 motion to proceed	Mitchell	Nov. 25, 1991	UC	V	137	34653
Nov. 27, 1991	H.R.3371	Omnibus Crime Control Act conference report	Mitchell	Nov. 27, 1991	49-38 No. 278	F	137	36128
Nov. 27, 1991	S.2	National Academic Report Card Act motion to proceed	Ford	Jan. 21, 1992	95-0 No. 1	I	138	75
Jan. 31, 1992	S.2166	National Energy Security Act motion to proceed	Mitchell	Feb. 4, 1992	90-5 No. 15	I	138	1312

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetted; W—Withdrawn.

## Disposition of Cloture Motions, 1917-2008—Continued

Motions Filed			Action and Result			Congressional Record		
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Feb. 21, 1992	S.479	National Cooperative Research Act Extension. motion to proceed	Mitchell	Feb. 25, 1992	98-0 No. 32	I	138	3265
Feb. 26, 1992	H.R.1426	Lumbee Indian Tribe Recognition Act. motion to proceed	Mitchell	Feb. 27, 1992	58-39 No. 35	F	138	3898
Feb. 27, 1992	S.1504	Public Broadcasting Authorization. motion to proceed	Mitchell	Mar. 3, 1992	87-7 No. 36	I	138	4153
Mar. 5, 1992	H.R.3371	Omnibus Crime Control Act. conference report	Mitchell	Mar. 19, 1992	54-43 No. 53	F	138	6127
Mar. 24, 1992	S.1696	Montana National Forest Management Act. motion to proceed	Mitchell	Mar. 25, 1992	UC	V	138	6785
Mar. 25, 1992	S.2399	Appropriations Category Reform. motion to proceed	Mitchell	Mar. 26, 1992	50-48 No. 56	F	138	7010
Mar. 26, 1992	H.R.2507	NIH Revitalization Amendments. motion to proceed	Ford	Mar. 31, 1992	98-2 No. 60	I	138	7586
Apr. 1, 1992	S.Con.Res.89	UN Conference on Environment and Development. motion to proceed	Ford	Apr. 2, 1992	UC	V	138	8045
May 7, 1992	S.250	National Voter Registration Act. committee substitute	Ford	May 12, 1992	58-40 No. 87	F	138	11003
June 4, 1992	S.1306	ADAMHA Reorganization Act. conference report	Mitchell	June 9, 1992	84-9 No. 117	I	138	13840
June 9, 1992	S.55	Labor Relations and Railway Labor Disputes. committee substitute	Mitchell	June 11, 1992	55-41 No. 120	F	138	14541
June 12, 1992	S.55	Labor Relations and Railway Labor Disputes. committee substitute	Mitchell	June 16, 1992	57-42 No. 121	F	138	14875
June 30, 1992	S.2733	Federal Housing Regulatory Reform. S.Amdt.2447	Seymour	June 30, 1992	56-39 No. 135	F	138	16986
July 1, 1992	S.2733	Federal Housing Regulatory Reform. S.Amdt.2447	Seymour	July 1, 1992	56-39 No. 136	F	138	17321
July 20, 1992	H.R.776	National Energy Efficiency Act. motion to proceed	Baucus	July 23, 1992	58-33 No. 150	F	138	19050
July 23, 1992	S.2877	Interstate Transportation of Municipal Waste Act. National Energy Efficiency Act	Mitchell	July 23, 1992	no vote	N	138	19051
July 27, 1992	H.R.776	National Energy Efficiency Act. motion to proceed	Mitchell	July 28, 1992	93-3 No. 154	I	138	19755
Aug. 4, 1992	H.R.4312	Voting Rights Improvement Act. motion to proceed	Mitchell	Aug. 5, 1992	UC	V	138	21725
Sept. 8, 1992	S.640	Product Liability Fairness. motion to proceed	Mikulski	Sept. 10, 1992	57-39 No. 197	F	138	24403
Sept. 8, 1992	PN855	Judicial Nominee Edward E. Carnes	Mitchell	Sept. 10, 1992	58-38 No. 199	F	138	24404
Sept. 10, 1992	S.2	National Academic Report Card Act. Disagree to House Amdt.	Mitchell	Sept. 9, 1992	66-30 No. 192	I	138	24105
Sept. 15, 1992	H.R.5677	Labor, HHS Appropriations FY93. motion to proceed	Mitchell	Sept. 15, 1992	85-6 No. 203	I	138	24785
				Sept. 16, 1992	56-38 No. 207	F	138	25242

Sept. 18, 1992	S.12	Cable/Television Protection Act..... conference report	Mitchell.....	Sept. 18, 1992	UC	W	138	26102	
Sept. 26, 1992	Treaty Doc. S.289	START Treaty.....	Mitchell.....	Sept. 29, 1992	87-6 No. 246	I	138	28646	
Sept. 30, 1992	S.289	NIH Revitalization Amendments motion to proceed	Mitchell.....	Oct. 2, 1992	85-12 No. 263	I	138	30303	
Sept. 30, 1992	H.R.3371	Omnibus Crime Control Act..... conference report	Mitchell.....	Oct. 2, 1992	55-43 No. 262	F	138	30287	
Sept. 30, 1992	S.2	National Academic Report Card Act..... conference report	Mitchell.....	Oct. 2, 1992	59-40 No. 261	F	138	30274	
Oct. 5, 1992	H.R.776	National Energy Efficiency Act..... conference report	Mitchell.....	Oct. 8, 1992	84-8 No. 266	I	138	34024	
Oct. 6, 1992	H.R.11	Enterprise Zone Tax Incentives Act..... conference report	Mitchell.....	Oct. 8, 1992	80-10 No. 268	I	138	34104	
<i>103rd</i>									
Feb. 3, 1993	S.5	Family and Medical Leave Act.....	Mitchell.....	Feb. 4, 1993	no vote	N	139	2256	
Mar. 3, 1993	S.460	National Voter Registration motion to proceed	Ford.....	Mar. 5, 1993	52-36 No. 25	F	139	4304	
Mar. 4, 1993	S.460	National Voter Registration motion to proceed	Mosley Braun.....	Mar. 9, 1993	62-38 No. 26	I	139	4378	
Mar. 5, 1993	S.460	National Voter Registration motion to proceed	Pryor.....	Mar. 9, 1993	no vote	N	139	4375	
Mar. 15, 1993	S.460	National Voter Registration motion to proceed	Ford.....	Mar. 17, 1993	UC	V	139	5217	
Mar. 15, 1993	S.460	National Voter Registration motion to proceed	Ford.....	Mar. 16, 1993	59-41 No. 33	F	139	5112	
Apr. 1, 1993	H.R.1335	Emergency Supplemental Appropriations FY93..... committee substitute	Mitchell.....	Apr. 2, 1993	55-43 No. 100	F	139	7481	
Apr. 2, 1993	H.R.1335	Emergency Supplemental Appropriations FY93..... committee substitute	Ford.....	Apr. 3, 1993	52-37 No. 101	F	139	7562	
Apr. 3, 1993	H.R.1335	Emergency Supplemental Appropriations FY93..... committee substitute	Mitchell.....	Apr. 5, 1993	49-29 No. 102	F	139	7615	
Apr. 5, 1993	H.R.1335	Emergency Supplemental Appropriations FY93..... committee substitute	Mitchell.....	Apr. 21, 1993	56-43 No. 105	F	139	7951	
May 7, 1993	H.R.2	National Voter Registration conference report	Mitchell.....	May 11, 1993	no vote	N	139	9636	
May 7, 1993	H.R.2	National Voter Registration conference report	Mitchell.....	May 11, 1993	63-37 No. 117	I	139	9636	
June 9, 1993	S.3	Campaign Finance Reform conference report	Boren.....	June 10, 1993	53-41 No. 146	F	139	12375	
June 10, 1993	S.3	Campaign Finance Reform conference report	Mitchell.....	June 16, 1993	62-37 No. 154	I	139	12954	
June 10, 1993	S.3	Campaign Finance Reform conference report	Mitchell.....	June 15, 1993	52-45 No. 147	F	139	12661	
July 1, 1993	S.185	Hatch Act Reform motion to proceed	Mitchell.....	July 13, 1993	UC	W	139	15340	
July 1, 1993	S.185	Hatch Act Reform motion to proceed	Mitchell.....	July 13, 1993	UC	W	139	15340	
July 22, 1993	S.919	National Service Trust Act..... committee substitute	Mitchell.....	July 27, 1993	UC	V	139	17106	

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
July 26, 1993	S.919	National Service Trust Act committee substitute	Mitchell	July 27, 1993	UC	V	139	17106
July 28, 1993	S.919	National Service Trust Act S.Amdt.709	Mitchell	July 30, 1993	UC	V	139	17976
July 28, 1993	S.919	National Service Trust Act S.Amdt.709	Mitchell	July 29, 1993	59–41 No. 224	F	139	17800
Oct. 6, 1993	PN306	Nominee Walter Dellinger	Ford	Oct. 7, 1993	UC	V	139	23941
Oct. 6, 1993	PN306	Nominee Walter Dellinger	Ford	Oct. 7, 1993	59–39 No. 307	F	139	23915
Oct. 20, 1993	H.R.2520	Interior Appropriations FY94 conference report	Mitchell	Oct. 21, 1993	53–41 No. 326	F	139	25852
Oct. 21, 1993	H.R.3167	Unemployment Compensation Amendments motion to proceed	Mitchell	Oct. 21, 1993	UC	W	139	25876
Oct. 21, 1993	H.R.2520	Interior Appropriations FY94 conference report	Byrd	Oct. 26, 1993	51–45 No. 329	F	139	26162
Oct. 26, 1993	H.R.2520	Interior Appropriations FY94 conference report	Byrd	Oct. 28, 1993	54–44 No. 340	F	139	26625
Oct. 28, 1993	PN641	Nominee Daniel L. Spiegel	Mitchell	Nov. 3, 1993	58–42 No. 349	F	139	27166
Oct. 28, 1993	PN579	Nominee Thomas A. Loftus	Mitchell	Nov. 3, 1993	58–42 No. 349	F	139	27166
Oct. 28, 1993	PN577	Nominee Swanee G. Hunt	Mitchell	Nov. 3, 1993	58–42 No. 349	F	139	27166
Oct. 28, 1993	PN575	Nominee Tobî T. Gati	Mitchell	Nov. 3, 1993	58–42 No. 349	F	139	27166
Oct. 28, 1993	PN571	Nominee Alan J. Blinken	Mitchell	Nov. 3, 1993	58–42 No. 349	F	139	27166
Oct. 28, 1993	PN641	Nominee Daniel L. Spiegel	Mitchell	Nov. 3, 1993	UC	W	139	27244
Nov. 3, 1993	PN579	Nominee Thomas A. Loftus	Mitchell	Nov. 3, 1993	UC	W	139	27244
Nov. 3, 1993	PN577	Nominee Swanee G. Hunt	Mitchell	Nov. 3, 1993	UC	W	139	27244
Nov. 3, 1993	PN575	Nominee Tobî T. Gati	Mitchell	Nov. 3, 1993	UC	W	139	27244
Nov. 3, 1993	PN571	Nominee Alan J. Blinken	Mitchell	Nov. 3, 1993	UC	W	139	27244
Nov. 5, 1993	H.R.2520	Interior Appropriations FY94 conference report	Wellstone	Nov. 9, 1993	UC	W	139	28219
Nov. 19, 1993	S.414	Brady Handgun Violence Prevention S.Amdt.1218	Ford	Nov. 19, 1993	57–41 No. 380	F	139	30703
Nov. 19, 1993	PN451	Nominee Janet A. Napolitano	Mitchell	Nov. 19, 1993	72–26 No. 388	I	139	30639
Nov. 19, 1993	S.414	Brady Handgun Violence Prevention S.Amdt.1218	Metzenbaum	Nov. 19, 1993	57–42 No. 387	F	139	30620
Nov. 23, 1993	H.R.1025	Brady Handgun Violence Prevention conference report	Mitchell	Nov. 24, 1993	UC	W	139	32281
Nov. 23, 1993	H.R.1025	Brady Handgun Violence Prevention conference report	Mitchell	Nov. 24, 1993	UC	W	139	32281
Feb. 7, 1994	PN784	Nominee M. Larry Lawrence	Pell	Feb. 8, 1994	no vote	N	140	1526
Mar. 10, 1994	S.4	National Competitiveness Act committee substitute	Mitchell	Mar. 15, 1994	56–42 No. 58	F	140	4830
Mar. 11, 1994	S.4	National Competitiveness Act committee substitute	Mitchell	Mar. 15, 1994	UC	V	140	4842

Mar. 23, 1994	H.R.1804	Goals 2000: Educate America	conference report	Mitchell	Mar. 25, 1994	no vote	N	140	6989
Mar. 23, 1994	H.R.1804	Goals 2000: Educate America	conference report	Mitchell	Mar. 25, 1994	62-23 No. 85	I	140	6989
Mar. 23, 1994	H.R.3345	Federal Workforce Restructuring	conference report	Mitchell	Mar. 24, 1994	63-36 No. 76	I	140	6291
Mar. 23, 1994	H.R.3345	Federal Workforce Restructuring	conference report	Mitchell	Mar. 24, 1994	58-41 No. 75	F	140	6291
Mar. 25, 1994	S.21	California Desert Protection Act	motion to proceed	Mitchell	Apr. 11, 1994	UC	W	140	7042
Mar. 25, 1994	H.R.1804	Goals 2000: Educate America	conference report	Mitchell	Mar. 25, 1994	no vote	N	140	6989
Mar. 25, 1994	H.R.1804	Goals 2000: Educate America	conference report	Mitchell	Mar. 25, 1994	no vote	N	140	6989
Apr. 12, 1994	PN898	Nominee Sam W. Brown	judicial nomination	Mitchell	Apr. 13, 1994	UC	W	140	7272
Apr. 12, 1994	PN883	Judicial Nominations Resemmary Barkett	judicial nomination	Mitchell	Apr. 13, 1994	UC	W	140	7297
May 19, 1994	PN898	Nominee Sam W. Brown	judicial nomination	Ford	May 25, 1994	54-44 No. 131	F	140	11527
May 19, 1994	PN1159	Nominee Derek Sheater	judicial nomination	Ford	May 25, 1994	62-36 No. 129	I	140	11519
May 23, 1994	PN1159	Nominee Derek Sheater	judicial nomination	Mitchell	May 24, 1994	no vote	N	140	11519
May 23, 1994	PN898	Nominee Sam W. Brown	judicial nomination	Mitchell	May 25, 1994	no vote	F	140	11707
June 24, 1994	S.687	Product Liability Fairness Act	conference report	Mitchell	June 28, 1994	54-44 No. 169	F	140	14707
June 27, 1994	S.687	Product Liability Fairness Act	conference report	Rockefeller	June 29, 1994	57-41 No. 170	F	140	14967
July 1, 1994	S.55	Striker Replacement Act	motion to proceed	Mitchell	July 12, 1994	53-47 No. 188	F	140	15863
July 11, 1994	S.55	Striker Replacement Act	motion to proceed	Mitchell	July 12, 1994	53-47 No. 188	F	140	15863
Aug. 25, 1994	H.R.3355	Violent Crime Control	conference report	Ford	July 13, 1994	53-46 No. 189	F	140	16295
Sept. 20, 1994	S.21	California Desert Protection	motion to disagree to House Amdts.	Mitchell	Aug. 25, 1994	61-38 No. 294	I	140	24114
Sept. 20, 1994	S.3	Campaign Spending Limit	motion to disagree to House Amdts.	Mitchell	Sept. 22, 1994	73-20 No. 305	I	140	25454
Sept. 21, 1994	S.3	Campaign Spending Limit	motion to disagree to House Amdts.	Mitchell	Sept. 22, 1994	96-2 No. 303	I	140	25322
Sept. 22, 1994	S.3	Campaign Spending Limit	motion to request conference	Conrad	Sept. 22, 1994	no vote	N	140	25322
Sept. 28, 1994	S.3	Campaign Spending Limit	motion to request conference	Ford	Sept. 27, 1994	57-43 No. 309	F	140	25985
Sept. 30, 1994	PN1354	Judicial Nominee H. Lee Sarokin	judicial nomination	Boren	Sept. 30, 1994	52-46 No. 314	F	140	26962
Sept. 30, 1994	PN876	Nominee Ricki R. Tigert (FDIC Chair)	judicial nomination	Levin	Oct. 4, 1994	83-12 No. 318	I	140	27482
Sept. 30, 1994	PN876	Nominee Ricki R. Tigert (FDIC Member)	judicial nomination	Levin	Oct. 3, 1994	UC	W	140	27142
Oct. 3, 1994	S.349	Lobbying Disclosure Act	conference report	Levin	Oct. 3, 1994	63-32 No. 316	I	140	27142
Oct. 3, 1994	H.R.6	Elementary and Secondary Education Act	conference report	Mitchell	Oct. 6, 1994	52-46 No. 322	F	140	28188
Oct. 4, 1994	S.349	Lobbying Disclosure Act	conference report	Mitchell	Oct. 5, 1994	75-24 No. 320	I	140	27850
Oct. 4, 1994	H.R.6	Elementary and Secondary Education Act	conference report	Ford	Oct. 7, 1994	55-42 No. 325	F	140	28774
Oct. 4, 1994	H.R.6	Elementary and Secondary Education Act	conference report	Mitchell	Oct. 5, 1994	no vote	N	140	27850

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent. Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Oct. 7, 1994	S.21	California Desert Protection Act conference report	Mitchell	Oct. 8, 1994	68–23 No. 326	I	140	29474
Oct. 7, 1994	PN811	Nominee Lt. General Edward P. Barry, Jr.	Mitchell	Oct. 8, 1994	UC	W	140	29486
Oct. 7, 1994	PN48	Nominee Col. Claude M. Bolton, Jr.	Mitchell	Oct. 8, 1994	UC	W	140	29486
Oct. 7, 1994	PN1160	Nominee Lt. General Buster C. Glosson	Mitchell	Oct. 7, 1994	UC	V	140	28948
<i>104th</i>								
Jan. 17, 1995	S.1	Unfunded Mandate Reform Act 1995	Dole	Jan. 19, 1995	54–44 No. 27	F	141	1701
Jan. 18, 1995	S.1	Unfunded Mandate Reform Act 1995	Dole	Jan. 19, 1995	UC	V	141	1760
Jan. 19, 1995	S.1	Unfunded Mandate Reform Act 1995	Dole	Jan. 19, 1995	UC	V	141	1701
Jan. 25, 1995	S.1	Unfunded Mandate Reform Act 1995	Lott	Jan. 27, 1995	no vote	N	141	2751
Feb. 14, 1995	H.J.Res.1	Balanced Budget Constitutional Amendment	Dole	Feb. 16, 1995	57–42 No. 74	F	141	5121
Feb. 15, 1995	H.J.Res.1	Balanced Budget Constitutional Amendment	Dole	Feb. 16, 1995	UC	V	141	5164
Feb. 15, 1995	H.J.Res.1	Balanced Budget Constitutional Amendment	Dole	Feb. 16, 1995	UC	V	141	5164
Mar. 9, 1995	H.R.889	Emergency Supplemental FY95	Dole	Mar. 15, 1995	58–39 No. 103	F	141	7872
Mar. 10, 1995	H.R.889	Emergency Supplemental FY95	Dole	Mar. 15, 1995	UC	V	141	7916
Mar. 20, 1995	S.4	Line Item Veto	Gregg	Mar. 15, 1995	UC	V	141	8604
Mar. 21, 1995	S.4	Line Item Veto	McCain	Mar. 22, 1995	UC	V	141	8604
Mar. 21, 1995	S.4	Line Item Veto	McCain	Mar. 22, 1995	UC	V	141	8604
Mar. 31, 1995	H.R.831	Health Insurance Tax Deduction conference report	Dole	Apr. 3, 1995	83–0 No. 126	I	141	10041
Apr. 4, 1995	H.R.1158	Supplemental Appropriations and Rescissions	Dole	Apr. 6, 1995	56–44 No. 127	F	141	10768
Apr. 6, 1995	H.R.1158	Supplemental Appropriations and Rescissions	Dole	Apr. 6, 1995	no vote	N	141	10847
May 2, 1995	H.R.956	Product Liability Reform	Gorton	May 4, 1995	47–52 No. 152	F	141	11913
May 2, 1995	H.R.956	Product Liability Reform	Gorton	May 4, 1995	46–53 No. 151	F	141	11910
May 5, 1995	H.R.956	Product Liability Reform	Coverdell	May 9, 1995	60–38 No. 156	I	141	12066
May 5, 1995	H.R.956	Product Liability Reform	Coverdell	May 8, 1995	43–49 No. 153	F	141	12012
May 8, 1995	H.R.956	Product Liability Reform	Coverdell	May 9, 1995	no vote	N	141	12066
May 10, 1995	S.534	Solid Waste Disposal committee substitute	Hutchison	May 12, 1995	50–47 No. 165	F	141	12782
May 15, 1995	S.995	Alaska Power Administration	Specter	May 16, 1995	no vote	N	141	13013
June 5, 1995	S.735	Anti-terrorism Bill	Loft	June 6, 1995	UC	V	141	14979

June 12, 1995	S.652	Telecommunications Act of 1996	Lott.....	June 14, 1995	89-11 No. 259	I	141	15989
June 13, 1995	S.652	Telecommunications Act of 1996	Cochran.....	June 14, 1995	no vote	N	141	15989
June 13, 1995	S.440	National Highway System Designation	Chafee.....	June 16, 1995	UC	W	141	16319
June 20, 1995	PN245	motion to proceed	Daschle.....	June 22, 1995	57-43 No. 280	F	141	16918
June 20, 1995	PN245	Nominee Henry W. Foster	Daschle.....	June 21, 1995	57-43 No. 273	F	141	16711
July 12, 1995	S.343	Comprehensive Regulatory Reform Act	Lott.....	July 17, 1995	48-46 No. 309	F	141	19105
July 14, 1995	S.343	S.Amdt. 1487						
July 17, 1995	S.343	Comprehensive Regulatory Reform Act	Dole.....	July 18, 1995	53-47 No. 311	F	141	19262
July 17, 1995	S.343	Comprehensive Regulatory Reform Act	Hatch.....	July 20, 1995	58-40 No. 315	F	141	19661
July 26, 1995	S.961	Foreign Assistance Authorization FY96-97	Lott.....	July 27, 1995	UC	V	141	20697
July 26, 1995	S.908	Foreign Relations Revitalization FY95	Lott.....	July 28, 1995	UC	V	141	20953
July 28, 1995	S.908	Foreign Relations Revitalization Act FY95	Dole.....	Aug. 1, 1995	55-45 No. 345	F	141	21250
July 31, 1995	S.908	Foreign Relations Revitalization Act FY95	Dole.....	Aug. 1, 1995	55-45 No. 346	F	141	21269
Aug. 1, 1995	S.1026	National Defense Authorization FY96	Dole.....	Sept. 6, 1995	no vote	N	141	23529
Aug. 9, 1995	S.1026	National Defense Authorization FY96	Thurmond.....	Sept. 6, 1995	no vote	N	141	23529
Sept. 11, 1995	H.R.4	Welfare Reform Bill	Dole.....	Sept. 19, 1995	no vote	N	141	25618
Oct. 11, 1995	H.R.927	Cuba Sanctions	Helms.....	Oct. 17, 1995	59-36 No. 489	F	141	28069
Oct. 11, 1995	H.R.927	Cuba Sanctions	Dole.....	Oct. 12, 1995	56-37 No. 488	F	141	27759
Oct. 13, 1995	H.R.927	Cuba Sanctions	Dole.....	Oct. 18, 1995	98-0 No. 491	I	141	28283
Dec. 6, 1995	S.J.Res.31	Flag Protection Constitutional Amendment	Dole.....	Dec. 7, 1995	UC	W	141	35893
Dec. 15, 1995	H.R.2127	Department of Labor Appropriations FY96	Dole.....	Dec. 22, 1995	no vote	N	141	38464
Jan. 31, 1996	S.1541	Farm Bill	Lott.....	Feb. 6, 1996	59-34 No. 9	F	142	2371
Jan. 31, 1996	S.1541	S.Amdt. 3184	Craig.....	Feb. 1, 1996	53-45 No. 7	F	142	2005
Feb. 23, 1996	H.R.2546	Farm Bill	Lott.....	Feb. 27, 1996	54-44 No. 20	F	142	2850
Feb. 27, 1996	H.R.2546	D.C. Appropriations FY96	Lott.....	Feb. 29, 1996	52-42 No. 21	F	142	3459
Feb. 29, 1996	H.R.2546	conference report	Lott.....	Mar. 5, 1996	53-43 No. 23	F	142	3604
Mar. 7, 1996	S.Res.227	D.C. Appropriations FY96	Lott.....	Mar. 12, 1996	53-47 No. 26	F	142	4341
Mar. 7, 1996	H.R.2546	Whitewater Extension	Lott.....	Mar. 12, 1996	56-44 No. 25	F	142	4341
Mar. 11, 1996	S.Res.227	D.C. Appropriations FY96	Lott.....	Mar. 13, 1996	53-47 No. 29	F	142	4683
Mar. 12, 1996	S.Res.227	Whitewater Extension	Burns.....	Mar. 14, 1996	51-46 No. 34	F	142	4898

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
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Mar. 15, 1996	H.R.956	Product Liability Reform conference report	Kyl	Mar. 21, 1996	no vote	N	142	5782
Mar. 15, 1996	S.Res.227	Whitewater Extension motion to proceed	Kyl	Mar. 21, 1996	52–46 No. 47	F	142	5782
Mar. 18, 1996	S.Res.227	Whitewater Extension motion to proceed	Lott	Mar. 20, 1996	53–47 No. 45	F	142	5459
Mar. 18, 1996	H.R.956	Product Liability Reform conference report	Lott	Mar. 20, 1996	60–40 No. 44	I	142	5459
Mar. 25, 1996	H.R.1296	Presidio Properties S.Amdt.3564	Murkowski	Mar. 27, 1996	51–49 No. 54	F	142	6495
Mar. 26, 1996	H.R.1296	Presidio Properties S.Amdt.3573	Daschle	Mar. 28, 1996	55–45 No. 58	F	142	6794
Mar. 29, 1996	S.Res.227	Whitewater Extension motion to proceed	Lott	Apr. 16, 1996	51–46 No. 61	F	142	7546
Apr. 15, 1996	S.Res.227	Whitewater Extension motion to proceed	Simpson	Apr. 17, 1996	UC	V	142	7776
Apr. 16, 1996	S.Res.227	Whitewater Extension motion to proceed	Lott	Apr. 17, 1996	UC	V	142	7776
Apr. 19, 1996	S.J.Res.21	Congressional Term Limits Constitutional Amendment	Lott	Apr. 17, 1996	UC	V	142	7776
Apr. 24, 1996	S.1664	committee substitute Immigration and Nationality Act	Dole	Apr. 23, 1996	58–42 No. 79	F	142	8425
Apr. 25, 1996	S.1664	S.Amdt.3667 Immigration and Nationality Act	Dorgan	Apr. 24, 1996	no vote	N	142	8703
Apr. 25, 1996	S.1664	S.Amdt.3743 Immigration and Nationality Act	Dole	Apr. 29, 1996	no vote	N	142	9397
Apr. 29, 1996	S.1664	S.Amdt.3743 Immigration and Nationality Act	Dole	Apr. 29, 1996	91–0 No. 90	I	142	9397
May 3, 1996	H.R.2937	White House Travel Office	Simpson	May 2, 1996	100–0 No. 107	I	142	10065
May 6, 1996	H.R.2937	White House Travel Office	Dole	May 7, 1996	52–44 No. 109	F	142	10255
May 8, 1996	H.R.2937	White House Travel Office	Dole	May 8, 1996	53–45 No. 110	F	142	10412
May 9, 1996	H.R.2937	S.Amdt.3960 White House Travel Office	Dole	May 9, 1996	52–44 No. 111	F	142	10664
May 23, 1996	S.1635	S.Amdt.3961 Missile Defense System	Dole	May 14, 1996	54–43 No. 112	F	142	12870
June 20, 1996	S.1219	motion to proceed Campaign Finance Reform	Lott	June 4, 1996	53–46 No. 157	F	142	15128
June 24, 1996	S.1745	National Defense Authorization FY97	McCain	June 25, 1996	54–46 No. 168	F	142	15367
June 25, 1996	S.1745	National Defense Authorization FY97	McCain	June 26, 1996	52–46 No. 170	F	142	16006
June 27, 1996	S.1745	National Defense Authorization FY97	Lott	June 28, 1996	53–43 No. 181	F	142	16080
June 28, 1996	S.1788	National Right to Work Act motion to proceed	Lott	June 28, 1996	no vote	W	142	16080
June 28, 1996	S.1788	National Right to Work Act motion to proceed	Lott	July 10, 1996	31–68 No. 188	F	142	16470



July 11, 1996	S.1936	Nuclear Waste Policy Act. motion to proceed	Lott.....	July 16, 1996	65-34 No. 193 UC	I	142	17148	
July 11, 1996	S.1894	Defense Appropriations FY97	Stevens.....	July 17, 1996	UC	V	142	17435	
July 16, 1996	S.1936	Nuclear Waste Policy Act. motion to proceed	Lott.....	July 24, 1996	UC	V	142	18718	
Sept. 5, 1996	H.R.3396	Defense of Marriage Immigration Reform	Lott.....	Sept. 5, 1996	no vote	W	142	22195	
Sept. 26, 1996	H.R.2202	conference report	Lott.....	Oct. 3, 1996	no vote	N	142	27276	
Sept. 30, 1996	H.R.3539	FAA Reauthorization conference report	Lott.....	Oct. 3, 1996	66-31 No. 304	I	142	27147	
Sept. 30, 1996	H.R.3539	FAA Reauthorization motion to proceed to conference report	Lott.....	Sept. 30, 1996	no vote	N	142	26737	
<i>105th</i>									
Mar. 20, 1997	S.104	Nuclear Waste Policy Act. motion to proceed	Lott.....	Apr. 8, 1997	UC	W	143	4801	
Apr. 7, 1997	S.104	Nuclear Waste Policy Act. motion to proceed	Nickles.....	Apr. 8, 1997	UC	W	143	4801	
Apr. 9, 1997	S.104	Nuclear Waste Policy Act. S.Amdt.26	Lott.....	Apr. 10, 1997	UC	W	143	5175	
Apr. 25, 1997	S.543	Volunteer Protection Act. motion to proceed	Smith.....	Apr. 29, 1997	53-46 No. 52	F	143	6605	
Apr. 28, 1997	S.543	Volunteer Protection Act. motion to proceed	Coverdell.....	Apr. 30, 1997	55-44 No. 53	F	143	6765	
Apr. 29, 1997	S.543	Volunteer Protection Act. motion to proceed	Coverdell.....	May 1, 1997	no vote	V	143	6938	
Apr. 29, 1997	S.543	Volunteer Protection Act. motion to proceed	Coverdell.....	May 1, 1997	UC	V	143	6938	
May 5, 1997	S.672	Supplemental Appropriations FY97	Sessions.....	May 7, 1997	100-0 No. 57	I	143	7321	
May 13, 1997	S.4	Family Friendly Workplace Act. modified committee amendment	Lott.....	May 15, 1997	53-47 No. 68	F	143	8318	
June 2, 1997	S.4	Family Friendly Workplace Act. modified committee amendment	Craig.....	June 4, 1997	51-47 No. 93	F	143	9892	
June 27, 1997	S.936	Defense Authorization FY98	Lott.....	July 8, 1997	46-45 No. 161	F	143	13484	
July 5, 1997	S.936	Defense Authorization FY98	Lott.....	July 10, 1997	no vote	N	143	13960	
July 11, 1997	PR231	Nominee Joel I. Klein	Nickles.....	July 14, 1997	78-11 No. 174	I	143	14352	
July 23, 1997	S.39	International Dolphin Conservation. motion to proceed	Lott.....	July 25, 1997	UC	V	143	15808	
Sept. 3, 1997	S.830	FDA Modernization Act. motion to proceed	Lott.....	Sept. 5, 1997	89-5 No. 220	I	143	17851	
Sept. 4, 1997	S.830	FDA Modernization Act. motion to proceed	Enzi.....	Sept. 5, 1997	no vote	N	143	17851	
Sept. 11, 1997	S.830	FDA Modernization Act. S.Amdt.1130	Lott.....	Sept. 16, 1997	94-4 No. 239	I	143	18854	
Sept. 18, 1997	S.830	FDA Modernization Act. D.C. Appropriations FY98	Jeffords.....	Sept. 23, 1997	UC	V	143	19652	
Sept. 24, 1997	S.1156	S.Amdt. 1249	Faircloth.....	Sept. 30, 1997	58-41 No. 260	F	143	20733	

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
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Oct. 3, 1997	S.1156	D.C. Appropriations FY98 S.Amdt.1253	Coverdell	Oct. 7, 1997	99-1 No. 268	I	143	21353
Oct. 3, 1997	S.25	Bipartisan Campaign Reform Act of 1997	Coverdell	Oct. 7, 1997	53-47 No. 267	F	143	21346
Oct. 3, 1997	S.25	Bipartisan Campaign Reform Act of 1997	Coverdell	Oct. 7, 1997	52-48 No. 266	F	143	21345
Oct. 6, 1997	S.25	Bipartisan Campaign Reform Act of 1997	Daschle	Oct. 8, 1997	52-47 No. 270	F	143	21620
Oct. 7, 1997	S.25	Bipartisan Campaign Reform Act of 1997	Lott	Oct. 9, 1997	51-48 No. 274	F	143	22062
Oct. 21, 1997	S.1173	Surface Transportation Act modified committee amendment	Daschle	Oct. 9, 1997	52-47 No. 273	F	143	22061
Oct. 21, 1997	S.1173	Surface Transportation Act modified committee amendment	Lott	Oct. 23, 1997	48-50 No. 277	F	143	22641
Oct. 22, 1997	S.1173	Surface Transportation Act modified committee amendment	Lott	Oct. 23, 1997	48-52 No. 275	F	143	22637
Oct. 24, 1997	S.1173	Surface Transportation Act modified committee amendment	Chafee	Oct. 24, 1997	43-49 No. 278	F	143	23349
Oct. 29, 1997	H.R.2646	Education Savings Account modified committee amendment	Lott	Oct. 28, 1997	52-48 No. 282	F	143	23450
Oct. 29, 1997	H.R.1119	Defense Authorization FY98	Lott	Oct. 31, 1997	56-41 No. 288	F	143	24088
Oct. 31, 1997	S.1269	motion to proceed to conference report Reciprocal Trade Agreement Act of 1997	Lott	Oct. 31, 1997	93-2 No. 289	I	143	24090
Oct. 31, 1997	H.R.2646	Education Savings Account motion to proceed	Lott	Nov. 4, 1997	69-31 No. 292	I	143	24228
Feb. 5, 1998	PN622	Nominee David Satcher	Coverdell	Nov. 4, 1997	56-44 No. 291	F	143	24223
Feb. 5, 1998	S.1601	Human Cloning Prohibition Act	Lott	Feb. 10, 1998	75-23 No. 8	I	144	1079
Feb. 24, 1998	S.1663	motion to proceed Campaign Finance Reform	Lott	Feb. 11, 1998	42-54 No. 10	F	144	1147
Feb. 24, 1998	S.1663	Campaign Finance Reform	Burns	Feb. 26, 1998	45-54 No. 17	F	144	2016
Feb. 24, 1998	S.1663	Campaign Finance Reform S.Amdt.1646	Daschle	Feb. 26, 1998	51-48 No. 16	F	144	2016
Mar. 6, 1998	S.1173	Surface Transportation Act S.Amdt.1647	Daschle	Feb. 25, 1998	no vote	N	144	1900
Mar. 13, 1998	H.R.2646	Education Savings Act S.Amdt.1676	Lott	Mar. 11, 1998	96-3 No. 28	I	144	3216
Mar. 16, 1998	H.R.2646	Education Savings Act motion to proceed	Lott	Mar. 17, 1998	74-24 No. 34	I	144	3741
Mar. 18, 1998	H.R.2646	Education Savings Act motion to proceed	Roth	Mar. 17, 1998	no vote	N	144	3741
Mar. 18, 1998	H.R.2646	Education Savings Act	Lott	Mar. 26, 1998	58-42 No. 46	F	144	4791
Mar. 26, 1998	H.R.2646	Education Savings Act	Lott	Mar. 19, 1998	55-44 No. 38	F	144	4192
May 11, 1998	S.1873	American Missile Protection Act motion to proceed	Lott	Mar. 27, 1998	UC	V	144	5001
			Cochran	May 13, 1998	59-41 No. 131	F	144	8940

May 14, 1998	S.1415	Universal Tobacco Settlement Act. motion to proceed	Lott.....	May 15, 1998	UC	W	144	9412
May 22, 1998	H.R.1270	Nuclear Waste Policy Act. motion to proceed	Lott.....	June 2, 1998	56-39 No. 148	F	144	10803
June 4, 1998	S.1415	Universal Tobacco Settlement Act. modified committee substitute	Daschle	June 9, 1998	42-56 No. 150	F	144	11348
June 5, 1998	S.1415	Universal Tobacco Settlement Act. modified committee substitute	Conrad	June 10, 1998	43-55 No. 153	F	144	11713
June 9, 1998	S.1415	Universal Tobacco Settlement Act. modified committee substitute	Daschle	June 11, 1998	43-56 No. 156	F	144	12111
June 17, 1998	S.1415	Universal Tobacco Settlement Act. modified committee substitute	Lott.....	June 17, 1998	57-42 No. 161	F	144	12584
June 19, 1998	S.2057	Defense Authorization FY99	Warner	June 23, 1998	UC	V	144	13355
June 26, 1998	S.648	Product Liability Reform Act. motion to proceed	Lott.....	July 7, 1998	71-24 No. 184	I	144	14589
July 7, 1998	S.648	Product Liability Reform Act. S.Amdt.3064	Lott.....	July 9, 1998	51-47 No. 188	F	144	14789
July 9, 1998	S.2271	Property Rights Implementation	Lott.....	July 13, 1998	52-42 No. 197	F	144	15124
July 17, 1998	H.R.4112	Legislative Branch Appropriations FY99	Lott.....	July 21, 1998	83-16 No. 213	I	144	16451
Sept. 3, 1998	S.1301	Consumer Bankruptcy Reform Act. American Bankruptcy Reform Act	Lott.....	Sept. 9, 1998	99-1 No. 263	I	144	19681
Sept. 3, 1998	S.1873	American Missile Protection Act. motion to proceed	Lott.....	Sept. 9, 1998	59-41 No. 262	F	144	19645
Sept. 8, 1998	S.2237	Interior Appropriations FY99	Lott.....	Sept. 10, 1998	52-48 No. 264	F	144	19863
Sept. 9, 1998	S.1301	Consumer Bankruptcy Reform Act. S.Amdt.3554	Lott.....	Sept. 11, 1998	UC	V	144	20061
Sept. 9, 1998	S.1645	Child Custody Protection Act. S.Amdt.3559	Lott.....	Sept. 11, 1998	97-0 No. 265	I	144	20056
Sept. 10, 1998	S.1981	Truth in Employment Act. motion to proceed	Lott.....	Sept. 11, 1998	52-42 No. 266	F	144	20147
Sept. 18, 1998	S.1645	Child Custody Protection Act. committee substitute	Sessions	Sept. 14, 1998	54-45 No. 282	F	144	21093
Sept. 22, 1998	S.2176	Federal Vacancies Reform Act. motion to proceed	Nickles	Sept. 22, 1998	96-1 No. 285	I	144	21744
Sept. 24, 1998	S.2176	Federal Vacancies Reform Act. Internet Tax Freedom Act	Grassley	Sept. 24, 1998	53-38 No. 289	F	144	22526
Sept. 25, 1998	S.442	Internet Tax Freedom Act. motion to proceed	Lott.....	Sept. 28, 1998	89-6 No. 292	I	144	22695
Oct. 1, 1998	H.R.10	Financial Services Act. motion to proceed	McCain	Sept. 29, 1998	93-0 No. 297	I	144	23280
Oct. 2, 1998	S.442	Internet Tax Freedom Act. motion to proceed	Lott.....	Oct. 5, 1998	94-4 No. 302	I	144	23917
Oct. 7, 1998	H.R.2431	Freedom From Religious Persecution Act. motion to proceed	McCain	Oct. 7, 1998	UC	I	144	24484
Mar. 4, 1999	S.280	Education Flexibility Act. S.Amdt.31	Lott.....	Mar. 8, 1999	54-41 No. 34	F	145	3855

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vitiated; W—Withdrawn.

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## Disposition of Cloture Motions, 1917–2008—Continued

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Mar. 5, 1999.....	S.280.....	Education Flexibility Act..... S.Amdt.31	Lott.....	Mar. 9, 1999.....	55–39 No. 35	F	145	3917
Mar. 8, 1999.....	S.280.....	Education Flexibility Act..... S.Amdt.37	Lott.....	Mar. 10, 1999.....	55–44 No. 37	F	145	3999
Mar. 8, 1999.....	S.280.....	Education Flexibility Act..... motion to recommit	Murray.....	Mar. 10, 1999.....	44–55 No. 36	F	145	3999
Mar. 9, 1999.....	S.280.....	Education Flexibility Act..... S.Amdt.37	Lott.....	Mar. 10, 1999.....	UC	W	145	4000
Mar. 19, 1999.....	S.544.....	Emergency Supplemental FY99..... S.Amdt.124	Lott.....	Mar. 23, 1999.....	55–44 No. 55	F	145	5159
Apr. 20, 1999.....	S.557.....	Budget Process Reform..... S.Amdt.254	Allard.....	Apr. 22, 1999.....	54–45 No. 90	F	145	7243
Apr. 22, 1999.....	S.96.....	Y2K Act..... motion to proceed	Lott.....	Apr. 26, 1999.....	94–0 No. 91	I	145	7378
Apr. 27, 1999.....	S.96.....	Y2K Act..... S.Amdt.267	Lott.....	Apr. 29, 1999.....	52–47 No. 95	F	145	7920
Apr. 28, 1999.....	S.557.....	Budget Process Reform..... S.Amdt.255	Lott.....	Apr. 30, 1999.....	49–44 No. 96	F	145	8011
Apr. 28, 1999.....	S.96.....	Y2K Act..... motion to recommit	Kennedy.....	Apr. 28, 1999.....	no vote	N	145	7641
May 14, 1999.....	S.96.....	Y2K Act..... motion to proceed	Lott.....	May 18, 1999.....	53–45 No. 120	F	145	9849
June 7, 1999.....	S.96.....	Y2K Act..... motion to proceed	Cochran.....	June 8, 1999.....	UC	V	145	11883
June 10, 1999.....	H.R.1664.....	Steel, Oil and Gas Loan Guarantee Act..... motion to proceed	Lott.....	June 15, 1999.....	71–28 No. 167	I	145	12771
June 10, 1999.....	S.557.....	Budget Process Reform..... S.Amdt.297	Lott.....	June 15, 1999.....	53–46 No. 166	F	145	12766
June 14, 1999.....	H.R.1259.....	Social Security Lock Box of 1999..... S.Amdt.297	Lott.....	June 16, 1999.....	55–44 No. 170	F	145	13001
June 18, 1999.....	H.R.975.....	Steel Import Limitation..... motion to proceed	Lott.....	June 22, 1999.....	42–57 No. 178	F	145	13738
June 24, 1999.....	S.1234.....	Foreign Operations Appropriations FY00..... motion to proceed	Lott.....	June 28, 1999.....	49–41 No. 187	F	145	14451
June 24, 1999.....	S.1217.....	Commerce, Justice, State Appropriations FY00..... motion to proceed	Lott.....	June 28, 1999.....	49–39 No. 186	F	145	14451
June 24, 1999.....	S.1143.....	Transportation Appropriations FY00..... motion to proceed	Lott.....	June 28, 1999.....	49–40 No. 185	F	145	14450
June 24, 1999.....	S.1233.....	Agriculture Appropriations FY00..... S.Amdt.1103	Lott.....	June 28, 1999.....	50–37 No. 184	F	145	14450
June 28, 1999.....	S.1233.....	Agriculture Appropriations FY00..... S.Amdt.1103	Lott.....	June 29, 1999.....	no vote	N	145	14562
June 29, 1999.....	S.557.....	Budget Process Reform..... motion to proceed	Nickles.....	July 1, 1999.....	99–1 No. 193	I	145	15127

July 1, 1999	S.557	Budget Process Reform. S.Amdt.297	Lott.	July 16, 1999	52-43 No. 211	F	145	16354
July 16, 1999	H.R.1555	Intelligence Authorization FY00. motion to proceed	Lott.	July 20, 1999	99-0 No. 212	I	145	16659
July 22, 1999	H.R.1501	Juvenile Justice Reform Act of 1999. motion to proceed	Lott.	July 26, 1999	UC	V	145	17637
July 26, 1999	H.R.1501	Juvenile Justice Reform Act of 1999. S.Amdt.1944	Lott.	July 28, 1999	77-22 No. 224	I	145	18143
July 26, 1999	H.R.1501	Juvenile Justice Reform Act of 1999. S.Amdt.1944	Lott.	July 28, 1999	UC	W	145	18152
Aug. 2, 1999	S.1233	Agriculture Appropriations FY00. motion to recommmit	Lott.	Aug. 4, 1999	53-47 No. 252	F	145	19333
Aug. 5, 1999	H.R.2084	Transportation Appropriations FY00. motion to proceed	Lott.	Sept. 9, 1999	49-49 No. 264	F	145	20987
Sept. 10, 1999	H.R.2466	Interior Appropriations FY00. S.Amdt.600	Lott.	Sept. 13, 1999	55-40 No. 271	F	145	21246
Sept. 10, 1999	S.J.Res.33	Clemency to FALN Terrorists. Vote No. 271 reconsidered	Lott.	Sept. 23, 1999	60-39 No. 289	I	145	22322
Sept. 16, 1999	S.625	Bankruptcy Reform Act of 1999	Lott.	Sept. 13, 1999	93-0 No. 270	I	145	21244
Sept. 16, 1999	P.N.455	Judicial nominee Brian T. Stewart	Lott.	Sept. 21, 1999	53-45 No. 280	F	145	22004
Oct. 7, 1999	H.R.1906	Agricultural Appropriations FY00. Agricultural report	Lott.	Sept. 21, 1999	55-44 No. 281	F	145	22004
Oct. 8, 1999	H.R.1906	Agricultural Appropriations FY00. conference report	Lott.	Oct. 12, 1999	79-20 No. 322	I	145	24921
Oct. 15, 1999	S.1593	Bipartisan Campaign Reform Act of 1999. S.Amdt.2299	Warner	Oct. 12, 1999	UC	W	145	24921
Oct. 15, 1999	S.1593	Bipartisan Campaign Reform Act of 1999. S.Amdt.2298	Daschle	Oct. 19, 1999	53-47 No. 331	F	145	25745
Oct. 22, 1999	H.R.434	African Growth and Opportunity motion to proceed	Daschle	Oct. 19, 1999	52-48 No. 330	F	145	25741
Oct. 27, 1999	H.R. 434	African Growth and Opportunity Act. S.Amdt.2325	Lott.	Oct. 26, 1999	90-8 No. 341	I	145	26723
Oct. 29, 1999	H.R.434	African Growth and Opportunity Act	Lott.	Oct. 29, 1999	45-46 No. 342	F	145	27539
Oct. 29, 1999	H.R.434	African Growth and Opportunity Act. S.Amdt.2325	Lott.	Nov. 3, 1999	UC	W	145	28085
Nov. 18, 1999	H.R.3194	Consolidated Appropriations Act FY00. conference report	Lott.	Nov. 2, 1999	74-23 No. 344	I	145	27753
Nov. 19, 1999	S.625	Bankruptcy Reform Act of 1999	Lott.	Nov. 19, 1999	87-9 No. 373	I	145	30976
Jan. 31, 2000	S.1287	Nuclear Waste Policy Amendments motion to proceed	Lott.	Jan. 24, 2000	UC	V	146	11
Feb. 8, 2000	S.1287	Nuclear Waste Policy Amendments	Lott.	Feb. 2, 2000	UC	W	146	580
Feb. 8, 2000	S.1287	Nuclear Waste Policy Amendments	Lott.	Feb. 9, 2000	UC	W	146	917
Feb. 24, 2000	S.1134	Affordable Education Act of 1999	Lott.	Feb. 8, 2000	94-3 No. 7	I	146	783
Mar. 7, 2000	P.N.44	Judicial nominee Richard A. Paez	Lott.	Feb. 28, 2000	UC	W	146	1571
Mar. 7, 2000	P.N.53	Judicial nominee Marsha L. Berzon	Lott.	Mar. 8, 2000	85-14 No. 37	I	146	2224
Mar. 27, 2000	S.J.Res.14	Flag Protection Constitutional Amendment	Lott.	Mar. 8, 2000	86-13 No. 36	I	146	2224
Mar. 28, 2000	S.2285	Gas Tax Repeal Act. motion to proceed	Sessions	Mar. 29, 2000	100-0 No. 47	I	146	3822
			Lott.	Mar. 30, 2000	86-11 No. 51	I	146	4124

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Votated; W—Withdrawn.



July 12, 2001	H.R.333	Bankruptcy Reform bill S.Amdt. 974	Leahy	July 17, 2001	88-10 No. 294 no vote	I	147	133663
July 18, 2001	H.R.2911	Energy and Water Appropriations FY02	Reid	July 19, 2001		N	147	13809
July 25, 2001	H.R.2311	Energy and Water Appropriations FY02	Reid	July 27, 2001		N	147	13809
July 25, 2001	H.R.2299	Transportation Appropriations Act FY02 Vote No. 259 reconsidered	Daschle	Aug. 1, 2001	57-27 No. 269	F	147	14668
July 25, 2001	H.R.2299	Transportation Appropriations Act FY02 S.Amdt. 1025	Daschle	July 26, 2001	100-0 No. 262	I	147	15283
July 27, 2001	S.1246	Emergency Agricultural Assistance Act of 2001 motion to proceed	Daschle	July 30, 2001	70-30 No. 252	I	147	14628
Aug. 1, 2001	S.1246	Emergency Agricultural Assistance Act of 2001	Daschle	Aug. 2, 2001	95-2 No. 260	I	147	14942
Sept. 26, 2001	S.1438	National Defense Authorization Act FY02	Reid	Oct. 3, 2001	49-48 No. 273	F	147	16029
Oct. 3, 2001	S.1447	Aviation Security Act motion to proceed	Reid	Oct. 2, 2001	100-0 No. 289	I	147	18219
Oct. 10, 2001	S.1447	Aviation Security Act S.Amdt. 1655	Daschle	Oct. 9, 2001	97-0 No. 292	I	147	18984
Oct. 11, 2001	H.R.2506	Foreign Operations Appropriations FY02	Daschle	Oct. 11, 2001	56-44 No. 293	F	147	19452
Oct. 15, 2001	H.R.2506	Foreign Operations Appropriations FY02 motion to proceed	Reid	Oct. 15, 2001	50-46 No. 303	F	147	19757
Nov. 2, 2001	H.R.3061	Labr., HHS Appropriations FY02 motion to proceed	Reid	Oct. 23, 2001	50-47 No. 306	F	147	20317
Nov. 27, 2001	H.R.10	Pension Reform Act of 2001 S.A. dt. 2044	Reid	Nov. 6, 2001	56-44 No. 323	F	147	21617
Nov. 29, 2001	H.R.10	Pension Reform Act of 2001 motion to proceed	Daschle	Nov. 29, 2001	96-4 No. 343	I	147	23492
Nov. 29, 2001	H.R.10	Pension Reform Act of 2001	Daschle	Dec. 5, 2001	UC	W	147	23928
Nov. 29, 2001	H.R.10	Pension Reform Act of 2001 S.Amdt. 2170	Daschle	Dec. 3, 2001	81-15 No. 345	I	147	23721
Nov. 30, 2001	S.1731	Farm Aid bill S.Amdt. 2171	Lott	Dec. 3, 2001	1-94 No. 344	F	147	23721
Dec. 12, 2001	S.1731	Farm Aid bill motion to proceed	Reid	Dec. 5, 2001	73-26 No. 352	I	147	23941
Dec. 17, 2001	S.1731	Farm Aid bill S.Amdt. 2471 Vote No. 368 reconsidered	Daschle	Dec. 13, 2001	53-45 No. 368	F	147	25967
Feb. 4, 2002	H.R.622	Adoption Tax Credit S.Amdt. 2471	Kennedy	Dec. 18, 2001	54-43 No. 372	F	147	26637
Feb. 4, 2002	H.R.622	Adoption Tax Credit S.Amdt. 2773	Grassley	Dec. 19, 2001	54-43 No. 377	F	147	26880
Feb. 4, 2002	S.565	Equal Protection of Voting Rights Act of 2002 S.Amdt. 2698	Daschle	Feb. 6, 2002	48-47 No. 14	F	148	696
Mar. 13, 2002	H.R.2356	Bipartisan Campaign Finance Reform Vote No. 39 reconsidered	Reid	Feb. 6, 2002	56-39 No. 13	F	148	696
Mar. 18, 2002	H.R.2356	Bipartisan Campaign Finance Reform motion to proceed	Daschle	Mar. 1, 2002	49-39 No. 39	F	148	2333
Apr. 8, 2002	S.517	Energy Security Policy Act S.Amdt. 2989	Daschle	Mar. 4, 2002	51-44 No. 40	F	148	2367
Apr. 16, 2002	S.517	Energy Security Policy Act S.Amdt. 3132	Reid	Mar. 14, 2002	UC	V	148	3260
			Reid	Mar. 20, 2002	68-32 No. 53	I	148	3571
			Reid	Apr. 10, 2002	48-50 No. 61	F	148	4186
			Reid	Apr. 18, 2002	46-54 No. 71	F	148	5037

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vitiated; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

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Apr. 16, 2002.....	S.517.....	Energy Security Policy Act..... S.Amdt.3133	Reid.....	Apr. 18, 2002.....	36–64 No. 70	F	148	5037
Apr. 18, 2002.....	S.517.....	Energy Security Policy Act..... S.Amdt.2917	Reid.....	Apr. 23, 2002.....	86–13 No. 77	I	148	5353
Apr. 25, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... motion to proceed	Reid.....	Apr. 29, 2002.....	69–21 No. 97	I	148	5944
May 9, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... S.Amdt.3399	Loft.....	May 9, 2002.....	UC	V	148	7263
May 17, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... S.Amdt.3433	Reid.....	May 21, 2002.....	56–40 No. 117	F	148	8288
May 20, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... S.Amdt.3401	Reid.....	May 22, 2002.....	68–29 No. 122	I	148	8543
May 21, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... H.R.4775	Reid.....	May 23, 2002.....	UC	V	148	8830
June 4, 2002.....	H.R.4775.....	Supplemental Appropriations FY02..... H.R.4775	Daschle.....	June 6, 2002.....	87–10 No. 135	I	148	9567
June 5, 2002.....	H.R.4775.....	Supplemental Appropriations FY02..... S.625	Reid.....	June 6, 2002.....	no vote	V	148	9667
June 7, 2002.....	S.625.....	Hate Crimes bill.....	Reid.....	June 7, 2002.....	54–43 No. 147	F	148	9839
June 10, 2002.....	S.2578.....	Public Debt Limit..... motion to proceed	Reid.....	June 11, 2002.....	no vote	V	148	9840
June 14, 2002.....	S.2600.....	Terrorism Risk Insurance Act of 2002..... S.Amdt.3843	Daschle.....	June 11, 2002.....	65–31 No. 156	I	148	10610
June 17, 2002.....	S.2600.....	Terrorism Risk Insurance Act of 2002..... S.Amdt.3843	Daschle.....	June 18, 2002.....	no vote	V	148	10613
June 25, 2002.....	S.2514.....	National Defense Authorization FY03..... P.N.1898	Brownback.....	June 27, 2002.....	98–0 No. 164	I	148	11633
July 10, 2002.....	P.N.889.....	Judicial nominee Lavenaski R. Smith..... S.2673	Reid.....	July 15, 2002.....	94–3 No. 177	I	148	12977
July 10, 2002.....	S.2673.....	Sarbanes Oxley Act of 2002.....	Reid.....	July 12, 2002.....	91–2 No. 173	I	148	12736
July 15, 2002.....	S.812.....	Access to Affordable Pharmaceuticals..... motion to proceed	Reid.....	July 17, 2002.....	99–0 No. 178	I	148	13189
July 17, 2002.....	P.N.894.....	Judicial nominee Richard R. Clifton..... P.N.1898	Reid.....	July 18, 2002.....	97–1 No. 183	I	148	13507
July 18, 2002.....	P.N.1898.....	Nominee Richard H. Carmona.....	Reid.....	July 23, 2002.....	98–0 No. 185	I	148	13869
July 24, 2002.....	P.N.1115.....	Judicial nominee Julia S. Gibbons..... Access to Affordable Pharmaceuticals..... S.Amdt.4316	Reid.....	July 26, 2002.....	89–0 No. 193	I	148	14886
July 24, 2002.....	S.812.....	Access to Affordable Pharmaceuticals..... S.Amdt.4316	Reid.....	July 25, 2002.....	UC	W	148	14439
July 29, 2002.....	S.812.....	Access to Affordable Pharmaceuticals..... S.Amdt.4299	Reid.....	July 31, 2002.....	66–33 No. 200	I	148	15424
July 29, 2002.....	S.812.....	Access to Affordable Pharmaceuticals..... S.Amdt.4299	Reid.....	July 31, 2002.....	UC	W	148	15407
July 30, 2002.....	H.R.3009.....	Andean Trade Preference Expansion Act..... conference report	Reid.....	July 31, 2002.....	64–32 No. 203	I	148	15571
July 31, 2002.....	H.R.5005.....	Homeland Security Act of 2002..... motion to proceed	Reid.....	Aug. 1, 2002.....	UC	W	148	15573
Sept. 5, 2002.....	H.R.5093.....	Interior Appropriations FY03..... S.Amdt.4481	Reid.....	Aug. 1, 2002.....	UC	V	148	16240
Sept. 5, 2002.....	H.R.5093.....	Interior Appropriations FY03..... S.Amdt.4481	Reid.....	Sept. 5, 2002.....	UC	V	148	16240
Sept. 13, 2002.....	H.R.5093.....	Interior Appropriations FY03..... S.Amdt.4480	Daschle.....	Sept. 17, 2002.....	50–49 No. 217	F	148	16841
Sept. 13, 2002.....	H.R.5093.....	Interior Appropriations FY03..... S.Amdt.4480	Daschle.....	Sept. 23, 2002.....	49–46 No. 221	F	148	17499



Sept. 17, 2002	H.R.5005	Homeland Security Act of 2002 S.Amdt. 471	Daschle	Sept. 19, 2002	50-49 No. 218	F	148	17272
Sept. 23, 2002	H.R.5005	Homeland Security Act of 2002 V.Amdt. 1	Reid	Sept. 25, 2002	49-49 No. 225	F	148	17755
Sept. 23, 2002	H.R.5093	Informer Appropriations FY03 S.Amdt. 480	Reid	Sept. 26, 2002	50-49 No. 226	F	148	18223
Sept. 25, 2002	H.R.5005	Homeland Security Act of 2002 S.Amdt. 4735	Reid	Sept. 25, 2002	51-47 No. 224	F	148	17758
Sept. 26, 2002	H.R.5005	Homeland Security Act of 2002 V.Amdt. 4735	Reid	Sept. 26, 2002	44-53 No. 227	F	148	18230
Oct. 1, 2002	S.J.Res.45	Use of U.S. Forces Against Iraq motion to proceed	Daschle	Nov. 13, 2002	89-8 No. 240	I	148	21835
Oct. 1, 2002	H.R.2215	Department of Justice Authorization FY02 conference report	Reid	Oct. 1, 2002	45-52 No. 228	F	148	18567
Oct. 8, 2002	S.J.Res.45	Use of U.S. Forces Against Iraq U.S. Forces Against Iraq	Daschle	Oct. 3, 2002	95-1 No. 230	I	148	19055
Oct. 8, 2002	S.J.Res.45	Use of U.S. Forces Against Iraq S.Amdt. 4856	Reid	Oct. 10, 2002	93-5 No. 229 UC	I	148	19030
Oct. 10, 2002	S.Res.304	Budget enforcement resolution motion to proceed	Reid	Oct. 10, 2002	75-25 No. 233	I	148	20387
Nov. 13, 2002	H.R.5005	Homeland Security Act of 2002	Thompson	Oct. 15, 2002	UC	V	148	20661
Nov. 13, 2002	H.R.5005	Homeland Security Act of 2002	Thompson	Nov. 19, 2002	83-16 No. 248	I	148	22964
Nov. 15, 2002	PN888	Judicial nominee Dennis W. Shedd	Thompson	Nov. 15, 2002	65-29 No. 244	I	148	22701
Nov. 19, 2002	H.R.3210	Terrorism Risk Insurance Act of 2002 conference report	Reid	Nov. 18, 2002	UC	V	148	22818
				Nov. 19, 2002	85-12 No. 251	I	148	23119
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Jan. 14, 2003	S.Res.18	Majority Party Committee Appointments	Frist	Jan. 15, 2003	no vote	V	149	17249
Mar. 4, 2003	PN6	Judicial nominee Miguel A. Estrada	Frist	Mar. 6, 2003	55-43 No. 40	F	149	5400
Mar. 13, 2003	PN6	Judicial nominee Miguel A. Estrada	Frist	Mar. 13, 2003	52-42 No. 52	F	149	6194
Mar. 21, 2003	PN6	Judicial nominee Miguel A. Estrada	Frist	Mar. 18, 2003	52-45 No. 149	F	149	6374
Mar. 29, 2003	PN11	Judicial nominee Priscilla R. Owen	McCormell	Apr. 2, 2003	55-44 No. 104	F	149	8207
Apr. 29, 2003	PN6	Judicial nominee Priscilla R. Owen	McCormell	May 1, 2003	52-44 No. 137	F	149	10323
May 1, 2003	PN11	Judicial nominee Priscilla R. Owen	McCormell	May 5, 2003	52-29 No. 140	F	149	10461
May 6, 2003	PN6	Judicial nominee Priscilla R. Owen	McCormell	May 8, 2003	52-45 No. 144	F	149	10811
May 7, 2003	PN38	Judicial nominee Victor J. Wolski	McCormell	May 8, 2003	54-43 No. 143	F	149	10810
July 7, 2003	S.11	Parents First Act, malpractice liability limits	Frist	July 8, 2003	UC	V	149	17073
July 25, 2003	PN11	Judicial nominee Priscilla R. Owen	Frist	July 9, 2003	49-48 No. 264	F	149	17249
July 28, 2003	PN6	Judicial nominee Miguel A. Estrada	Hatch	July 29, 2003	53-43 No. 308	F	149	20017
July 29, 2003	PN6	Judicial nominee Miguel A. Estrada	Sessions	July 30, 2003	52-43 No. 312	F	149	20174
July 30, 2003	PN8	Judicial nominee William H. Pryor, Jr.	McCormell	July 31, 2003	53-44 No. 316	F	149	20398
July 30, 2003	PN8	Judicial nominee Carolyn B. Kuhl	Frist	July 31, 2003	UC	V	149	20520
July 30, 2003	S.14	Energy Policy Act	Frist	July 31, 2003	UC	W	149	20520
Oct. 20, 2003	S.1751	Class Action Fairness Act motion to proceed	McCormell	Oct. 22, 2003	59-39 No. 403	F	149	25510

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

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Oct. 23, 2003	PNS84	Nominee Michael O. Leavitt	McConnell	Oct. 27, 2003	UC	V	149	25844
Oct. 28, 2003	PN12	Judicial nominee Charles W. Pickering, Sr.	McConnell	Oct. 30, 2003	54–43 No. 419	F	149	26556
Nov. 4, 2003	PN512	Judicial nominee William H. Pryor, Jr.	Santorum	Nov. 6, 2003	51–43 No. 441	F	149	27950
Nov. 12, 2003	PN141	Nominee Thomas C. Dorr	Frist	Nov. 18, 2003	57–39 No. 455	F	149	28315
Nov. 12, 2003	PN140	Nominee Thomas C. Dorr	Frist	Nov. 18, 2003	57–39 No. 454	F	149	28314
Nov. 12, 2003	H.R.2115	FAA Authorization FY2004–06 conference report	Frist	Nov. 17, 2003	45–43 No. 453	F	149	29053
Nov. 12, 2003	PNS39	Judicial nominee Janice R. Brown	Frist	Nov. 12, 2003	53–43 No. 452	F	149	28866
Nov. 12, 2003	PNS	Judicial nominee Carolyn B. Kuhl	Frist	Nov. 12, 2003	53–43 No. 451	F	149	28864
Nov. 12, 2003	PN11	Judicial nominee Priscilla R. Owen	Frist	Nov. 12, 2003	53–42 No. 450	F	149	28858
Nov. 19, 2003	H.R.6	Energy Policy Act conference report	Frist	Nov. 21, 2003	57–40 No. 456	F	149	30473
Nov. 22, 2003	H.R.1	Medicare Prescription Drug Act of 2003 conference report	Frist	Nov. 24, 2003	70–29 No. 457	I	149	31151
Dec. 9, 2003	H.R.2673	Omnibus Appropriations FY04 conference report	Frist	Jan. 20, 2004	48–45 No. 1	F	150	21
		conference report	Frist	Jan. 22, 2004	61–32 No. 2	I	150	292
Jan. 28, 2004	S.1072	Safe Transportation Equity Act	Frist	Feb. 2, 2004	75–11 No. 7	I	150	704
Feb. 10, 2004	S.1072	Safe Transportation Equity Act	Frist	Feb. 12, 2004	UC	W	150	S1241
Feb. 10, 2004	S.1072	Safe Transportation Equity Act	Frist	Feb. 12, 2004	86–11 No. 10	I	150	1919
Feb. 12, 2004	S.2061	Mothers Access to Care; malpractice liability limits motion to proceed	Frist	Feb. 12, 2004	48–45 No. 15	F	150	2258
Feb. 23, 2004	S.1805	Protection of Lawful Commerce in Arms Act motion to proceed	Frist	Feb. 24, 2004	75–22 No. 16	I	150	2443
Mar. 22, 2004	S.1637	JOBS Act; corporate tax cuts motion to proceed	McConnell	Mar. 24, 2004	51–47 No. 60	F	150	4987
Mar. 30, 2004	H.R.4	Welfare reform committee substitute amendment	Frist	Apr. 1, 2004	51–47 No. 65	F	150	5966
Apr. 2, 2004	S.2207	Pregnancy and Trauma Care Access; malpractice liability limits	Frist	Apr. 7, 2004	49–48 No. 66	F	150	6744
Apr. 5, 2004	S.1637	JOBS Act; corporate tax cuts motion to proceed	Frist	Apr. 7, 2004	49–48 No. 67	F	150	6744
Apr. 20, 2004	S.J.Res. 1	Constitutional Amendment to Protect Crime Victims	Crapo	Apr. 21, 2004	UC	V	150	S4233
Apr. 20, 2004	S.2290	Asbestos claims motion to proceed	Frist	Apr. 22, 2004	50–47 No. 69	F	150	7290
Apr. 22, 2004	S.150	Internet Tax Nondiscrimination motion to proceed	Frist	Apr. 26, 2004	74–11 No. 71	I	150	7559
Apr. 27, 2004	S.150	Internet Tax Nondiscrimination S.Amdt.3048	Frist	Apr. 29, 2004	64–34 No. 75	I	150	8022

Apr. 27, 2004.....	S.150	Internet Tax Nondiscrimination S.Amdt.3051	Frist	Apr. 29, 2004.....	55-43 No. 74	F	150	8021
Apr. 27, 2004.....	S.150	Internet Tax Nondiscrimination S.Amdt.3050	Daschle	Apr. 29, 2004.....	40-59 No. 73	F	150	8018
May 7, 2004.....	S.1637	JOBS Act, corporate tax cuts.	Frist	May 11, 2004.....	90-8 No. 87	I	150	8923
May 14, 2004.....	PN1175	Judicial nominee Marica G. Cooke.	Kyl.....	May 18, 2004.....	UC	V	150	9782
May 21, 2004.....	S.2062	Class Action Fairness Act.	Frist	June 1, 2004.....	UC	V	150	11050
June 16, 2004.....	S.2400	motion to proceed	Frist	June 17, 2004.....	UC	V	150	12744
June 29, 2004.....	S.2400	Defense Authorization FY05	Frist	June 29, 2004.....	no vote	N	150	13565
July 7, 2004.....	S.2062	Class Action Fairness Act.	Frist	July 8, 2004.....	44-43 No. 154	F	150	14857
July 12, 2004.....	S.J.Res.40	Constitutional Amendment Relating to Marriage	Frist	July 14, 2004.....	48-50 No. 155	F	150	15446
July 16, 2004.....	PN658	motion to proceed	Frist	July 20, 2004.....	53-44 No. 158	F	150	16224
July 20, 2004.....	PN14	Judicial nominee William G. Myers	Frist	July 22, 2004.....	52-46 No. 160	F	150	16979
July 21, 2004.....	PN9	Judicial nominee Henry W. Stead	Frist	July 22, 2004.....	53-44 No. 160	F	150	16982
July 21, 2004.....	PN7	Judicial nominee Richard A. Griggue	Frist	July 22, 2004.....	54-44 No. 161	F	150	16981
July 21, 2004.....	S.2845	National Intelligence Reform Act.	Frist	Oct. 5, 2004.....	85-10 No. 197	I	150	20690
Oct. 1, 2004.....	S.Res.445	Intelligence Committee reform	McConnell	Oct. 9, 2004.....	UC	V	150	22966
Oct. 6, 2004.....	S.Res.445	Intelligence Committee reform	McConnell	Oct. 8, 2004.....	88-3 No. 204	I	150	21953
Oct. 8, 2004.....	H.R.4520	S.A. dt. 3981	McConnell	Oct. 10, 2004.....	66-14 No. 210	I	150	23083
Oct. 8, 2004.....	H.R.4520	JOBS Act; corporate tax cuts conference report	Frist	Oct. 10, 2004.....	UC	V	150	23114
Oct. 9, 2004.....	H.R.4567	Homeland Security Appropriations FY05.	Frist	Oct. 10, 2004.....	UC	V	150	23114
Oct. 9, 2004.....	H.R.4837	Military Construction Appropriations FY05	Frist	Oct. 10, 2004.....	UC	V	150	23114
Nov. 17, 2004.....	H.R.1047	Trade and Technical Corrections Act. conference report	Frist	Nov. 19, 2004.....	88-5 No. 214	I	150	24136
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Mar. 4, 2005.....	S.956	Bankruptcy Reform Act.	McConnell	Mar. 8, 2005.....	61-31 No. 29	I	151	3670
Apr. 14, 2005.....	H.R.1268	Emergency Supplemental FY05.	Mikulski	Apr. 19, 2005.....	83-17 No. 101	I	151	6845
Apr. 15, 2005.....	H.R.1268	Emergency Supplemental FY05.	Frist	Apr. 19, 2005.....	100-0 No. 103	I	151	6847
Apr. 15, 2005.....	H.R.1268	Emergency Supplemental FY05.	Frist	Apr. 19, 2005.....	53-45 No. 98	F	151	6839
Apr. 15, 2005.....	H.R.1268	E.Agency Supplemental FY05.	Frist	Apr. 19, 2005.....	21-77 No. 97	F	151	6838
Apr. 22, 2005.....	H.R.3	S.Amdt.492	Frist	Apr. 19, 2005.....	94-6 No. 110	I	151	7656
Apr. 27, 2005.....	PN328	Transportation Equity Act.	Bennett	Apr. 26, 2005.....	61-37 No. 115	I	151	8183
Apr. 27, 2005.....	PN415	Nominee Stephen J. Johnson	McConnell	Apr. 28, 2005.....	UC	W	151	8183
May 10, 2005.....	H.R.3	Nominee Robert J. Portman	McConnell	Apr. 28, 2005.....	UC	W	151	8183
May 10, 2005.....	H.R.3	Transportation Equity Act.	McConnell	May 12, 2005.....	UC	V	151	9493
May 10, 2005.....	H.R.3	Transportation Equity Act	McConnell	May 12, 2005.....	97-7 No. 122	I	151	9463
May 20, 2005.....	PN194	S.A. dt. 605	McConnell	May 24, 2005.....	81-18 No. 127	I	151	10028
May 25, 2005.....	PN326	Judicial Nominee Priscilla R. Owen	Cornyn	May 26, 2005.....	56-42 No. 129	F	151	11523
May 25, 2005.....	PN326	Nominee John E. Bolton	McConnell	June 20, 2005.....	54-38 No. 142	F	151	13122
May 25, 2005.....	PN326	Vote No. 129 reconsidered	McConnell	June 20, 2005.....		F	151	13122

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
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May 26, 2005	PN200	Judicial nominee William H. Pryor, Jr.	Frist	June 8, 2005	67–32 No. 132	I	151	11846
May 26, 2005	PN201	Judicial nominee Janice R. Brown	Frist	June 7, 2005	65–32 No. 130	I	151	11691
June 21, 2005	H.R.6	Energy Policy Act of 2005	Domenici	June 23, 2005	92–4 No. 152	I	151	13972
July 19, 2005	PN68	Nominee Thomas C. Dorr	Frist	July 21, 2005	UC	V	151	SS8601
July 22, 2005	S.397	Firearms Manufacturers Protection Act, motion to proceed	McConnell	July 26, 2005	66–32 No. 206	I	151	17369
July 22, 2005	S.1042	National Defense Authorization FY06	McConnell	July 26, 2005	50–48 No. 205	F	151	17368
July 27, 2005	S.397	Firearms Manufacturers Protection Act	Frist	July 28, 2005	UC	V	151	18939
July 29, 2005	H.R.8	Estate tax repeal bill, motion to proceed	Frist	Sept. 6, 2005	UC	W	151	19465
July 29, 2005	S.147	Native Hawaiians bill, motion to proceed	Frist	Sept. 6, 2005	UC	W	151	19465
Oct. 4, 2005	H.R.2863	Defense Appropriations FY06	Frist	Oct. 5, 2005	95–4 No. 252	I	151	22296
Oct. 25, 2005	H.R.3010	Labor, HHS Appropriations FY06	Frist	Oct. 27, 2005	97–0 No. 275	I	151	24063
Dec. 14, 2005	H.R.3199	Patriot Reauthorization Act, conference report	Frist	Dec. 16, 2005	52–47 No. 358	F	151	28818
Dec. 19, 2005	H.R.1815	Vote. No. 358 reconsidered	Frist	Mar. 1, 2006	84–16 No. 28	I	152	2304
Dec. 19, 2005	H.R.1815	National Defense Authorization FY06, conference report	Frist	Dec. 21, 2005	UC	W	151	30742
Dec. 19, 2005	H.R.2863	Department of Defense Appropriations FY06, conference report	Frist	Dec. 21, 2005	54–44 No. 364	F	151	30722
Jan. 26, 2006	PN1059	Judicial nominee Samuel A. Alito, Jr.	Frist	Jan. 30, 2006	72–25 No. 1	I	152	317
Feb. 6, 2006	S.862	Fairness in Asbestos Injury Act, motion to proceed	Frist	Feb. 7, 2006	98–1 No. 12	I	152	1025
Feb. 8, 2006	PN507	Nominee Eric S. Edelman	Frist	Feb. 9, 2006	UC	W	152	1429
Feb. 13, 2006	S.862	Fairness in Asbestos Injury Act, S.Amdt.2746	Frist	Feb. 14, 2006	UC	W	152	1610
Feb. 13, 2006	S.862	Fairness in Asbestos Injury Act, S.Amdt.2746	Frist	Feb. 14, 2006	UC	W	152	1610
Feb. 14, 2006	S.2271	Patriot Act Additional Reauthorizing Amendments, motion to proceed	Frist	Feb. 16, 2006	93–3 No. 22	I	152	1992
Feb. 16, 2006	S.2271	Patriot Act Additional Reauthorizing Amendments, motion to proceed	Frist	Feb. 28, 2006	69–30 No. 23	I	152	2165
Feb. 28, 2006	S.2520	Low Income Home Energy Assistance Funds, motion to proceed	Frist	Mar. 2, 2006	UC	W	152	4094
Mar. 3, 2006	S.2520	Low Income Home Energy Assistance Funds, motion to proceed	Frist	Mar. 7, 2006	75–25 No. 33	I	152	2731
Mar. 8, 2006	S.2549	Legislative Transparency and Accountability Act, Vote No. 36 reconsidered	Frist	Mar. 9, 2006	51–47 No. 36	F	152	3214
Mar. 16, 2006	S.2454	Immigration Reform, Vote No. 36 reconsidered	Frist	Mar. 28, 2006	81–16 No. 79	I	152	4093
Apr. 4, 2006	S.2454	Immigration Reform, motion to proceed	Frist	Mar. 28, 2006	UC	W	152	2453
Apr. 4, 2006	S.2454	Immigration Reform, S.Amdt.3192	Reid	Apr. 6, 2006	39–60 No. 88	F	152	5515
Apr. 5, 2006	PN70	Nominee Peter Caryl Wyche Flory	Frist	Apr. 7, 2006	36–62 No. 92	F	152	5741
Apr. 5, 2006	PN222	Nominee Dorrance Smith	Frist	Apr. 7, 2006	UC	W	152	5733
Apr. 5, 2006	PN413	Nominee Gordon England	Frist	Apr. 6, 2006	UC	V	152	5688

PN608	Apr. 5, 2006	Nominee Benjamin A. Powell	Frist	Apr. 6, 2006	UC	V	152	S3343
S2454	Apr. 5, 2006	Immigration Reform	Frist	Apr. 7, 2006	36-62 No. 90	F	152	5732
S2454	Apr. 5, 2006	Immigration Reform	Frist	Apr. 7, 2006	38-60 No. 89	F	152	5732
HR.4939	Apr. 27, 2006	Emergency Supplemental FY06	Frist	May 2, 2006	94-4 No. 103	I	152	6608
S.1955	May 3, 2006	Small Business Health Insurance	Frist	May 9, 2006	96-2 No. 117	I	152	7267
S.23	May 5, 2006	Women's Health Services Medical Malpractice Liability Reform	Frist	May 8, 2006	49-44 No. 116	F	152	7243
S.22	May 5, 2006	Medical Malpractice Liability Reform	Frist	May 8, 2006	48-42 No. 115	F	152	7243
S.1955	May 10, 2006	Small Business Health Insurance	Frist	May 11, 2006	55-43 No. 119	F	152	8036
PN1179	May 22, 2006	committee substitute	Frist	May 25, 2006	67-30 No. 158	I	152	9602
S.2611	May 22, 2006	Judicial nominee Brett M. Kavanaugh	Frist	May 24, 2006	73-25 No. 144	I	152	9350
PN1446	May 24, 2006	Comprehensive Immigration Reform Act	Frist	May 26, 2006	85-8 No. 161	I	152	9865
S.J.Res. 1	June 3, 2006	Nominee Dirk Kempthorne	Frist	June 7, 2006	49-48 No. 163	F	152	10282
S.147	June 6, 2006	Constitutional Amendment Relating to Marriage	McConnell	June 7, 2006	56-41 No. 165	F	152	10408
S.147	June 6, 2006	Native Hawaiian Government Reorganization Act	McConnell	June 8, 2006	57-41 No. 164	F	152	10396
HR.8	June 6, 2006	Estate Tax Relief	McConnell	June 8, 2006	UC	F	152	10892
PN876	June 7, 2006	motion to proceed	Sessions	June 13, 2006	98-1 No. 183	W	152	12375
S.2766	June 20, 2006	Nominee Richard Sticker	McConnell	June 22, 2006	86-12 No. 217	I	152	15877
S.3711	July 24, 2006	National Defense Authorization FY07	McConnell	July 26, 2006	72-23 No. 218	I	152	16586
S.3711	July 24, 2006	Gulf of Mexico Energy Security Act	Frist	July 31, 2006	56-42 No. 229	F	152	16910
S.3711	July 27, 2006	motion to proceed	Frist	Aug. 3, 2006	98-0 No. 247	I	152	18169
HR.5970	Aug. 2, 2006	Estate Tax Reduction and Extension of Tax Relief	Frist	Aug. 3, 2006	94-0 No. 252	I	152	18592
HR.4954	Sept. 12, 2006	Port Security bill	Frist	Sept. 14, 2006	71-28 No. 260	I	152	20350
HR.6061	Sept. 18, 2006	Secure Fence Act	Frist	Sept. 20, 2006	UC	W	152	19948
HR.6061	Sept. 25, 2006	Secure Fence Act	Frist	Sept. 28, 2006	57-42 No. 263	F	152	21497
HR.6061	Sept. 25, 2006	Secure Fence Act	Frist	Sept. 28, 2006	89-6 No. 273	I	152	22919
S.403	Sept. 27, 2006	S. Arndt 5036	Frist	Sept. 27, 2006	93-0 No. 275	I	152	23455
PN1396	Dec. 5, 2006	Child Interstate Abortion Notification	Bennett	Dec. 7, 2006	78-10 No. 278	I	152	23573
PN1746	Dec. 6, 2006	motion to concur in House amendment	Bennett	Dec. 7, 2006	no vote	N	153	1693
PN1746	Dec. 6, 2006	Nominee Andrew von Eschenbach	Frist	Dec. 8, 2006	51-46 No. 16	F	153	1401
HR.6111	Dec. 8, 2006	Judicial nominee Kent A. Jordan	Frist	Dec. 8, 2006				
HR.6111	Dec. 8, 2006	Tax Relief and Health Care Act	Frist	Dec. 8, 2006				
HR.6111	Dec. 8, 2006	motion to concur in the House amendment to the Senate amendment	Frist	Dec. 8, 2006				
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S.1	Jan. 12, 2007	Legislative Transparency and Accountability Act	Reid	Jan. 18, 2007		N	153	1693
S.1	Jan. 12, 2007	Legislative Transparency and Accountability Act	Reid	Jan. 17, 2007		F	153	1401
S.1	Jan. 12, 2007	Legislative Transparency and Accountability Act	Reid	Jan. 17, 2007		F	153	1401

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent. Result Key: F—Failed; I—Invoked; N—No action; V—Voted; W—Withdrawn.

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Jan. 22, 2007	H.R.2	Fair Minimum Wage Act	Reid	Jan. 24, 2007	54–43 No. 23	F	153	2203
Jan. 22, 2007	H.R.2	Fair Minimum Wage Act	Reid	Jan. 24, 2007	49–48 No. 22	F	153	2201
Jan. 26, 2007	S.Con. Res.2	Bipartisan Resolution on Iraq	Reid	Feb. 1, 2007	0–87 No. 43	F	153	2969
Jan. 26, 2007	H.R.2	Fair Minimum Wage Act	Reid	Jan. 31, 2007	88–8 No. 39	I	153	2829
Jan. 26, 2007	H.R.2	Fair Minimum Wage Act	Reid	Jan. 30, 2007	87–10 No. 34	I	153	2574
Feb. 1, 2007	S.470	Sense of Congress on Iraq	Reid	Feb. 5, 2007	49–47 No. 44	F	153	3047
Feb. 8, 2007	H.J.Res.20	Continuing Appropriations, 2007	Reid	Feb. 13, 2007	71–26 No. 46	I	153	3783
Feb. 15, 2007	S.574	Sense of Congress on Iraq	Reid	Feb. 17, 2007	56–34 No. 51	F	153	4593
Feb. 17, 2007	S.184	Surface Transportation and Rail Security	Reid	Feb. 27, 2007	UC	V	153	4652
Feb. 27, 2007	S.4	Implementing Recommendations of the 9/11 Commission	Reid	Feb. 27, 2007	97–0 No. 53	I	153	4653
Mar. 7, 2007	S.4	Implementing Recommendations of the 9/11 Commission	Bingaman	Mar. 9, 2007	UC	V	153	5949
Mar. 7, 2007	S.4	Implementing Recommendations of the 9/11 Commission	Reid	Mar. 9, 2007	69–26 No. 69	I	153	5949
Mar. 7, 2007	S.4	Implementing Recommendations of the 9/11 Commission	Reid	Mar. 9, 2007	46–49 No. 68	F	153	5949
Mar. 7, 2007	S.4	Implementing Recommendations of the 9/11 Commission	Reid	Mar. 15, 2007	UC	W	153	6498
Mar. 12, 2007	S.214	Preserving U.S. Attorney Independence Act	Reid	Mar. 14, 2007	89–9 No. 74	I	153	6267
Mar. 12, 2007	S.J.Res.9	Revise United States Policy on Iraq	Reid	Mar. 28, 2007	97–0 No. 117	I	153	8046
Mar. 26, 2007	H.R.1591	Troop Readiness, Veterans' Care, Katrina Recovery and Iraq Accountability Appropriations	Reid	Apr. 12, 2007	94–3 No. 129	I	153	8737
Apr. 10, 2007	S.372	Intelligence Authorization Act	Reid	Apr. 16, 2007	41–40 No. 130	F	153	8830
Apr. 12, 2007	S.372	Intelligence Authorization Act	Reid	Apr. 17, 2007	50–45 No. 131	F	153	8954
Apr. 16, 2007	S.378	Court Security Improvement Act	Reid	Apr. 18, 2007	93–3 No. 133	I	153	9111
Apr. 16, 2007	S.3	Medicare Prescription Drug Price Negotiation	Reid	Apr. 18, 2007	55–42 No. 132	F	153	9108
Apr. 18, 2007	S.378	Court Security Improvement Act	Reid	Apr. 19, 2007	no vote	N	153	10395

May 1, 2007	S.1082	Prescription Drug User Fee Amendments—S.Amdt.390	Reid	May 3, 2007	63–28 No. 150	I	153	11235
May 3, 2007	H.R.1495	Water Resources Development Act of 2007—motion to proceed	Reid	May 10, 2007	89–7 No. 162	I	153	11950
May 3, 2007	S.1082	Prescription Drug User Fee Amendments—committee substitute amendment	Reid	May 8, 2007	UC	W	153	11592
May 14, 2007	S.1348	Comprehensive Immigration Reform—motion to proceed	Reid	May 7, 2007	82–8 No. 152	I	153	11372
May 15, 2007	H.R.1495	Water Resources Development Act of 2007—S.A.Rtd.1135	Reid	May 21, 2007	69–23 No. 173	I	153	13286
May 15, 2007	H.R.1495	Water Resources Development Act of 2007—S.A.Rtd.1134	McConnell	May 16, 2007	87–9 No. 169	I	153	12591
May 15, 2007	H.R.2206	Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007—Katrina Recovery, Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations	McConnell	May 16, 2007	52–44 No. 168	F	153	12590
May 15, 2007	H.R.2206	Water Resources Development Act of 2007—S.Amdt.1123	Reid	May 16, 2007	UC	W	153	12586
May 15, 2007	H.R.1495	Water Resources Development Act of 2007—S.Amdt.1097	Reid	May 17, 2007	94–1 No. 171	I	153	12945
May 15, 2007	H.R.1495	Water Resources Development Act of 2007—S.Amdt.1098	Reid	May 16, 2007	UC	W	153	12639
June 5, 2007	S.1348	Comprehensive Immigration Reform Act of 2007	Reid	May 16, 2007	29–67 No. 167	F	153	12589
June 5, 2007	S.1348	Comprehensive Immigration Reform Act of 2007—Vote No. 203	Reid	June 7, 2007	34–61 No. 204	F	153	15053
June 6, 2007	H.R.6	CLEAN Energy Act of 2007—motion to proceed	Reid	June 7, 2007	33–63 No. 203	F	153	15053
June 6, 2007	S.J.Res.14	Senate Expression of "no confidence" in Attorney General Alberto Gonzales	Reid	June 7, 2007	45–50 No. 206	F	153	15088
June 19, 2007	H.R.800	Employee Free Choice Act of 2007—motion to proceed	Reid	June 11, 2007	91–0 No. 208	I	153	15224
June 19, 2007	H.R.6	CLEAN Energy Act of 2007	Reid	June 11, 2007	53–38 No. 207	F	153	15223
June 19, 2007	H.R.6	CLEAN Energy Act of 2007—S.Amdt.1502	Reid	June 26, 2007	51–48 No. 227	F	153	17286
June 19, 2007	H.R.6	CLEAN Energy Act of 2007—S.Amdt.1502	Reid	June 21, 2007	62–32 No. 225	I	153	16952
June 20, 2007	S.1639	Comprehensive Immigration Reform—motion to proceed	Reid	June 21, 2007	61–32 No. 224	I	153	16906
June 26, 2007	S.1639	Comprehensive Immigration Reform—National Defense Authorization FY08	Reid	June 21, 2007	57–36 No. 223	F	153	16905
June 27, 2007	H.R.1585	National Defense Authorization FY08—motion to proceed	Reid	June 26, 2007	64–35 No. 228	I	153	17287
July 10, 2007	H.R.1585	National Defense Authorization FY08—S.Amdt.2012	Reid	June 28, 2007	46–53 No. 235	F	153	17840
July 16, 2007	H.R.1585	National Defense Authorization FY08—S.Amdt.2241	Reid	June 28, 2007	UC	W	153	17916
July 16, 2007	H.R.1585	National Defense Authorization FY08—S.Amdt.2087	Reid	July 11, 2007	56–41 No. 241	F	153	18382
July 16, 2007	H.R.1585	National Defense Authorization FY08	McConnell	July 17, 2007	UC	W	153	19278
July 16, 2007	H.R.1585	National Defense Authorization FY08	Reed	July 18, 2007	52–47 No. 252	F	153	19421

Vote Key: 61–32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent. Result Key: F—Failed; I—Invoked; N—No action; V—Vetted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
July 17, 2007	H.R.2638	Department of Homeland Security Appropriations Act	Reid	July 19, 2007	UC	W	153	19485
July 26, 2007 <sup>10</sup>	H.R.976	Children's Health Insurance Program Reauthorization Act of 2007	Reid	July 30, 2007	80–0 No. 285	I	153	21190
July 31, 2007	S.1	Legislative Transparency and Accountability Act	Reid	Aug. 2, 2007	80–17 No. 293	I	153	22858
Aug. 1, 2007	H.R.976	Children's Health Insurance Program Reauthorization Act of 2007	Reid	Aug. 2, 2007	no vote	N	153	22632
Aug. 1, 2007	H.R.976	Children's Health Insurance Program Reauthorization Act of 2007	Reid	Aug. 2, 2007	no vote	N	153	22632
Sept. 12, 2007	S.1257	District of Columbia House Voting Rights Act of 2007	Reid	Sept. 18, 2007	57–42 No. 339	F	153	24612
Sept. 17, 2007	H.R.1585	National Defense Authorization FY08	Reid	Sept. 19, 2007	56–43 No. 340	F	153	24813
Sept. 25, 2007	H.R.1585	National Defense Authorization FY08	Casey	Sept. 27, 2007	UC	V	153	25628
Sept. 25, 2007	H.R.1585	National Defense Authorization FY08	Reid	Sept. 27, 2007	60–39 No. 350	I	153	25628
Sept. 26, 2007	H.R.1585	National Defense Authorization FY08	McConnell	Oct. 1, 2007	no vote	N	153	26021
Sept. 26, 2007	H.R.976	Children's Health Insurance Program Reauthorization Act of 2007	Reid	Sept. 27, 2007	69–30 No. 352	I	153	25629
Sept. 26, 2007	H.R.1585	Senate amendments	Reid	Sept. 27, 2007	89–6 No. 357	I	153	25696
Oct. 2, 2007	H.R.3222	National Defense Authorization FY08	McConnell	Sept. 27, 2007	UC	W	153	26437
Oct. 22, 2007	S.2205	Department of Defense Appropriations Act, 2008	Reid	Oct. 3, 2007	UC	W	153	26437
Oct. 22, 2007	S.2205	DREAM Act of 2007	Reid	Oct. 3, 2007	UC	W	153	26437
Oct. 23, 2007	PN2	Judicial nominee Leslie Southwick	Reid	Oct. 24, 2007	52–44 No. 384	F	153	28101
Oct. 24, 2007	S.294	Amtrak Reauthorization	McConnell	Oct. 24, 2007	62–35 No. 392	I	153	28094
Oct. 26, 2007	H.R.3963	Children's Health Insurance Program Reauthorization Act of 2007	McConnell	Oct. 25, 2007	UC	W	153	28424
Oct. 26, 2007	S.294	Amtrak Reauthorization	Reid	Oct. 31, 2007	62–33 No. 401	I	153	28795
Nov. 1, 2007	H.R.3963	Children's Health Insurance Program Reauthorization Act of 2007	Reid	Oct. 30, 2007	79–13 No. 398	I	153	28708
Nov. 1, 2007	H.R.3963	Children's Health Insurance Program Reauthorization Act of 2007	Reid	Nov. 1, 2007	65–30 No. 402	I	153	29094
Nov. 14, 2007	H.R.2419	Farm, Nutrition, and Bioenergy Act of 2007	Reid	Dec. 14, 2007	UC	W	153	34464



Nov. 14, 2007	H.R.2419	Farm, Nutrition, and Bioenergy Act of 2007 S.Amdt.3500	Reid	Nov. 16, 2007	55-42 No. 412	F	153	31856
Nov. 15, 2007	H.R.4156	Orderly and Responsible Iraq Redeployment Appropriations Act, 2008 motion to proceed	Reid	Nov. 16, 2007	53-45 No. 411	F	153	31855
Nov. 15, 2007	S.2340	Department of Defense Emergency Supplemental Appropriations FY08 motion to proceed	McConnell	Nov. 16, 2007	45-53 No. 410	F	153	31855
Dec. 4, 2007	H.R.3996	Temporary Tax Relief Act of 2007 motion to proceed	Reid	Dec. 6, 2007	46-48 No. 414	F	153	33275
Dec. 5, 2007	H.R.2419	Farm, Nutrition, and Bioenergy Act of 2007 S.Amdt.3500	Reid	Dec. 13, 2007	78-12 No. 431	I	153	34244
Dec. 7, 2007	H.R.6	Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 motion to concur in the House amendments to the Senate amendments	Reid	Dec. 7, 2007	53-42 No. 416	F	153	33491
Dec. 12, 2007	H.R.6	Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007 motion to concur in the House amendments to the Senate amendments	Reid	Dec. 13, 2007	59-40 No. 425	F	153	34181
Dec. 14, 2007	S.2248	FISA Amendments Act of 2007 motion to concur in the House amendments to the Senate amendments	Reid	Dec. 17, 2007	76-10 No. 435	I	153	34555
Dec. 18, 2007	H.R.2764	Consolidated Appropriations Act, 2008 motion to concur in the House amendments to the Senate amendment	Reid	Dec. 18, 2007	44-51 No. 436	F	153	36074
Jan. 24, 2008	S.2248	FISA Amendments Act of 2007 S.Amdt.3918	Reid	Jan. 28, 2008	48-45 No. 4	F	154	938
Jan. 24, 2008	S.2248	FISA Amendments Act of 2007 S.Amdt.3911	McConnell	Jan. 28, 2008	48-45 No. 3	F	154	937
Jan. 31, 2008	H.R.5140	Recovery Rebates and Economic Stimulus for the American People Act of 2008 motion to proceed	Reid	Feb. 4, 2008	80-4 No. 5	I	154	1277
Feb. 5, 2008	H.R.5140	Recovery Rebates and Economic Stimulus for the American People Act of 2008 S.Amdt.3983	Reid	Feb. 6, 2008	58-41 No. 8	F	154	1429
Feb. 8, 2008	S.2248	FISA Amendments Act of 2007	Reid	Feb. 12, 2008	69-29 No. 19	I	154	1906
Feb. 11, 2008	H.R.2082	Intelligence Authorization Act FY08 conference report	Reid	Feb. 13, 2008	92-4 No. 21	I	154	2025
Feb. 14, 2008	H.R.3221	Housing and Economic Recovery Act. Motion to proceed	Reid	Feb. 28, 2008	48-46 No. 35	F	154	2867
Feb. 14, 2008	S.1200	Vote No. 35 reconsidered	Reid	Apr. 1, 2008	94-1 No. 86	I	154	4593
Feb. 14, 2008	S.1200	Indian Health Care Improvement Act Amendments of 2007	Reid	Feb. 25, 2008	UC	W	154	2378
Feb. 14, 2008	S.1200	Indian Health Care Improvements Act Amendments of 2007 S.Amdt.3899	Reid	Feb. 25, 2008	85-2 No. 28	I	154	2374
Feb. 25, 2008	S.2634	Global Strategy Report to Combat al Qaeda motion to proceed	Reid	Feb. 27, 2008	89-3 No. 34	I	154	2712

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetiated; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
Congress and Filing Date	Measure	Subject	Motion Filed By	Date	Vote & Vote number	Result (see key)	Volume	Page
Feb. 25, 2008	S.2653	Safe redeployment of United States troops from Iraq motion to proceed	Reid	Feb. 26, 2008	70–24 No. 33	I	154	2522
Feb. 29, 2008	S.2663	Consumer Product Safety Commission Reform Act.	Reid	Mar. 3, 2008	86–1 No. 36	I	154	S2983
Mar. 5, 2008	S.2663	Consumer Product Safety Commission Reform Act.	Reid	Mar. 6, 2008	UC	W	154	3461
Apr. 4, 2008	S.2739	Consolidated Natural Resources Act of 2008.	Reid	Apr. 9, 2008	UC	W	154	5492
Apr. 4, 2008	H.R.3221	Housing and Economic Recovery Act.	Reid	Apr. 9, 2008	UC	W	154	5493
Apr. 4, 2008	H.R.3221	Housing and Economic Recovery Act.	Reid	Apr. 9, 2008	UC	W	154	5326
Apr. 10, 2008	H.R.1195	SAFETEА amendments	Reid	Apr. 8, 2008	92–6 No. 93	I	154	5326
Apr. 16, 2008	H.R.1195	SAFETEА amendments	Reid	Apr. 14, 2008	93–1 No. 103	I	154	5858
Apr. 16, 2008	H.R.1195	SAFETEА amendments	Reid	Apr. 17, 2008	UC	W	154	6321
Apr. 17, 2008	S.1315	Veterans' Benefits Enhancement Act.	Reid	Apr. 17, 2008	90–2 No. 107	I	154	6332
Apr. 21, 2008	H.R.2831	Lilly Ledbetter Fair Pay Act.	Reid	Apr. 22, 2008	94–0 No. 109	I	154	6462
Apr. 24, 2008	H.R.2881	FAA Reauthorization	Reid	Apr. 23, 2008	56–42 No. 110	F	154	6623
May 1, 2008	H.R.2881	FAA Reauthorization	Reid	Apr. 28, 2008	88–0 No. 114	I	154	7034
May 1, 2008	H.R.2881	FAA Reauthorization	Reid	May 6, 2008	UC	W	154	7756
May 2, 2008	S.2284	Flood Insurance Reform and Modernization Act.	Reid	May 6, 2008	49–42 No. 115	F	154	7756
May 7, 2008	H.R.980	Public Safety Employer-Employee Cooperation Act of 2007	Reid	May 6, 2008	90–1 No. 116	I	154	7758
May 7, 2008	S.2284	Flood Insurance Reform and Modernization Act.	Dodd	May 13, 2008	69–29 No. 126	I	154	8493
May 14, 2008	H.R.980	Public Safety Employer-Employee Cooperation Act of 2007	McConnell	May 13, 2008	no vote	N	154	8477
May 14, 2008	H.R.980	Public Safety Employer-Employee Cooperation Act of 2007	Reid	May 15, 2008	UC	W	154	9419
May 14, 2008	H.R.980	Public Safety Employer-Employee Cooperation Act of 2007	Reid	May 15, 2008	UC	W	154	9419
May 20, 2008	H.R.2642	Supplemental Appropriations Act FY08	McConnell	May 14, 2008	no vote	N	154	8968
May 22, 2008	S.3036	Climate Security Act.	Reid	May 22, 2008	UC	W	154	9305
		motion to proceed	Reid	June 2, 2008	74–14 No. 141	I	154	11020

June 4, 2008	S.3044	Consumer-First Energy Act. motion to proceed	Reid	June 4, 2008	UC	W	154	11328
June 4, 2008	S.3036	Crisis Security Act S.Amdt.4625	Reid	June 6, 2008	48-36 No. 145	F	154	11758
June 6, 2008	H.R.6049	Renewable Energy and Job Creation Act. motion to proceed	Reid	June 10, 2008	50-44 No. 147	F	154	11917
June 6, 2008	S.3044	Consumer-First Energy Act. motion to proceed	Reid	June 10, 2008	51-43 No. 146	F	154	11917
June 10, 2008	S.3101	Medicare Improvement for Patients and Providers motion to proceed	Reid	June 12, 2008	54-39 No. 149	F	154	12415
June 12, 2008	H.R.6049	Renewable Energy and Job Creation Act. motion to proceed	Reid	June 17, 2008	52-44 No. 150	F	154	12563
June 20, 2008	H.R.3221	Vote No. 195 reconsidered Housing and Economic Recovery Act. S.Amdt.4985	Reid	July 29, 2008	53-43 No. 190	F	154	16668
June 23, 2008	H.R.6304	FISA Amendments Act of 2008. motion to proceed	Reid	June 24, 2008	83-9 No. 155	I	154	13573
June 26, 2008	H.R.3221	Vote No. 160 reconsidered Housing and Economic Recovery Act. motion to proceed	Reid	June 25, 2008	80-15 No. 158	I	154	13836
June 26, 2008	H.R.6304	FISA Amendments Act of 2008. motion to proceed	Reid	July 7, 2008	76-10 No. 163	I	154	14180
June 26, 2008	H.R.6331	Medicare Improvements for Patients and Providers Act of 2008 motion to proceed	Reid	July 9, 2008	72-26 No. 167	I	154	14380
July 8, 2008	H.R.3221	Vote No. 160 reconsidered Housing and Economic Recovery Act. motion to proceed	Reid	June 26, 2008	58-40 No. 160	F	154	14035
July 9, 2008	S.2731	Global HIV/AIDS reauthorization. motion to disagree to House amendments	Reid	July 9, 2008	69-30 No. 169	I	154	14400
July 17, 2008	S.3268	Stop Excessive Energy Speculation Act. motion to proceed	Reid	July 10, 2008	84-12 No. 170	I	154	14629
July 23, 2008	S.3186	Low-Income Home Energy Assistance motion to proceed	Reid	July 11, 2008	65-3 No. 174	I	154	14724
July 23, 2008	H.R.3221	Housing and Economic Recovery Act. motion to proceed	Reid	July 22, 2008	94-0 No. 183	I	154	15535
July 23, 2008	S.3268	Stop Excessive Energy Speculation Act. motion to concur to House amendment	Reid	July 26, 2008	50-35 No. 187	F	154	16572
July 23, 2008	S.3297	Advancing America's Priorities Act. motion to proceed	Reid	July 25, 2008	80-13 No. 185	I	154	16483
July 28, 2008	S.3335	Energy extenders package. motion to proceed	Reid	July 25, 2008	50-43 No. 184	F	154	16482
July 28, 2008	S.2035	Free Flow of Information Act motion to proceed	Reid	July 28, 2008	52-40 No. 189	F	154	16621
July 30, 2008	S.3001	National Defense Authorization FY09 motion to proceed	Reid	July 30, 2008	51-43 No. 192	F	154	16983
Sept. 12, 2008	S.3001	Vote No. 195 reconsidered National Defense Authorization FY09 motion to proceed	Reid	July 30, 2008	51-43 No. 191	F	154	16981
Sept. 17, 2008	H.R.6049	Renewable Energy and Job Creation Act. motion to proceed	Reid	Sept. 31, 2008	51-39 No. 195	F	154	17660
Sept. 17, 2008	S.3297	Advancing America's Priorities Act. motion to proceed	Reid	Sept. 8, 2008	83-0 No. 197	I	154	17973
			Reid	Sept. 16, 2008	61-32 No. 200	I	154	19115
			Reid	Sept. 18, 2008	UC	W	154	19698
			Reid	Sept. 18, 2008	UC	W	154	19698

Vote Key: 61-32 No. 2 (for example)—tally and Roll Call Vote number; UC—Unanimous Consent.  
Result Key: F—Failed; I—Invoked; N—No action; V—Vetted; W—Withdrawn.

## Disposition of Cloture Motions, 1917–2008—Continued

Motions Filed			Action and Result			Congressional Record		
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Sept. 26, 2008 .....	H.R.2638 .....	Department of Homeland Security Appropriations/ Continuing Resolution FY09 motion to concur in the House amendment to the Senate amendment	Whitehouse .....	Sept. 27, 2008 .....	83–12 No. 207	I	154	22517
Sept. 26, 2008 .....	H.R.2638 .....	Department of Homeland Security Appropriations/ Continuing Resolution FY09 motion to concur in the House amendment with an amendment	Reid .....	Sept. 26, 2008 .....	UC	V	154	22465
Sept. 27, 2008 .....	H.R.2095 .....	Federal Railroad Safety Improvement Act of 2007 .....	Reid .....	Sept. 29, 2008 .....	69–17 No. 209	I	154	22989
Nov. 19, 2008 .....	H.R.6867 .....	Unemployment Compensation Act of 2008 .....	Reid .....	Nov. 20, 2008 .....	89–6 No. 214	I	154	24303
Dec. 10, 2008 .....	H.R.7005 .....	Alternative Minimum Tax Relief Act (vehicle for the auto bailout) motion to proceed	Reid .....	Dec. 11, 2008 .....	52–35 No. 215	F	154	24756

<sup>1</sup>Motion modified by UC to apply to the committee substitute amendment (124 Cong. Rec. 34549).

<sup>2</sup>Cloture petition not filed, cloture vote ordered by UC (435 Cong. Rec. 28101).

<sup>3</sup>Cloture petition not filed, cloture vote ordered by UC (435 Cong. Rec. 28101).

<sup>4</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 21929).

<sup>5</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 24553).

<sup>6</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 25114).

<sup>7</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 25114).

<sup>8</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 25114).

<sup>9</sup>Cloture petition not filed, cloture vote ordered by UC (436 Cong. Rec. 28881).

<sup>10</sup>As passed in the House, H.R. 976 was the Small Business Tax Relief Act of 2007. In the Senate, the Children's Health Insurance Program Reauthorization Act of 2007, was substituted in H.R. 976.

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PART 2

LEGISLATIVE HISTORY OF PARAGRAPH 2 OF RULE XXII OF  
THE STANDING RULES OF THE UNITED STATES SENATE  
(CLOTURE RULE)

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## THE CLOTURE RULE (THE "MARTIN RESOLUTION")

The cloture rule was adopted during a period of national emergency, shortly before war on Germany was declared. In 1915 a shipping bill had been defeated in the Senate as the result of a filibuster, and on March 4, 1917, the 64th Congress adjourned having failed to pass a bill authorizing the arming of merchant vessels. Referring to the defeat of this latter bill, President Wilson made the following statement:

It would not cure the difficulty to call the 65th Congress in extraordinary session. The paralysis of the Senate would remain. The purpose and the spirit of action are not lacking now. The Congress is more definitely united in thought and purpose at this moment, I venture to say, than it has been within the memory of any man now in its membership. There is not only the most united patriotic purpose, but the objects Members have in view are perfectly clear and definite. But the Senate cannot act unless its leaders can obtain unanimous consent. Its majority is powerless, helpless. In the midst of a crisis of extraordinary peril, when only definite and decided action can make the Nation safe or shield it from war itself by the aggression of others, action is impossible. Although as a matter of fact, the Nation and the representatives of the Nation stand back of the Executive with unprecedented unanimity and spirit, the impression made abroad will, of course, be that it is not so, and that other governments may act as they please without fear that this Government can do anything at all. We cannot explain. The explanation is incredible. The Senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible. The remedy? There is but one remedy. The only remedy is that the rules of the Senate shall be so altered that it can act. The country can be relied upon to draw the moral. I believe that the Senate can be relied on to supply the means of action and save the country from disaster. (55 *Congressional Record* 20).

Soon after the Senate met in special session on March 5, 1917, and the question of amending the Rules of the Senate so that debate could be closed was considered at conferences of the majority and the minority. A joint committee of five Senators from each conference was selected to prepare the necessary resolution which was presented to the Senate on March 8, 1917, by the majority leader, Senator Martin, who obtained unanimous consent for its immediate consideration. The Martin resolution (S. Res. 5)<sup>1</sup> read as follows:

<sup>1</sup>A comparison of the Martin resolution with S. Res. 195, as reported to the Senate on May 16, 1916, from the Committee on Rules by Senator Smith of Georgia, shows that only clarifying changes were made in the text of the earlier resolution which had not been acted upon at the close of the 64th Cong. (53 *Congressional Record* 8023). An interesting discussion of some of the resolutions offered in the Senate from 1915 to March 1917 providing for some form of cloture appears in 95 *Congressional Record* 1587, 1588.

*Resolved*, That the Senate shall, from and after its adoption, enforce the following rule, which is hereby adopted:

If at any time a motion, signed by 16 Senators, to bring to a close the debate upon any pending measure is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present the Presiding Officer shall, without debate, submit to the Senate by an aye-and-nay vote the question:

“Is it the sense of the Senate that the debate shall be brought to a close?”

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the pending measure, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Following some debate on the Martin resolution a roll call on final passage showed that 76 Senators voted for its adoption, three were against, and announcements were made that 12 other Senators who were absent would have voted for its adoption if present (55 *Congressional Record* 45). Senators Gronna, La Follette, and Sherman voted against the resolution. During the debate Senator La Follette expressed his opposition to the measure stating: “. . . I shall stand while I am a Member of this body against any closure that denies free and unlimited debate” (55 *Congressional Record* 41). Senator Gronna was “surprised to find men who have advocated progressive measures rising today on the floor seeking to take away from the minority the possibility of being heard” (55 *Congressional Record* 40). Senator Sherman felt that the President had been unfair to the Senate in attributing the defeat of the bill authorizing the arming of merchant vessels to the Rules of the Senate when in fact “his own deferred action caused it” (55 *Congressional Record* 23).

During the consideration of the Martin resolution, Senator Hollis proposed an amendment which would have permitted a simple majority to cut off debate. But upon request of the majority leader, the amendment was withdrawn (55 *Congressional Record* 27). Senator Norris’ statement in support of the resolution would seem to reflect the attitude of most of the Senators voting in the affirmative. After observing that he could not have supported the Hollis amendment he stated:

I have always opposed any change of the rule that would give any majority, no matter how large, the right absolutely to close debate and permit no one to be heard further because under that kind of a rule Members of the Senate could absolutely



be precluded even from expressing an opinion on any pending measure. But this rule, Mr. President, goes only to a reasonable extent. It requires, in the first place, a two-thirds vote to invoke the rule, and after it is invoked every Senator has a right to speak one hour on the bill and the amendments, which, I take it from the language of the proposed rule, will mean that he can divide that hour as he sees fit—use it all on the bill, all on one amendment, or divide it up according to his own idea and his own judgment. To my mind, that is a reasonable proposition (55 *Congressional Record* 27).



## THE 1949 AMENDMENT

On February 17, 1949, Senator Hayden, on behalf of the Committee on Rules and Administration, reported S. Res. 15. The resolution read as follows:

*Resolved*, That paragraph 2 of rule XXII of the Standing Rules of the Senate, relating to cloture, be, and the same is hereby, amended to read as follows: If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: Is it the sense of the Senate that the debate shall be brought to a close?

And if that question shall be decided in the affirmative by a two-thirds vote of those voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks.

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Senate Report 69, accompanying S. Res. 15, explained the reasons for and the purpose of the resolution.

The resolution is identical with Senate Resolution 25 of the 80th Congress, favorably reported to the Senate on April 3, 1947, to make rule XXII, as adopted on March 8, 1917, applicable to any measure, motion, or other matter pending before the Senate, or the unfinished business. This change is primarily necessary in order to overcome the possibility of unlimited debate upon a motion that the Senate proceed to the consideration of a bill or other measure which has not been made the unfinished business of the Senate.

The resolution further provides that a motion signed by 16 Senators to bring debate to a close may be presented at any time

notwithstanding the provisions of rule III or rule VI or any other rule of the Senate. Rule III of the Standing Rules of the Senate provides that a motion to amend or correct the Journal shall be deemed a privileged question and proceeded with until disposed of, and rule VI provides that all questions and motions arising or made upon the presentation of credentials shall be proceeded with until disposed of.

The necessity for this change in rule XXII was first demonstrated in November 1922, when a number of motions to amend the Journal were debated for several days, thereby preventing the consideration of an anti-lynching bill which was finally laid aside.

Extended discussion of amendments to the Journal was the method usually used during the following 20 years to prevent the consideration of bills about which there were decided differences of opinion. In more recent years, however, the practice has been for several Senators to discuss at length the question of whether a particular bill should become the unfinished business of the Senate. A direct ruling that a petition to bring such discussion to an end may not be presented was made by the President pro tempore (Mr. Vandenberg) on August 2, 1948. The intent of Senate Resolution 15 is to close those two loopholes in rule XXII and to make that rule applicable in all instances.

The fact that over 5 years elapsed before the first flaw in the cloture provisions of rule XXII was developed and that a much longer time expired before a second serious flaw was discovered is a definite indication that every Senator who voted to amend rule XXII in 1917 did so with a clear understanding that he was voting for an enforceable rule to close debate and not to produce a result, as Mr. Vandenberg stated, 'That, in the final analysis, the Senate has no effective cloture rule at all.' The ruling of the Chair was clearly required by the rules and precedents of the Senate, and that is the reason why this proposed change in the rules is indispensable.

On February 28, 1949, Majority Leader Lucas moved that the Senate proceed to the consideration of S. Res. 15. Debate on the motion to take up this resolution occupied the attention of the Senate during the succeeding days. On March 10, 1949, Senator Lucas offered a cloture petition under Rule XXII of the Standing Rules of the Senate (the Martin resolution) to bring to a close the debate on the motion to take up S. Res. 15. A point of order was thereupon made by Senator Russell that Rule XXII applied only to "debate upon a pending measure" and not to debate upon a motion to proceed to the consideration of a measure. In support of his point of order Senator Russell cited a number of precedents, including the ruling of Senator Vandenberg which, as has been noted, was referred to in the committee report accompanying S. Res. 15. After reviewing at some length the purposes sought to be accomplished by the Senate in adopting the cloture rule in 1917, and after distinguishing the precedents cited by Senator Russell from the pending issue, the Vice President overruled the point of order (95 *Congressional Record* 2172-2175). Senator Russell thereupon appealed the decision of the Chair. After some debate, a motion by Senator Lucas to lay on the table Senator Russell's appeal was rejected, 41-46 (95 *Congressional Record* 2275).

Following the refusal of the Senate to sustain the ruling of the Vice President, debate resumed on the motion to take up S. Res. 15. There were, however, indications that efforts were being made off

the floor of the Senate to draft a compromise measure (95 *Congressional Record* 2354). On March 15, 1949, Senator Wherry, for himself and 51 other Senators, offered an amendment (in the nature of a substitute) to S. Res. 15. The text of the substitute read as follows:

*Resolved*, That paragraph 2 of the rule XXII of the Standing Rules of the Senate relating to cloture, be, and the same is hereby, amended to read as follows:

2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, except paragraph 3 of rule XXII, at any time a motion signed by 16 Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and 1 hour after the Senate meets on the following calendar day, but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote question: "Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by two-thirds of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than 1 hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks.

Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order.

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

SEC. 2. Rule XXII of the Standing Rules of the Senate, relating to cloture, be, and the same is hereby, amended by adding at the end thereof the following new paragraph:

3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) and of paragraph 2 of this rule shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate. (95 *Congressional Record* 2509).

The debate which ensued on the substitute proposal pointed up the two important differences between it and S. Res. 15 as reported. S. Res. 15, as reported, authorized cloture on an affirmative vote of *two-thirds of those voting*; the substitute required *two-thirds of the Senators duly chosen and sworn*. Secondly, the resolution as reported applied to any measure, motion, or other matter pending before the Senate, or the unfinished business. The substitute was applicable to the same, except that cloture would not apply to any motion to proceed to the consideration of *any motion, resolution, or proposal to change any of the Standing Rules of the Senate*.

Several amendments were offered to the substitute. Senator Donnell's amendment to make explicit that "matter," as used in the substitute resolution, included a motion to approve the Journal, was defeated, 14-72 (95 *Congressional Record* 2719). Senator Morse's amendment to permit cloture by a simple majority and to remove any exception in the case of a motion to proceed to the consideration of a rule change was rejected, 7-80 (95 *Congressional Record* 2723). Senator Baldwin's amendment to permit cloture by a two-thirds vote of those present, except a motion, resolution, or proposal to change the Rules which would require two-thirds of the Senators duly chosen, was defeated, 29-57 (95 *Congressional Record* 2720). And finally, Senator Myers' amendment, which would have had the same substantive effect as the Morse amendment, was rejected, 17-69 (95 *Congressional Record* 2723).

All other amendments having been voted down, the substitute amendment was approved, 63-23, and S. Res. 15, as amended by the substitute, was agreed to on March 17, 1949 (95 *Congressional Record* 2724).

## THE 1959 AMENDMENT

On January 8, 1959, S. Res. 5 was introduced by Majority Leader Johnson of Texas. It had some 40 cosponsors and was designed to amend Rule XXII of the Standing Rules of the Senate in two ways. It reduced the required number of Senators to effect cloture from "two-thirds of the Senators duly chosen and sworn" to "two-thirds of the Senators present and voting" and made the cloture rule, itself, applicable to a motion to consider a change in the Standing Rules of the Senate. A third change made by the resolution amended Rule XXXII of the Standing Rules of the Senate to provide that the Rules of the Senate continue from one Congress to the next Congress, unless changed in accordance with the Standing Rules of the Senate. The resolution provided:

*Resolved*, That subsection 2 of rule XXII of the Standing Rules of the Senate is amended (1) by striking out "except subsection 3 of rule XXII", and (2) by striking out "two-thirds of the Senators duly chosen and sworn" and inserting in lieu "two-thirds of the Senators present and voting".

SEC. 2. Subsection 3 of rule XXII of the Standing Rules of the Senate is amended by striking out "and of subsection 2 of this rule".

SEC. 3. Rule XXXII of the Standing Rules of the Senate is amended by inserting "1." immediately preceding "At", and by adding at the end thereof a new paragraph as follows:

"2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules."<sup>1</sup>

The purpose of the change proposed by S. Res. 5 was set out in the notice of the motion to amend the Rules pursuant to the provisions of Rule XL of the Standing Rules as follows:

(1) To modify subsection 2 of rule XXII by reducing the number of votes required for the adoption of a cloture motion;

(2) To modify subsection 3 of said rule so as to permit a cloture motion to be presented on a motion to proceed to the consideration of any motion, resolution or proposal to change any of the standing rules of the Senate.

(3) To add a new paragraph to rule XXXII to provide that the rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in the rules of the Senate (105 *Congressional Record* 10).

On January 9, 1959, S. Res. 5 was made the pending business of the Senate.

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<sup>1</sup>The same proposal was introduced in the 85th Cong. as S. Res. 30, and was considered by the Senate Committee on Rules and Administration. That committee reported S. Res. 17; which would have amended Rule XXII to permit a majority of the full Senate to effect cloture (85th Cong., 2nd sess., S. Rept. 1509 (1958)).

One substitute and five amendments were considered during the debate on the Johnson resolution. The amendment in the form of a substitute was sponsored by Senator Anderson and 32 other Senators.

The effect of the Anderson proposal was to adopt rules for the Senate de novo at the beginning of each session of the Congress pursuant to section 5 of Article I of the Constitution. The amendment as modified provided:

*Resolved*, That, in accordance with article I, sec. 5 of the Constitution which declares that 'each House may determine the Rules of its proceedings' this body proceed now to the immediate consideration of the adoption of Rules for the Senate of the 86th Congress.

SEC. 2. The Standing Rules of the Senate of the 86th Congress shall be the same as the Standing Rules, other than rule XXII, of the Senate of the 85th Congress.

SEC. 3. Consideration of the form of rule XXII for the Senate of the 86th Congress shall be the next order of business of the Senate (105 *Congressional Record* 156).

The initial debate on both the Johnson resolution and Senator Anderson's substitute was concerned with the advisory opinion of Vice President Nixon made on January 4, 1957 (103 *Congressional Record* 178), which stated in pertinent part:

It is the opinion of the Chair that while the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of the Senate in a previous Congress.

Any provision of Senate rules adopted in a previous Congress which has the expressed or practical effect of denying Congress the right to adopt the rules under which it desires to proceed is, in the opinion of the Chair, unconstitutional. It is also the opinion of the Chair that section 3 of rule XXII in practice has such an effect.

Senator Anderson explained the reason for his substitute as follows:

Mr. President, my interest in the proposal to adopt rules at the beginning of the session is based upon enough experience to know that if we do not act on the rules now, we will never have the opportunity to act during this session . . . . I think it should be pointed out that the situation since has changed considerably, by reason of the ruling by the Vice President that the Senate continues to operate under rules of the previous Congress until they are changed.

The Vice President says that, in his opinion, the old rules are not applicable as to certain sections, which may be unconstitutional—I hope I am quoting him correctly—but that as to the remainder of the rules, in the absence of some affirmative action, the Senate could properly be regarded as proceeding under them.

Therefore, I do not see how it can be said that if we take the proposed action there will be a great legislative hiatus, in which nothing can be done because we shall have no rules . . . . (105 *Congressional Record* 112, 113).



The Anderson substitute was tabled, 60–36 (105 *Congressional Record* 207).

The major amendment submitted to S. Res. 5 was sponsored by Senator Douglas and 13 other Senators. It provided for cloture to be effected by “a majority of Senators duly chosen and sworn”—a constitutional majority. The amendment was rejected, 28–67 (105 *Congressional Record* 439). An amendment sponsored by Senator Morton and three other Senators would have substituted three-fifths of the Senators present and voting for the two-thirds provision contained in the Johnson proposal. It was rejected, 36–58 (105 *Congressional Record* 446).

Two amendments dealt with section 3 of the resolution. They were designed to avoid the application of the cloture rule to a motion to consider changing the standing rules—with the implication that the advisory opinion of the Vice President would be persuasive. Both amendments, one sponsored by Senator Javits and one sponsored by Senator Case of New Jersey, were rejected (105 *Congressional Record* 452, 453).

An amendment submitted by Senator Case, which would have provided a germaneness test, was modified and as a resolution was referred to the Committee on Rules and Administration (105 *Congressional Record* 464).

In the debate on the Johnson resolution, there were four positions. There were Senators who, like Senator Russell, opposed the resolution because, they argued, it was a limitation upon free debate in the Senate:

I am saddened by the thought that the Senate of the United States should now be prepared to adopt what is known as the Johnson resolution, sponsored by the distinguished majority leader and coauthored by 40 other Senators. There is no need on earth to further curtail the right of free speech in the Senate.

We hear much talk about filibusters, yet no one has pointed out to this body a single highly desirable advantageous bill that has been defeated by unlimited debate in the Senate.

We can read the statements of the great men of other years—Senator Reed, Senator La Follette, Senator Norris, Vice President Adlai Stevenson, grandfather of the former Governor of Illinois and twice a Democratic standard bearer, and many others. These giants of the past believed that the widest latitude and freedom of debate in the Senate was the greatest bulwark of liberty in the United States (105 *Congressional Record* 465).

There were some Senators who, like Senator Douglas, opposed the resolution because in their opinion it did not make significant changes in the 1949 rule:

It is perfectly clear from the record of past votes over the years in the Senate that no real change has been made by section 1 of the bill. It is clear that on measures of importance on which a filibuster would be conducted, virtually the entire membership of the Senate would be present on the floor for the final vote . . . .

Section 3 is a distinct step backward. It gives strong moral authority, and possibly constitutional authority, for continuing this restrictive provision at the beginning of the next Congress, and thus making it more difficult to modify the rules of the Senate.

Section 2 may be a slight step forward, but not a very great step, because in practice, on the rules change which most inter-

ests me, I think a two-thirds requirement will be as effective in preventing a vote from being taken as unanimous consent; and in addition the two-thirds requirement can seldom be met on issues of civil rights (105 *Congressional Record* 489).

There were some Senators who, like Senator Case, supported the resolution although they disapproved of one of its provisions:

I have considered carefully whether these very small gains would be outweighed by the provisions of section 3, which purports to limit the power of the Senate, at the beginning of each new Congress, to adopt new rules. I have concluded that, under the Constitution, section 3 would not, and could not, have that effect. To that extent, section 3 is a nullity.

It is highly distasteful to vote for a measure which contains an invalid provision—a provision which I would oppose to the end if it had any binding effect. Yet I have finally concluded that, for me, it is not a sufficient reason to forego such improvement, however slight, as the resolution represents in the respects already mentioned (105 *Congressional Record* 491).

There was a large group of Senators who, like its chief sponsor, Majority Leader Johnson, supported the resolution as a constructive change. He explained:

The resolution does these things—for these reasons: First, it provides that cloture shall be possible on the vote of two-thirds of the Senators present and voting.

Our present rule provides that cloture can be voted only by two-thirds of the full Senate membership. This necessitates the actual presence in the Chamber of 66 Senators casting affirmative votes. In a body of this size, infirmities and disabilities for one or two Members or more are commonplace. The committee duties of the Senator frequently require some Senators to be absent. The nature of our Nation's world position, also, has resulted in more and more Senators being asked to serve the country at important tasks abroad. Each absent Senator, in effect, cancels two votes of those present . . . .

Two-thirds is the division by which we provide for amending the Constitution, for ratifying treaties, and for expelling Members from the Senate. It is an established, traditional division and we are maintaining it by the resolution.

The second provision of this resolution is, perhaps, the most important—although some have chosen to disregard its presence.

Our present rule XXII specifically exempts from cloture any motion to proceed to consideration of a change in the rules. This is the only such gap in our rules. Cloture can apply to substantive issues. Cloture can apply to a vote on the rule themselves. No cloture, however, can be applied to this one motion.

Thus, in present form, this means that debate could conceivably run on with no power to limit it when, in effect, there was no real subject matter before the Senate. This invites obstruction which serves no real purpose. It is intolerable to a majority and unnecessary for a minority, where the minority has a case to present.

The change now proposed would close this remaining narrow gap and permit the majority to maintain a standard of responsibility on this as on more important motions.

Finally, the third provision of this resolution would write into the rules a simple statement affirming what seems no longer to

be at issue. Namely, that the rules of the Senate shall continue in force, at all times, except as amended by the Senate.

This preserves, indisputably the character of the Senate as the one continuing body in our policy-making process.

It precludes the involvement of the Senate in the obstruction that would occur—or could occur—if, at the beginning of each Congress, a minority might attempt to force protracted debate on the adoption of each Senate rule individually (105 *Congressional Record* 493).

On January 12, 1959, the resolution (S. Res. 5) was agreed to, 72–22 (105 *Congressional Record* 495). As amended, paragraphs 2 and 3 of Rule XXII of the Standing Rules of the Senate provided:

2. Notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question: 'Is it the sense of the Senate that the debate shall be brought to a close?' And if that question shall be decided in the affirmative by two-thirds of the Senators present and voting, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

3. The provisions of the last paragraph of rule VIII (prohibiting debate on motions made before 2 o'clock) shall not apply to any motion to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate.



## THE 1975 AMENDMENT

In the 94th Congress, the Senate initially convened on Tuesday, January 14, 1975. Advocates of making cloture easier to invoke, encouraged by an unusually large (Democratic) majority returned in the 1974 elections, were prepared to renew efforts to amend Rule XXII, based in part on the argument that, on constitutional grounds, the Senate at the start of a new Congress could not be considered as bound by its previous Rules, but was entitled to change its Rules by the vote of a simple majority of a quorum present.

Immediately after the Senate convened, Majority Leader Mansfield obtained unanimous consent that "the rights of all Senators on all proposals," including proposals to amend the Rules, "be fully protected," and Majority Whip Byrd obtained unanimous consent that the Senate adjourn at the conclusion of its business on that day. Senator Mondale then submitted S. Res. 4, to permit cloture to be invoked by three-fifths of Senators present and voting, and obtained unanimous consent that the resolution be laid over until the next legislative day. He also offered a notice of intent to move to amend Senate Rules in the way proposed by his resolution.

This sequence of events was evidently intended to enable proponents of the resolution to bring it to the Senate floor in accordance with existing Senate Rules. As Senator Mondale pointed out, those Rules required at least one day's notice in writing of a motion to amend the Standing Rules. The Rules also required that, if a submitted resolution is neither referred to committee nor considered immediately by unanimous consent, it must be "laid over" until the next legislative day, and then may be considered (other than by unanimous consent) only when "morning business" is closed at the end of the "morning hour" that is to occur at the beginning of a new "legislative day"—that is, when the Senate reconvenes after an adjournment, but not after a recess. The action of the majority whip ensured that the Senate would adjourn, so that a new legislative day would occur, while the action of the majority leader sought to protect the ability of proponents of change to argue that even though the first legislative day had ended, the Senate was still at the "beginning" of the Congress, and therefore could change its Rules by a simple majority vote.

Senator Mondale went on to state that proponents of his resolution did not, by operating in accordance with existing Rules, "acquiesce to the applicability of certain . . . rules to the effort to amend rule XXII." The majority leader then also obtained unanimous consent for a more explicit statement that "notwithstanding any delay in consideration of the resolution, all proceedings, rights and privileges concerning the efforts to change rule XXII . . . be reserved, so that proponents . . . not be prejudiced in any way in the actual commencement of the consideration of this resolution" (121 *Congressional Record* 11-12).

Thereafter, the Senate continued to adjourn at the end of most days' sessions until after it had formally commenced consideration of a resolution to amend the Rules. Until January 17, however, the Senate daily dispensed by unanimous consent with the "morning hour," so that no resolutions coming "over, under the rule" (such as S. Res. 4) could be called up. At the conclusion of proceedings on January 16, however, the majority whip obtained unanimous consent that after morning business on the following day (the fourth calendar day, and the fourth legislative day, of the session), the Senate would proceed to consider S. Res. 4, and would consider it until 6 p.m. (121 *Congressional Record* 597–598).

On January 17, the chair laid S. Res. 4 before the Senate as coming over, under the rule. The ensuing debate included statements of the major arguments offered by both sides on the question of amending Senate Rules. On behalf of the proposed change, Senator Pearson argued:

The sponsors of this resolution propose . . . a reasonable accommodation of the right to debate and the right to decide. We believe these two, often conflicting rights, may be harmonized in such a way as to protect action rather than intransigence.

Besides the question of how much debate the Senate should permit, Senator Pearson articulated, as a preliminary question, whether: "a majority of the Members of the Senate of the 94th Congress [may] change the rules of the Senate, uninhibited by the past rules of the Senate?" Senator Pearson answered in the affirmative, citing the language of the Constitution: "Each House may determine the Rules of its Proceedings . . ." (Article I, section 5). That language, Senator Pearson said, permitted the Senate at the beginning of each Congress to change its Rules by only a majority vote, because where the framers of the Constitution intended that votes greater than a simple voting majority be required, they had always expressed that requirement (121 *Congressional Record* 757–758).

Senator Allen countered that, because each Senate carried over two-thirds of the membership of the previous Senate, the Rules adopted by prior Senates must apply to the present Senate. He noted that a rule adopted by the Senate on January 12, 1959 (paragraph 2 of Senate Rule V) stated that: "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules." He also cited the commentary of the Parliamentarian Emeritus of the Senate, Floyd M. Riddick, that: "A two-thirds vote is required to invoke cloture and this is true even at the beginning of a new Congress when the Senate is trying to amend its rules" (*Senate Procedure* (1974), S. Doc. 93–21, 222).

Senator Allen summarized his arguments by saying: "Why, then, should the rules of the Senate carry on from one session of Congress to another session? Because the Senate is a continuing body and because the Senate rules say that they do" (121 *Congressional Record* 773). Senator Mondale's principal rebuttal was that:

. . . the question remains whether the return of two-thirds binds the hands of a new Senate. We would argue that it cannot and should not. For, despite the fact that two-thirds of the Senators return, a new majority may return (121 *Congressional Record* 762).

When the Senate concluded consideration of S. Res. 4 pursuant to an earlier consent agreement, the resolution was automatically placed on the Calendar of General Orders. Reaching this status meant that the resolution could now be called up through a motion to proceed to consider, rather than only in a “morning hour” through a call of measures coming “over, under the rule.”

On Tuesday, January 21, Senator Pearson offered such a motion to consider S. Res. 4. When the Senate adjourned at the end of that day, the motion to consider fell; Senator Pearson renewed it on Thursday, January 23, but with a similar result. Thereafter, with one exception, no further floor action related to S. Res. 4 occurred through Tuesday, February 18. On Monday, February 3, the Majority Whip obtained unanimous consent that “no action be taken prior to Thursday, February 20, 1975, with respect to . . . S. Res. 4” or any other motion or resolution “to amend rule XXII . . . relating to a limitation of debate, and that all rights of Senators be protected and reserved” (121 *Congressional Record* 2016).

On February 19, the Majority Whip obtained unanimous consent that a proponent of S. Res. 4 be recognized on the next day. On February 20, Senator Pearson was recognized pursuant to this order, and offered a compound motion (1) that the Senate proceed to consider S. Res. 4; (2) that the Chair immediately bring debate to a close on this motion to proceed by putting to the Senate the question of ending debate on the motion to consider; and (3) if that motion to end debate was approved by a majority of a quorum present and voting, that the Chair immediately put to the Senate the question of adopting the motion to proceed.

The majority leader raised a point of order that Senate Rules permitted no such compound motion as offered by Senator Pearson. Vice President Rockefeller submitted the majority leader’s point of order to the Senate for decision as raising a constitutional question. After a series of parliamentary inquiries, Senator Mondale moved to table the point of order. The Senate agreed to the motion to table, 51–42, thereby deciding that Senator Pearson’s compound motion was in order.

Senator Allen, however, then demanded that Senator Pearson’s compound motion to consider S. Res. 4 be divided. The Vice President ruled that the motion was divisible, and it was accordingly divided. The Senate proceeded to consider the first division, which provided that the Senate proceed to the consideration of S. Res. 4. The Vice President stated that this first division was debatable. At the end of the day’s session, the Senate adjourned, which again meant that the motion to proceed to consider S. Res. 4 fell.

No formal consideration of S. Res. 4 occurred on Friday and Saturday, February 21 and 22, but the Senate, primarily Senator Allen, did debate the issue.

On Saturday, February 22, the Senate recessed pursuant to an order of the previous day, but did so in the absence of a quorum. Proceedings on Monday, February 24, accordingly, began with a live quorum call, after which Senator Allen objected to the majority leader’s request that the *Journal* be approved to date. Senator Allen then offered a compound motion of his own: (1) that the Senate proceed to consider S. Res. 4; (2) that inasmuch as the beginning of the 94th Congress had now ended, debate on this motion could be brought to an end only pursuant to the cloture rule; (3) that the Vice President

submit to the Senate any question of order presented by this motion; and (4) that the Senate vote directly on any such question of order, and not on a motion to table. Senator Allen simultaneously asked that his motion be divided, and it was accordingly divided. Senator Mondale responded by offering a compound motion (1) that the chair put Senator Allen's motion to a vote without intervening action, and (2) that, if a majority of a quorum present and voting agreed to this motion to close debate, the chair then immediately put the question on Senator Allen's motion to consider.

Both Senator Allen's motion to proceed and Senator Mondale's motion concerning its disposition continued as the pending business of the Senate until March 3, because the Senate began recessing rather than adjourning on each day. Because the Senate remained in the same legislative day, pending motions did not fall at the end of each day's proceedings, and the "two-speech rule" remained continuously applicable to further debate. The Senate, however, was unable to make any disposition of any component of either Senator Allen's or Senator Mondale's motion, because opponents of S. Res. 4 continued debating and offering numerous procedural motions.

As soon as Senator Mondale offered his motion concerning the disposition of Senator Allen's compound motion setting terms for proceeding to consider S. Res. 4, the majority leader raised a point of order against Senator Mondale's motion. Senator Mondale moved to table the majority leader's point of order. Senator Allen then proposed to supersede Senator Mondale's motion to table by a point of order that Senator Mondale's entire motion was not in order, but the chair ruled that Senator Mondale's motion to table was in order, and Senator Allen's point of order was out of order. When Senator Allen appealed, Senator Mondale moved to table the appeal.

Before the Senate acted on this motion to table Senator Allen's appeal, Senator Allen moved to table the first division (the motion to proceed to consider S. Res. 4) of his own pending compound motion. This motion failed, 38–49.

The Senate then agreed, 54–32, to Senator Mondale's motion to table Senator Allen's appeal from the decision of the chair overruling Senator Allen's point of order that S. Res. 4 was out of order. Senator Allen, having voted on the prevailing side, moved to reconsider this vote, but the Senate agreed to table this motion to reconsider, 51–35. On many of the key votes on this and subsequent days of debating S. Res. 4, Senator Allen moved to reconsider Senate votes. He was never successful. This vote affirmed the chair's ruling that Senator Allen's point of order against S. Res. 4 was not well taken, and that S. Res. 4 was in order.

The question then recurred on Senator Mondale's motion to table the majority leader's point of order against Senator Mondale's motion providing for the disposition of Senator Allen's motion for the consideration of S. Res. 4. The Senate tabled the majority leader's point of order, 48–40, confirming that Senator Mondale's motion providing for the disposition of Senator Allen's motion to consider was in order.

In response to a parliamentary inquiry by the majority whip, the Vice President stated that the pending question was Senator Mondale's motion providing for the disposition of Senator Allen's motion to consider S. Res. 4. The Vice President proposed to put that ques-



tion to a vote, but Senator Allen raised a point of order against doing so without permitting amendments to be offered to Senator Mondale's motion. The Vice President overruled that point of order, and Senator Allen appealed, requesting recognition for debate. The Vice President did not recognize Senator Allen for debate on the appeal, holding that "an appeal arising in connection with a non-debatable motion is not debatable," and put the question on the appeal (121 *Congressional Record* 4116). The Senate sustained the decision of the chair that the question be put on Senator Mondale's motion, 48-40, thereby affirming that Senator Mondale's motion was indeed non-debatable.

Senator Allen moved a recess until 7 p.m., but Senator Javits raised a point of order that (inasmuch as Senator Mondale's pending motion to dispose of Senator Allen's motion to proceed was non-debatable) no intervening motions were in order. Although Senator Allen moved to table Senator Javits's point of order, the Vice President stated that, because Senator Mondale's motion was made under the Constitution, the chair would submit to the Senate the question whether Senator Javits's point of order was well taken. After debate on the submitted point of order, the majority whip obtained unanimous consent that the Senate recess, and resume consideration of the point of order on the following day, with Senator Allen to be recognized as a continuation of his existing recognition. Pursuant to this order, the Senate recessed.

During these proceedings of February 24, Senator Allen also obtained several live quorum calls, and several times moved for recesses; the Senate tabled these motions. Also interspersed with these proceedings of February 24 were proceedings on an urgent legislative measure (S. 281, with a House amendment), including the filing of a cloture motion thereon.

On Tuesday, February 25, the Senate resumed consideration of Senator Mondale's motion respecting the disposition of Senator Allen's motion to consider S. Res. 4 and setting terms for its own disposition. The Vice President held that Senator Javits's point of order against Senator Allen's motion that the Senate recess until 7 p.m. on the previous day had died when the hour of 7 p.m. arrived. He also repeated that the motion of Senator Mondale, that the question be put on Senator Allen's motion to consider S. Res. 4, with conditions, was non-debatable.

Senator Allen moved to postpone Senator Mondale's motion to proceed to vote on Senator Allen's motion to consider until the next legislative day (at which point the motion to consider would have fallen, because of the intervening adjournment that would have been necessary to create the new legislative day). He also asked that this new motion be put to the Senate as a constitutional question. Senator Allen then attempted to move for a recess, but Senator Mondale moved to table Senator Allen's motion to postpone, and Senator Tower raised a point of order against Senator Allen's motion to postpone. Senator Allen moved to table Senator Tower's point of order, but the Vice President ruled that Senator Mondale's motion to table Senator Allen's motion to postpone took precedence over Senator Allen's motion to table Senator Tower's point of order. The Senate voted, 55-35, to table the motion to postpone.

Senator Harry F. Byrd, Jr., then moved to postpone for one week consideration of Senator Mondale's entire original motion to close debate and to set terms for disposing of Senator Allen's motion to consider S. Res. 4. Senator Tower raised a point of order against Senator Harry Byrd's motion. The Vice President stated that Senator Tower's point of order raised a constitutional question, and accordingly submitted it to the Senate for decision. The Senate tabled Senator Tower's point of order, 89-2, thereby holding in order Senator Harry Byrd's motion to postpone consideration of Senator Mondale's motion to vote, without further debate, on Senator Allen's motion to consider S. Res. 4. However, the Senate then tabled Senator Harry Byrd's motion to postpone, 55-37.

Senator Allen then moved to postpone consideration of Senator Mondale's motion for one month, and proceeded in debate on his motion. The debate raised the question whether the Senate would allow cloture by a simple majority on the motion to proceed to consider S. Res. 4, yet also require a vote of two-thirds present and voting for cloture on the House amendment to S. 281 (121 *Congressional Record* 4209-4210). The majority whip obtained unanimous consent that the Senate lay aside the motion to proceed to S. Res. 4 until after an unsuccessful cloture vote in relation to S. 281, or until after the Senate disposed of that matter under cloture, and then take up the motion to proceed again "in its present status," with Senator Allen's motion to postpone. Thereafter the Senate recessed.

On Wednesday, February 26, the Senate invoked cloture on the motion to agree to the House amendment to S. 281. Senator Allen raised a point of order that the provisions of Rule XXII permitting cloture were not in effect. The chair overruled the point of order, and Senator Allen appealed. The Senate agreed to Senator Mondale's motion to table the appeal, 92-0, thereby establishing that Rule XXII was in effect as governing the consideration of the legislative business. After disposition of the matter on which cloture had been invoked, the Senate resumed consideration of Senator Mondale's motion that the Senate proceed without further debate to consider S. Res. 4, with Senator Allen's motion to postpone consideration of Senator Mondale's motion for one month. The Senate tabled Senator Allen's motion to postpone, 57-34.

The majority leader then raised a point of order that Senator Mondale's motion to proceed to act on Senator Allen's motion to consider S. Res. 4 was not in order "insofar as it precludes debate, intervening motions, and amendments" (121 *Congressional Record* 4370). The Vice President submitted the majority leader's point of order to the Senate as involving a constitutional question, and the Senate tabled the point of order, 46-43, thereby holding that Senator Mondale's motion that the Senate proceed to an immediate vote on Senator Allen's motion to consider S. Res. 4 was in order. By this action the Senate implicitly endorsed the principle that a simple voting majority could close debate on a proposal to change the Rules at the beginning of a new Congress.

The Vice President then stated that, inasmuch as the Senate had held Senator Mondale's motion in order, the question on that motion was now to be put, in accordance with the terms of the motion itself

(121 *Congressional Record* 4370).<sup>1</sup> Senator Long, however, was then recognized, and a colloquy occurred among several Senators and the Vice President concerning practices of recognition, followed by the chair in the course of proceedings leading up to the vote to table the majority leader's point of order against Senator Mondale's motion, that had resulted in Senator Allen not being recognized for a parliamentary inquiry.

During this colloquy, as well, Senator Long and the majority leader discussed a possible compromise under which three-fifths of the entire Senate membership (a so-called "constitutional three-fifths"), rather than three-fifths of Senators present and voting, would be required for cloture (121 *Congressional Record* 4370–4372).

No further proceedings on the subject occurred until Friday, February 28, when the majority whip submitted a new resolution (S. Res. 93) amending Rule XXII to provide for cloture by three-fifths of the full Senate on any matter except a proposal to amend Senate Rules, for which the existing requirement of two-thirds of Senators present and voting would be retained. He submitted written notice of his intent to move to amend Rule XXII in the way proposed, but also asked unanimous consent for the immediate consideration of his resolution. Senator Allen objected, and S. Res. 93 was accordingly laid over, under the rule. Subsequently, the majority whip also filed at the desk a full-text substitute amendment for S. Res. 4 with the same text as S. Res. 93.

Senator Hruska then entered a motion to reconsider the vote of February 26 by which the Senate tabled the point of order raised by the majority leader against Senator Mondale's motion to consider S. Res. 4 without debate. The majority leader obtained unanimous consent that the Senate vote on this motion to reconsider on Monday, March 3, and the majority whip obtained unanimous consent that no action on S. Res. 4 occur prior to that vote. Remarks made in the course of these proceedings indicated that these arrangements, as well as the new resolution submitted by the majority whip, reflected the result of the negotiations that had been taking place outside the floor debate.

Before the Senate resumed consideration of the matter on Monday, March 3, Senator Allen objected to several unanimous consent requests to conduct routine business, including to dispense with the reading of the *Journal*. Thereafter, pursuant to its previous order, the Senate then took up Senator Hruska's motion to reconsider the vote to table the majority leader's point of order against that part of Senator Mondale's motion that provided for an immediate vote on Senator Allen's motion to proceed to consider S. Res. 4. The Senate adopted the motion to reconsider, 53–38, then rejected, on reconsideration, the motion to table the majority leader's point of order, 40–51, thereby bringing that point of order back before the Senate.

The Senate, however, did not immediately proceed to act anew on the point of order. Instead, the majority whip presented a motion for cloture on Senator Allen's pending motion to proceed to consider S.

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<sup>1</sup> Later, on March 4, Senator Allen pointed out that by this action on Feb. 26, the chair was interpreting the decision of the Senate to table the majority leader's point of order not only as holding Senator Mondale's motion in order, but also as approving the terms of the motion itself, insofar as they provided for the question to be put without debate on Senator Allen's motion to proceed to consider S. Res. 4 without further debate (121 *Congressional Record* 5080–5083).

Res. 4, then moved that the Senate adjourn for five minutes. (The adjournment would cause the motion to consider S. Res. 4 to fall, but if the Senate later invoked cloture on that motion, it would thereby bring that motion back before the Senate.) The Senate agreed to the motion to adjourn, but when it reconvened five minutes later, Senator Allen again blocked unanimous consent to dispense with reading the *Journal* for the preceding legislative day (covering from February 21 through March 3). After the reading and a live quorum call, also obtained by Senator Allen, the Senate adopted a motion by the majority whip to adjourn for the day, 44–15.

On Tuesday, March 4, Senator Allen again insisted that the previous day's *Journal* be read, after which he offered two amendments to the *Journal*. The Senate tabled both amendments, 64–25 and 60–25. Senator Allen next moved for a recess until 2:05 p.m. (at which point the Morning Hour would have expired, so that S. Res. 93, which had been laid over, under the rule, could no longer be called up on that day). The Senate rejected Senator Allen's motion, 28–61. During a quorum call requested by Senator Hollings, Senator Allen moved for a recess until the following day. The chair ruled that a motion to recess was not in order during a quorum call, Senator Allen appealed the ruling; and the chair ruled that an appeal was not in order during a quorum call.

Once a quorum was established, the Senate proceeded to conduct morning business in the morning hour of the new legislative day. Senator Allen moved that the Senate proceed to consider S. Res. 4, but the Senate agreed to motions by the majority whip to table both this motion to consider, 82–8, and a motion by Senator Helms to reconsider this vote, 67–27. Subsequently, Senator Allen objected to a request of the majority whip to present a second cloture motion on the motion to proceed to consider S. Res. 4 (even though the motion to proceed was not pending). Senator Allen also objected to requests by the majority whip for a period for morning business on the following day, after which the Senate adjourned.

On Wednesday, March 5, the Senate unanimously consented to dispense with the reading of the *Journal*, but only after the majority leader obtained unanimous consent that the time before the vote on the March 3 motion for cloture on the motion to proceed to consider S. Res. 4 be divided between Senator Allen and the majority whip.

The Senate also gave unanimous consent for a vote after 10 minutes' debate, equally divided between Senator Curtis and the majority whip, on the point of order raised by the majority leader on February 26 that Senator Mondale's motion that the Senate proceed to vote on the motion of Senator Allen to proceed to consider S. Res. 4 was out of order because it precluded debate, intervening motions, and amendments.<sup>2</sup> After this debate, the Senate voted, 53–43, that the majority leader's point of order against Senator Mondale's motion was well taken. This decision, that Senator Mondale's motion for an immediate vote on the motion to consider the resolution to change the Rules was out of order, reversed the previous decision

<sup>2</sup>At this point, the *Senate Journal* notes that on February 26 the Senate had voted to table the majority leader's point of order, and on March 3 it had reconsidered this vote and reversed the result, but had taken no further action on the point of order itself, because all pending motions died with the adjournment of the Senate on that date. Unanimous consent was accordingly necessary in order to bring about consideration of the point of order on March 5. *Journal of the Senate*, 94th Cong., 1st sess., p. 158.

of the Senate, and represents the ultimate action of the Senate on this point of order. Debate during these proceedings indicates that this reversal was part of the negotiated process for disposing of the proposal to change the Rules (121 *Congressional Record* 5245–5251).

Having disposed in this way of Senator Mondale's motion for an immediate vote on Senator Allen's motion to consider S. Res. 4, the Senate proceeded to invoke cloture on the motion to consider, 73–21 (a majority sufficient to meet the existing requirement of Rule XXII for two-thirds of Senators present and voting). Later in the day, the Senate adopted the motion to consider, 69–26, thereby taking up S. Res. 4.

The majority whip immediately offered the amendment in the nature of a substitute he had previously filed to S. Res. 4, embodying the proposal to require three-fifths of the full Senate for cloture, except on proposals to change the Rules, for which the existing requirement of two-thirds of Senators present and voting would be retained. The majority whip obtained unanimous consent that this substitute be agreed to and considered as original text for purposes of further amendment, then presented a motion for cloture on the resolution as amended. After transacting other business, the Senate adjourned.

After routine morning business on Thursday, March 6, the chair laid S. Res. 4 (as amended) before the Senate as its unfinished business. The majority whip obtained unanimous consent that all amendments submitted before the cloture vote scheduled for the next day be deemed read. (Under the provisions of Rule XXII as they stood at that time, this action was necessary to permit the amendments to be offered under cloture.) The Senate then proceeded to entertain and dispose of amendments to the resolution.

Senator Allen first offered an amendment to add a new section to S. Res. 4, as amended, making explicit that the requirement for two-thirds of Senators present and voting to invoke cloture would remain the only means (other than unanimous consent) of limiting debate on any matter pertaining to a Rules change under all circumstances, including at the beginning of a Congress. The majority whip then obtained unanimous consent that the hour before the cloture vote on the following day be equally divided and controlled between himself and Senator Allen, then submitted a second motion for cloture on S. Res. 4. The Senate then adjourned.

On Friday, March 7, the Senate invoked cloture on S. Res. 4 as amended, 73–21. Under cloture, the majority whip moved to table Senator Allen's amendment, pending from the previous day, to bar the imposition of any limit on debate on Rules changes except through a two-thirds vote for cloture, but Senator Allen then withdrew his amendment.

Senator Hathaway offered an amendment to provide that when a cloture motion was offered, it remain pending before the Senate until voted on. The Senate tabled this amendment, 57–33.

Senator Allen offered another version of his amendment to make a two-thirds vote for cloture the only means of limiting debate on a Rules change. He asked that it be divided, but the chair ruled that it could not be divided, because it was an amendment to strike out and insert. Senator Allen appealed the ruling of the chair, but the Senate tabled his appeal, 73–14, thereby sustaining the ruling that the amendment to strike out and insert could not be divided. During

these proceedings, the majority whip had moved to table Senator Allen's amendment. After the vote confirming that the amendment was not divisible, the Senate tabled the amendment, 66–18.

Senator Allen next proposed an amendment to limit the number of times cloture could be moved in relation to any single matter. The Senate tabled both this amendment, 67–21, and a second version of it, 73–12. Senator Allen also offered an amendment to restrict motions for cloture on motions to proceed to consider a matter, which the Senate tabled, 75–9.

Senator Helms offered an amendment to permit Senators to yield portions of their allotted time under cloture to others. The chair sustained a point of order against the amendment by the majority whip on grounds that it proposed to amend the resolution at separate points. Senator Helms offered a second amendment, to increase to 25 the number of signers required on a cloture petition. The chair sustained a point of order that this amendment, too, proposed to amend the resolution at separate points, and the Senate tabled an appeal of the ruling by voice vote.

Senator Allen offered an amendment to postpone the effective date of the amendment to the Rules. The Senate adopted, on a division vote, a motion of the majority whip to table the amendment. Senator Allen proceeded to offer a further 17 amendments, one of which he withdrew after debate, and the other 16 of which the Senate tabled by voice vote. Among these amendments, Senator Allen again called up the initial version of his amendment to make explicit that debate on a proposal to change the Rules could, under any circumstances, be limited only through cloture, which he had first offered on the previous day and withdrawn earlier on this day.

The Senate then adopted, by voice vote, technical amendments *en bloc* offered by the majority whip. After further debate, it adopted S. Res. 4, as amended, 56–27, and tabled a motion to reconsider the vote (121 *Congressional Record* 5646–5652).

Pursuant to the 1975 amendment, the pertinent part of paragraph 2 of Rule XXII read as follows:

2. Notwithstanding the provisions of Rule III or Rule VI or any other rule of the Senate, any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the Secretary call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

“Is it the sense of the Senate that the debate shall be brought to a close?”

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

## THE 1976 AMENDMENT

Senator Edward M. Kennedy on September 26, 1975, introduced S. Res. 268, 94th Congress, to amend the second sentence of the final paragraph of section 2 of Rule XXII, which read as follows: "Except by unanimous consent, no amendment shall be in order after the vote to bring debate to a close, unless the same has been presented and read prior to that time." The language of S. Res. 268 eliminated this "reading requirement" by providing that: "Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been submitted to the Presiding Officer prior to that time."

At Majority Whip Robert C. Byrd's urging, however, the Senate Committee on Rules and Administration amended this proposal to tighten the procedure of submitting amendments. The language of the resolution as reported from committee required that any amendment not "presented and read" be submitted in triplicate, printed or typed, and submitted 30 minutes before the beginning of a cloture vote. Noting that this resolution did not change the requirement that amendments considered after the cloture vote be germane and that the resolution gave Senators time to make an informed vote on cloture, the Committee recommended passage. (S. Rept. No. 521, 94th Cong., 1st Sess., 1975).

When the Senate proceeded to consider S. Res. 268 on April 5, Senator Kennedy argued that:

. . . a combination of several significant factors—the long experience under Rule XXII, the current procedures available for easily informing Senators of amendments likely to be considered, and the existence of the germaneness requirement under the rule obviate the need for continuation of the reading requirement in modern Senate practice. (122 *Congressional Record* 9406).

Although the reading requirement could be waived by unanimous consent, he said that some Senators had inadvertently neglected to obtain the waiver.

He did oppose, however, the amendment of the Committee on Rules and Administration as being unnecessary and impractical, and Senator Byrd agreed. Together they sought to substitute Senator Kennedy's amendment requiring a submission "in writing" of any amendment before the warning bell rings—7 and one half minutes before the cloture vote ends.

On April 6, Senators Kennedy and Bartlett offered a substitute amendment, modifying the earlier Kennedy amendment to permit the submission in writing of any amendment before the end of the cloture vote. Prompting this change was the recognition that the time for the ringing of the warning bell might vary and could not be anticipated. (122 *Congressional Record* 9680). By unanimous con-

sent this substitute amendment was modified to direct the submission to the Journal Clerk instead of the Presiding Officer.

Senator Griffin opposed the Kennedy-Bartlett substitute amendment arguing that: "Anything that takes away the information and the notice, thus making it more difficult for the Senate to find out what it is voting on, is going to mean, that we are going to be less likely to invoke cloture." (122 *Congressional Record* 9683). By a vote of 30-64, the Senate rejected Senator Hatfield's motion to table the resolution until the beginning of the next Congress.

The Senate then adopted the Kennedy-Bartlett substitute amendment, 72-22. (122 *Congressional Record* 9684). At this point Senator Allen offered an amendment to substitute "proposed" for "in order" because otherwise the resolution implied that all amendments complying with the procedure of S. Res. 268 would be in order after the cloture vote. The germaneness requirement, however, prevented many amendments which were properly submitted before the cloture vote from being "in order" afterwards. The Senate adopted the Allen amendment, 78-17. (122 *Congressional Record* 9685-86). The Senate then agreed by voice vote to S. Res. 268 as amended. (122 *Congressional Record* 9686). The language of the resolution as amended is as follows:

*Resolved*, That the second sentence of the final paragraph of section 2 of Rule XXII of the Standing Rules of the Senate is amended to read as follows: "Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless the same has been submitted in writing to the Journal Clerk prior to the end of the vote."



## THE 1979 AMENDMENT

On January 15, 1979, the first day of the 96th Congress, Majority Leader Robert C. Byrd submitted S. Res. 9, providing for changes in a number of Senate Rules, including the cloture rule. He presented these changes as means of reducing the opportunities for delay on the Senate floor. He referred to the debate on the natural gas deregulation bill, S. 2104, at the end of the preceding Congress, when post-cloture consideration had been protracted by numerous amendments and procedural motions as part of a post-cloture filibuster (125 *Congressional Record* 143–149).

Senator Byrd moved that the Senate proceed, without debate, to the immediate consideration of the resolution, adopting the argument that, on the first day of session in a new Congress, the Senate could bring debate to a close by majority vote on proposals to change its Rules. Unable, however, to obtain unanimous consent to set a date for a final vote on the resolution, Senator Byrd recessed the Senate from day to day until February 7, thus retaining his ability to invoke the above argument by keeping the Senate in its first legislative day. On February 7, Senator Byrd obtained unanimous consent that the Senate proceed to consider a resolution consisting of only those provisions of S. Res. 9 that dealt with postcloture procedure, but that if this new resolution received no final action by February 22, the original S. Res. 9 would recur as the pending business. Senator Byrd announced that if the new resolution were acted on by the time specified, he would adjourn the Senate, so that S. Res. 9 could no longer be considered under the conditions that might pertain on the first day of a new Congress (125 *Congressional Record* 2001–2005, 2032–2033). (This course of action was eventually followed, and S. Res. 9 received no further action. 125 *Congressional Record* 3037, 3040.)

The parts of S. Res. 9 omitted from consideration under this agreement included those (1) providing for non-debatable motions to approve and to correct the *Journal*; (2) limiting debate to 30 minutes on motions, made after 2 p.m., to proceed to consider a measure; (3) permitting non-debatable motions to waive the reading of amendments that had been printed and had been identified by the clerk, and of conference reports that had been printed; (4) establishing a non-debatable motion to prohibit nongermane amendments to a measure by a three-fifths vote; (5) requiring cloture motions submitted after September 1 to be voted on three hours after their submission; (6) changing from three days to two the time a committee report on a measure must be available before the measure might be considered; and (7) directing the installation of an electronic voting system.

The remainder of S. Res. 9 was taken up under the designation of S. Res. 61. In its original form, it limited post-cloture consideration of any measure to 100 hours of actual consideration. When the 100

hours expired, the Senate would proceed directly to a final vote on the measure and any pending amendments; no further amendments could be called up, and only specified motions would be in order. The 100-hour cap could be increased, or could be decreased to not less than 20 hours, by a non-debatable motion approved by three-fifths of the Senators chosen and sworn (normally, 60 Senators). If a decrease were agreed to, the remaining time would be equally divided and controlled by the two party floor leaders. Each motion would be in order once in a calendar day.

The difficulty in arriving at an agreement for consideration of this measure arose in part because Senators wished to be assured that serious consideration would be given to additional proposals that they intended to advance. On February 7, Assistant Minority Leader Stevens described an alternative plan, emerging from the discussions of an ad hoc committee appointed by the leadership. Virtually all of the proposals discussed during consideration of S. Res. 61 initially appeared, in some form, in S. Res. 9 or in this alternative plan.

The central features of the alternative proposal were that all time used by a Senator until he yielded the floor, including time required for votes and quorum calls, be charged against the hour allotted to that Senator for post-cloture debate, and that Senators be allowed to yield their time to each other, or back to the chair. A Senator objecting to terminating a quorum call would be charged with the rest of the time consumed, and a Senator with less than ten minutes remaining would be prohibited from making such an objection. Senator Stevens explained that "Above all the concession we are willing to make is to put a total cap on the time after cloture of 100 hours. Everything that happens on this floor would be chargeable to that 100 hours, and even that time could be reduced through the concept of each Member making the decision to yield back his time" (125 *Congressional Record* 2002–2005).

Among the provisions of the alternative plan were that, once cloture had been invoked on a measure, (1) consideration of the measure be limited to eight hours per calendar day; (2) preference in recognition be accorded Senators seeking to appeal rulings of the chair; (3) the offering of amendments in the second degree be in order, even if not submitted before cloture, if germane to pending first degree amendments; (4) if the measure were to be reprinted, amendments previously in order could be conformed to the new printing and reprinted also; (5) the *Journal* not be read; and (6) amendments that had been printed, available for 24 hours, and identified by the clerk, not be read when offered.

On the following day, Senator Stevens submitted for printing a revision of this proposal, which (1) omitted the restriction of post-cloture consideration to eight hours per day; (2) limited the time that could be yielded to any single Senator to nine hours; (3) exempted roll call votes from the time to be charged against a Senator's hour; and (4) provided that amendments under cloture could "amend the measure or matter in more than one place, if they involve only one substantive issue." It also added further provisions for appealing rulings of the chair, specifying that if any of a Senator's amendments at the desk were ruled out of order, he would be entitled to one appeal of such rulings, not charged against his time; he could take such an appeal en bloc on all of his amendments that had been

ruled out of order, or on such of them as he chose (125 *Congressional Record* 2188).

On February 8, when sustained debate on S. Res. 61 began, Senator Byrd again defined the problem by saying that “There is no cure for the post-cloture filibuster in the rules.” He stated that in earlier years, “Once cloture was invoked, [Senators] recognized that the Senate had indicated that it was its will that the matter be brought to a close. They did not resort to dilatory tactics . . . .” (125 *Congressional Record* 2132–3133).

Similar concerns were addressed on the following day, when Senator Muskie advanced the view that germane and “meaningful” debate, conducted in accordance with the principle of comity, had been more common in earlier years. Senator Helms responded that he was “persuaded that if the two-thirds vote to impose cloture were still in existence, comity in the Senate would take care of it . . . . In the early 1950’s, . . . there was no disposition to drag out a matter after cloture had been voted.” Senator Long, too, stated that in earlier years, “we always felt that when cloture was voted that was the end of it, that we could offer amendments and had 1 hour to talk, but that the filibuster was over . . . .” (125 *Congressional Record* 2183–2386).

Also on February 8 and 9, the Senate agreed, by voice vote, to nine amendments offered by Senator Byrd, four of which were technical, including clarifications that (1) the 100 hours could be increased at any time, but could be decreased only after ten hours had been consumed, and then only to not less than ten additional hours, and (2) the revised cloture rule would apply to any “measure or matter” (125 *Congressional Record* 2134–2135, 2391–2392).

The fifth of Senator Byrd’s amendments incorporated the proposal to allow amendments to be conformed if a measure under cloture were reprinted, but restricted the conforming changes to lines and pages, on the grounds advanced by Senator Byrd that, without such a restriction, “It is too ambiguous and too vague . . . the interpretations and constructions of such [a provision] could vary . . . .” (125 *Congressional Record* 2135).

The sixth amendment in this group provided that no Senator be recognized to offer more than two amendments before each Senator had had a chance to call up two (125 *Congressional Record* 2136–2137). Such a provision had just been suggested by Senator Long. Senator Byrd explained that it was intended to meet the “hypothetical situation” that a Senator could be “completely shut out from offering an amendment; that the Chair might refuse to recognize him and would, instead, continue to recognize other Senators to call up their amendments; and that at the end of 100 hours . . . a Senator might not have had the opportunity to call up his amendment because he could not get recognized” (125 *Congressional Record* 2389). Senator Byrd also remarked, however, that “in practice I cannot conceive of its happening” because “the maximum number of Senators ever to . . . seek to use their hour after cloture was invoked was something like 27 . . . . Nor can I conceive of any Presiding Officer who would consistently refuse to recognize a Member of the Senate on either side of the aisle who had not been accorded recognition” (125 *Congressional Record* 2136).

The seventh amendment embodied a modification of the alternative proposal's provisions for yielding time. It provided that a Senator could yield back his time, in which case the 100-hour cap would be reduced by the time yielded back. It also provided that the party floor leaders and the managers of the bill, and only those Senators, could be yielded up to two hours each, from which they could in turn yield to others. In this connection, Senator Byrd stated that, for example, "If the minority leader is out of town . . . it . . . should be the intent . . . that the acting minority leader would be standing in the stead of the minority leader, and could thus be the recipient of the additional time" (125 *Congressional Record* 2385–2388, 2391).

A rationale for such provisions was indicated by Senator Long: ". . . if you assume that 50 Senators have amendments they want to offer and each has an hour . . . ordinarily, the person who would be expected to speak against it would be the manager of the bill. The manager of the bill might be compelled to limit his time, so that he would be using only 1 minute to the other side's solid 1 hour . . . ." (125 *Congressional Record* 2385).

Senator Byrd's next amendment provided that a motion to decrease the 100-hour cap, which S. Res. 61 proposed to make in order after ten hours of post-cloture debate, could reduce the time to twenty additional hours, instead of ten (125 *Congressional Record* 2387–2388). Previously, Senator McClure had voiced the view that "the proposition that a three-fifths vote can limit the debate to 20 hours . . . unduly limits the guarantees to individual Members, and whatever the minority group might be . . . with respect to the right to debate or offer amendments even in the postcloture situation" (125 *Congressional Record* 2135).

The final amendment of this group again responded, Senator Byrd said, to "those who are yet concerned, and who say, 'Well, 100 hours may pass, and a Senator may not have had an opportunity to speak,' though he called this possibility "highly unlikely." Under the amendment, if a Senator had not used or yielded at least ten minutes when the cap expired, that Senator could speak, but not "offer amendments or make motions or points of order," until the total time charged to him reached ten minutes (125 *Congressional Record* 2389–2390).

Consideration of S. Res. 61 then went over until February 21, 1979, when the Senate had returned from a recess. On February 21, Senator Byrd announced that he now considered that "Senators who yield back all or part of an hour should not, by virtue of that action, be able automatically to reduce the time of other Senators;" he accordingly asked and received unanimous consent to delete the provision allowing a Senator to do so (125 *Congressional Record* 2833–2834).

On February 21 and 22, Senator Stevens offered a series of amendments reflecting provisions of the alternative plan he had previously described in debate. In several instances, in which these amendments sought to amend language that had already been amended, unanimous consent was obtained that they be in order.

Senator Stevens' first amendment provided for dispensing with the reading of the *Journal* under cloture. Senator Byrd suggested that in such a case, the *Journal* should also be considered approved to date. The two Senators having agreed that such a provision

would not prevent a privileged motion to correct the *Journal* from being subsequently made under Rule III, Senator Stevens modified his amendment accordingly, and the amendment, as modified, was agreed to (125 *Congressional Record* 2834–2835).

Senator Stevens' second amendment provided that amendments need not be read, under cloture, if they had been identified, printed, and available for 24 hours. The presiding officer ruled, during a colloquy on the subject between Senators Stevens and Byrd, that although photocopies of handwritten amendments would not be included under this provision, "if it is intended to include typewritten and Xerox materials, as has been indicated, they would be so included in the term 'printed.'" The amendment, with a technical modification, was then adopted (125 *Congressional Record* 2835–2836).

Senator Stevens' next amendment provided that amendments in the second degree that had not been submitted before the cloture vote could still be proposed after cloture, and could amend the bill in more than one place if one issue was involved. He argued that such a provision would allow the Senate to avoid getting "into the position that it was impossible to get a change in the bill that would meet the consensus of the Senate." Senator Byrd responded that "this would punish Senators who prepare and file first degree amendments before cloture is invoked," and that, under this plan, "a Senator . . . can haul in a complete substitute that never was in writing or contemplated when cloture was invoked; and Senators who voted for cloture might not have done so had they seen that substitute." After some discussion of the issue, Senator Stevens withdrew the amendment (125 *Congressional Record* 2836–2840).

Senator Stevens then offered a version of the plan to replace the 100-hour cap with the aggregate of each Senator's 1-hour allotment. In this version, a Senator was to be charged with all time consumed until he yielded the floor, including roll call votes and quorum calls. This amendment would also have restored the yielding back of time to reduce the cap, and would have broadened the existing provisions of S. Res. 61 by permitting yielding a maximum of nine hours to any Senator, rather than a maximum of two hours to floor leaders and managers only.

Senator Stevens defended broadening the provisions for yielding time on the grounds that "the actual leadership on a particular bill or amendment that has been subject to cloture may not lie with the [formal] leadership." He advocated his method of limiting debate by saying that "if you are going to have the concept by which 100 hours can be reduced . . . you also have to have some control for an individual Senator . . . . We are saying that once a Senator is recognized, he is entitled to hold the floor, notwithstanding anything that occurs, until he has finished his discussion." He later amplified this argument by pointing out that "Senate Resolution 61 will permit the same 60 Senators who voted to terminate debate, to reduce the time to a total of 30 hours."

In debate on this amendment, Senator Byrd foresaw precedential and technical problems with deeming a Senator to retain the floor during calls of the roll. He and Senator Sarbanes also pointed out that S. Res. 61, as then written, would permit a Senator to offer many amendments, once the provision requiring each Senator to be allowed to offer two amendments had been satisfied, while the

plan contained in the amendment would likely limit a Senator to no more than four amendments, if roll call votes were ordered on each. Senator Stevens responded that the provisions for yielding of time would mitigate the latter problem, but Senator Byrd still objected that the plan “removes any semblance of a cap,” and “when the Senate gets away from the concept of a cap, I do not think it will have any remedy for the present ill.” Senator Stevens further responded that, because all time was to be charged, with the minor exception of portions of certain quorum calls, an effective limit on overall debate would remain. He characterized the amendment as “chang[ing] the approach of S. Res. 61 so that there would be a cap of 100 hours made up of each individual Member’s 1 hour” (125 *Congressional Record* 2840–2856, 3008–3010).

After debate, Senator Stevens received unanimous consent for a technical modification to the amendment, and Senator Byrd received unanimous consent for completing the consideration of the Stevens amendment on the following morning. Senator Helms then offered an amendment embodying the proposal to limit consideration of a matter under cloture to eight hours per calendar day. On February 22, this amendment was tabled, 52–39 (125 *Congressional Record* 3011).

The question then recurred on Senator Stevens’ amendment to limit debate by controlling how time could be charged and yielded. Senator Stevens asked unanimous consent to modify the amendment to allow Senators to have five, rather than nine, additional hours yielded to them; Senator Byrd objected. The amendment was then tabled, 51–38 (125 *Congressional Record* 3010).

Senator Stevens continued to offer amendments embodying elements of the alternative plan, next proposing to delete the authority for motions to reduce the 100-hour cap, “because that power to decrease the time, coupled with the time that would be running on quorum calls and voting [, which] would not be chargeable against anyone but would be chargeable against the cap, could eliminate the ability of a Senator to seek the time that the rules imply he is entitled to.” This amendment was agreed to, 92–2 (125 *Congressional Record* 3011–3014, 3017).

Senator Stevens’ last amendment proposed to allow up to two hours to be yielded to any Senator, rather than only to floor leaders and managers. He argued that the narrower arrangement was inadequate because “I want to have my right to speak guaranteed under the rule, not granted to me . . . by some other Member.” Senator McClure then proposed a second degree amendment to permit five, rather than two, hours to be yielded.

Senator Byrd opposed these amendments, noting that such yielding could already be, and had been, permitted by unanimous consent in post-cloture situations. Under the proposed amendment, “There are other Senators who just have to sit there and see time yielded away that will eventually come out of their hide under the cap. They cannot interpose an objection.” He stated that he was even “willing to wipe out the amendment I offered the other day to include the majority leader and the minority leader among those to whom as much as two hours could be yielded.” Senator Javits then asked whether, under S. Res. 61, time under the control of the managers could “be yielded to the one who is truly leading the opposition?”

And . . . May these 2 hours be broken up so . . . you might yield . . . 10 or 15 minutes to a particular Member leading the opposition?" Senator Byrd responded in the affirmative. On Senator Byrd's motion, and on a vote of 51-43, Senator Stevens' amendment was then tabled, taking the second degree amendment with it (125 *Congressional Record* 3014-3019).

At this point, Senator Byrd offered, for himself and Senator Stevens, a new amendment dealing with the permissibility of second degree amendments under cloture. It provided that, except by unanimous consent, first degree amendments could be offered after cloture only if they had been filed at the desk by 1 p.m. of the day after the filing of the cloture motion, and second degree amendments only if filed by one hour before the beginning of the cloture vote. Senator Byrd explained that the 1976 amendment to Rule XXII, allowing amendments to be called up if they had been filed at the desk before cloture, had "made it possible for a Senator to walk up to the desk during a cloture vote [and] turn in 500 amendments," and "no Senator could write an amendment in the second degree because his amendment had not been in writing at the desk at the time the vote was announced on cloture." Senator Stevens indicated that this amendment dealt satisfactorily with the concerns addressed by his proposal to permit second degree amendments after cloture. The amendment, with a technical modification, was agreed to on a voice vote (125 *Congressional Record* 3019-3021).

Senator Javits next offered two amendments. The first of these proposed to increase to three the number of amendments a Senator could offer before all other Senators had the same opportunity. Senator Javits stated that his intent was to establish the principle of alternation in recognition under cloture, so as to preclude such situations as had occurred during the debate on deregulation of natural gas, when the majority leader had successively called up numerous amendments. Senators Sarbanes and Byrd opposed writing such a requirement into the Rules, because, as Senator Byrd stated, "If a Senator has not made up his mind and is neither an opponent nor a proponent, but just wants to get recognized, there is no category for him." Senator Javits rejoined that "I do not want to leave it to the discretion of the Chair, period. What I am perfectly willing to do is say, if the Senator will join me, that . . . in substance . . . there will be alternate recognition, given whatever situation is before the Chair." On Senator Byrd's assurance that "In spirit, I agree with that," Senator Javits withdrew his amendment (125 *Congressional Record* 3021-3022).

Senator Javits' second amendment embodied the proposal that, if amendments offered by a Senator were ruled out of order, the Senator would be entitled to preferential recognition for one appeal en bloc, with the vote not charged against his hour. The Javits amendment also provided that the time consumed by roll call votes would not be charged against the 100-hour cap. Senator Javits argued that "the 100 hours could . . . deprive Members of roll calls because, once the 100 hours expired, Senators who desired roll calls would be unable to obtain them. Under his proposal, Senator Javits held, the expiration of debate time would not cut off roll calls, so that roll calls would in this sense "be a matter of right for individual Senators."

Senators Sarbanes and Byrd both objected that not charging the time for roll call votes would effectively eliminate the 100-hour cap, and maintain the possibility of a post-cloture filibuster. Senator Javits argued that amendments could still be ruled out of order as dilatory, as had happened in the natural gas deregulation debate, Senator Sarbanes rejoined that "In the energy postcloture filibuster . . . new ground was broken with respect to rulings from the Chair on dilatory amendments . . . Having had that experience . . . it . . . will not take much skill, to prepare amendments which are not subject to [that] attack." Senator Byrd also noted several other procedural difficulties he saw in the proposal. He then moved to table the amendment; the Senate did so, 55–37 (125 *Congressional Record* 3022–3027).

At this point, Senator Chafee suggested that, under the provisions of S. Res. 61, "if a Senator gets the floor after cloture and starts on his way through a series of dilatory motions, quorum calls, et cetera, they could eat away at the 100-hour cap, so that, in effect, it does not work out that every Senator is guaranteed 1 hour." Senator Byrd agreed, but listed several safeguards protecting individual Senators against such situations. It was unlikely, in his view, that as "a practical situation in the course of 100 hours . . . a Senator is not able to get recognition." No Senator could call up more than two amendments before every other Senator had a chance to do so. The floor leaders and managers could yield time to other Senators out of the extra two hours which could be yielded to each of them. Each Senator was to be guaranteed ten minutes to speak even if the cap expired. Three-fifths of the Senate could increase the 100 hour period (125 *Congressional Record* 3028).

Senator Byrd then asked unanimous consent to offer an amendment to strike the provisions allowing the floor leaders to be yielded up to two hours of additional time, on the grounds that "the two leaders have preferential recognition to begin with," whereas, as Senator Sarbanes pointed out, "The rationale for the extra time for the floor managers is somewhat different . . . they very quickly use up their hour in responding to amendments." However, Senator Chafee said that "I do not think that in 3 hours, [the floor leaders] can go rampant," and objected to the request (125 *Congressional Record* 3029).

Senator Byrd also discussed, but did not offer, an amendment that would have provided that, when cloture was invoked on a motion to proceed to consider a measure, the time for debate under cloture would be limited to three hours. He presented this as a provision that would aid the majority leader in arranging the schedule (125 *Congressional Record* 3033–3035).

Before the final vote on S. Res. 61, as amended, Senator Byrd raised parliamentary inquiries whether, if a measure under cloture were voted on when the 100-hour cap had expired, the making of a motion to reconsider, or its adoption, would open up any additional time for debate. The presiding officer responded that it would not (125 *Congressional Record* 3036).

The Senate then agreed to S. Res. 61, as amended, 78–16.

As agreed to, S. Res. 61 included the following provisions. (1) After 100 hours of consideration of a matter under cloture, the Senate would proceed to vote on final disposition thereof, excluding all amendments not then pending, all motions except those to table or



reconsider, and one quorum call. (2) It would be in order to make one undebatable motion per calendar day, the adoption of which would require three-fifths of all Senators, to increase the 100 hours, with any such additional time equally divided and controlled by the majority and minority leaders. (3) If a matter under cloture was reprinted, it would be in order to conform the lineation and pagination of amendments to the matter there were previously in order. (4) No Senator could call up more than two amendments before each had the opportunity to call up two. (5) Senators could yield all or part of their hour to a manager or floor leader, up to a total of two hours each, who could in turn yield time to others. (6) After the time for consideration had expired, any Senator who had not used or yielded at least ten minutes could be recognized, for debate only, until his or her total time used and yielded equaled ten minutes. (7) Amendments would not be read if printed and available 24 hours before they were called up. (8) First degree amendments could be filed until 1 p.m. of the day after a cloture motion was filed, and second degree amendments until one hour before the beginning of the cloture vote. (9) After cloture was invoked, the *Journal* would not be read, and would be considered approved to date.

As amended by S. Res. 61, paragraph 2 of Rule XXII read as follows:

2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

“Is it the sense of the Senate that the debate shall be brought to a close?”

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and ap-

peals from the decision of the Presiding Officer, shall be decided without debate.

After no more than one hundred hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The one hundred hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Member for not less than twenty-four hours.

## THE 1986 AMENDMENT

In the 99th Congress (1985–1986), the Senate, while adopting regulations governing the public broadcast of chamber floor proceedings, also agreed to amend paragraph 2 of Rule XXII to reduce the time permitted for post-cloture consideration of a measure or matter from 100 hours to 30 hours. This amendment represents the only occasion from 1979 through 2010 on which the Senate adopted changes to its cloture rule.

The process of authorizing and implementing broadcast coverage of the Senate covered several Congresses. In the 97th Congress (1981–1982), the Senate had adopted S. Res. 20, authorizing broadcast coverage of the chamber. Some Senators, while supporting broadcast coverage in principle, expressed concern about how viewers might react to the Senate's unfamiliar procedures and practices, especially its tradition of often extended debate and its lengthy quorum calls and roll call votes. Many Senators harboring such concerns viewed the idea of broadcasting the Senate floor on television and changing the standing rules as related subjects which should necessarily be considered together.

Because of widespread concern that S. Res. 20 did not “provide enough detail on issues of implementation” (S. Rept. 99–190, p. 2), the resolution was amended before its final passage to become effective only after the Senate had adopted regulations specifically governing such broadcasts. The Committee on Rules and Administration was given 60 days to formulate and report such regulations, a deadline which was extended twice. On July 27, 1982, the Committee on Rules and Administration reported S. Res. 436 establishing procedures necessary to implement television and radio coverage of the Senate floor. Congress adjourned, however, before S. Res. 436 saw action.

In the 98th Congress (1983–1984), the Senate had considered S. Res. 66, which was substantially similar in content to S. Res. 436 from the previous Congress. The resolution was returned to the calendar when the Senate failed to invoke cloture on it.

On January 3, 1985, the first day of the 99th Congress, Senate Minority Leader Byrd and Senator Gore introduced S. Res. 28, which was referred to the Senate Committee on Rules and Administration. As introduced, the resolution established procedures governing radio and television broadcast coverage of the Senate, including the establishment of a “test period” for such coverage, and proposed changes in various aspects of Senate parliamentary procedure. (Senator Byrd also submitted a series of other resolutions, S. Res. 2, 20–27, and 29, that either duplicated or contained individual provisions from S. Res. 28.)

The changes in Senate procedures proposed by S. Res. 28 as introduced included a modification to Senate Rule XXII requiring that the motion for cloture be carried by two-thirds of Senators duly cho-

sen and sworn. After cloture was invoked, any appeal from a ruling by the chair on the question of germaneness would have to be carried by two-thirds of those present and voting. Additionally, once cloture had been invoked, no more than 20 hours would be available for further Senate consideration, with the time equally divided and controlled by the majority and minority leaders or their designees. As introduced, the resolution also included:

- A requirement that any vote be conducted by electronic voting procedures upon the joint agreement of the Senate majority and minority leaders. Electronic votes would last no more than 15 minutes with subsequent “back-to-back” votes lasting 5 minutes;

- A new motion, which could be made twice in a calendar day, whose adoption would require that amendments be germane to the measure or to the committee substitute amendment being considered by the Senate. The motion would be subject to limited debate and have to be carried by a vote of three-fifths of Senators present and voting;

- A requirement for Committee reports generally to be available for two (instead of three) days before Senate consideration, with Sundays and holidays excluded;

- A prohibition on invoking the “defense of germaneness” on amendments to appropriations measures unless there was specific legislative language on the subject contained in the bill received from the House;

- Abolition of the use of the Committee-of-the-Whole parliamentary device for the consideration of treaties in executive session; and

- A clarification of the requirement that a Senate committee report could not be ordered by poll, but instead required a majority of the committee physically present.

The Committee on Rules and Administration held hearings on regulations for the television broadcast of Senate proceedings on September 17 and 18, 1985, and marked up and ordered reported (with amendments) a star print version of S. Res. 28 on October 29, 1985. The measure was reported to the Senate on November 18, 1985. As reported, S. Res. 28 provided for a test period implementation of live, gavel-to-gavel radio broadcast coverage of all proceedings in the Senate Chamber, and a closed circuit test of television coverage of all proceedings, except, in both cases, when a closed-door session was ordered. During its markup, however, the Committee on Rules and Administration stripped S. Res. 28 of all Rules changes related to the legislative process, including those directed at the Senate cloture rule. The recommendation of the Rules Committee was for the test period to be used by the Senate to debate whether parliamentary rules changes, including changes in the cloture rule, were necessary. The committee report noted that deletion of the rule changes:

. . . should not be seen as [severing] the linkage between the necessity for consideration of rules changes and the decision to televise Senate proceedings. The committee believes that these [rules change proposals] represent an important effort to streamline Senate proceedings and that they should be the subject of careful and extensive review (S. Rept. 99-190, p. 4).

On February 3, 1986, S. Res. 28 was laid before the Senate by unanimous consent. The Senate debated it on February 4-7, 19-20,

and 25–27. During this time, an informal bipartisan working group met regularly in the majority and minority leader's offices to seek an agreement on what standing rules changes should accompany the introduction of broadcasts.

On February 19, Majority Leader Dole moved to recommit S. Res. 28 to the Committee on Rules and Administration with instructions to report back forthwith with an amendment in the nature of a substitute representing recommendations by this informal working group. This substitute amendment, which was cosponsored by Senator Byrd, as well as Rules and Administration Committee Chair Stevens and Ranking Member Ford, would have created a 20-hour cap on consideration after cloture, and a requirement that cloture be invoked by the vote of two-thirds of Senators present and voting, except for Rules changes, on which invoking cloture would require passage by two-thirds of Senators chosen and sworn. The substitute amendment also would have:

- Provided for a three-month test period of gavel-to-gavel radio and television broadcast coverage of the Senate;
- Established a two-hour debate limit on the motion to proceed;
- Established a two calendar day layover for committee reports;
- Eliminated use of the Committee of the Whole for the consideration of treaties in executive session;
- Permitted the Senate, by adoption of a motion which would be in order twice daily, to impose a germaneness requirement on amendments; and
- Required conference reports to be available on a Senator's desk before their consideration.

Under the terms of the amendment, these Rules changes would apply during the broadcast coverage test period established by S. Res. 28, but would become permanent only if the Senate subsequently adopted a separate resolution, which would be considered under expedited parliamentary procedures rather than the regular legislative procedures of the Senate (132 *Congressional Record*, 2375–2377). On February 20, the Senate adopted the motion to recommit 81–9, and S. Res. 28, as amended, was re-reported to the Senate by Majority Leader Dole (132 *Congressional Record* 2520).

On February 25, 1986, Senator Armstrong proposed to strike out the provision permitting the Senate to vote to impose a germaneness requirement on amendments. The Armstrong amendment was agreed to, 60 to 37 (132 *Congressional Record* 2843).

Negotiations on the final content of S. Res. 28 continued, and on February 27, majority leader Dole, on behalf of himself and Senator Byrd, proposed a substitute amendment to S. Res. 28. This amendment embodied a further negotiated compromise which established gavel-to-gavel television coverage after an initial test period, and a post-cloture cap of 30 (rather than 20) hours on consideration of a measure or matter. It also amended S. Res. 28 to maintain the vote required to invoke cloture established in 1975 of three-fifths of Senators chosen and sworn, except for Rules changes, which would retain the higher threshold of two-thirds present and voting.

The Dole-Byrd leadership package included other Rules change provisions, including a reduction of the required layover period for committee reports from three days to two days, the ability to waive the reading of the *Journal* by recorded vote, an elimination of the

Committee of the Whole device for the consideration of treaties in executive session, and a provision requiring that conference reports be available on Senators desks before being considered.

On February 27, 1986, the Senate agreed to the Dole-Byrd compromise amendment, and then to S. Res. 28 itself, as amended, by a record vote of 67-21.

As amended by S. Res. 28, paragraph 2 of Rule XXII read as follows:

2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote on the question:

“Is it the sense of the Senate that the debate shall be brought to a close?”

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments there to and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed

upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the Majority or Minority Leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

