# Could Altering the Senate Filibuster Affect HIV Efforts?

Voting rights are at stake in the congressional filibuster standoff.

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On Jan. 3, Majority Leader Chuck Schumer announced that the Senate would vote to change its rules in order to pass Democrats' voting rights legislation. The move comes amid growing frustration that the Democrat-controlled Congress and White House have failed to enact much of their agenda, including protecting the right to vote. Throughout 2021, states continued to restrict access to voting and Republicans are gearing up to once again block Congressional electoral reform efforts. Schumer is still preparing for a vote this week, which could allow Democrats to alter a key Senate procedure known as the filibuster.

## What is the filibuster, and how is it used?

To "filibuster" means to delay action on a bill so that it cannot be passed by a vote.

The Senate, unlike the House of Representatives, has the right of unlimited debate, which means that any senator should have the right to speak as long as they want on most topics. The only way to stop this is to invoke what is called "cloture" and end the debate by a 60-vote supermajority. This threshold is extremely difficult to reach in the partisan Senate. Currently, the chamber is split right down the middle, with 50 Republican and 50 Democrat-aligned senators. Senators tend to vote along party lines, meaning that it is unlikely that Democrats could get the support of 10 Republicans to meet the cloture requirement.

Historically, the filibuster involved senators speaking for hours on end, but today the mere threat is enough to halt legislation. The filibuster was uncommon until senators in the late 1800s realized it could be used to block bills. One of the earliest uses of the filibuster in this way was to derail the 1890 Federal Elections Bill, which was aimed at ensuring that Black men in the South were able to vote.

In the late 1950s, the filibuster took the spotlight again, when senators used it to halt civil rights legislation for Black Americans, including anti-lynching bills. Later, the Senate attempted to use it to block the Civil Rights Acts of 1957 and 1964. The use of the filibuster has increased significantly in the last two decades, effectively setting a 60-vote requirement for passing any bills at all.

## How could the filibuster be changed?

Majority Leader Schumer is proposing to change the filibuster rules, and President Joe Biden has backed the idea. The Senate has several options to reduce the use of the filibuster, including changing the rule itself, setting a new Senate precedent, or modifying the filibuster without banning its use entirely.

However, changing or restricting the filibuster requires all 50 Democrats' votes in the Senate. Two holdouts, Sens. Joe Manchin, D-W.Va., and Kyrsten Sinema, D-Ariz., are hesitant to make large-scale sweeping changes to Senate rules. The exact changes that Democrats would make remain under discussion, but it is unlikely that they will end the filibuster entirely. On Jan. 13, Sinema confirmed that she refuses to budge on the issue, potentially dashing Democrats' hopes of pushing their legislation forward.

## What are the implications of altering the filibuster?

Though it may not happen now, altering the filibuster would prove crucial to advancing the Democrats' legislation if Republicans continue to thwart President Biden's agenda. The current conflict is centered around voting rights, much like the filibuster battles of years past, but its impacts will reach far beyond the realm of electoral reforms. Changing the rules opens the door for the Equality Act and the George Floyd Justice in Policing Act, two pieces of major legislation that advocates say are needed to help end the HIV epidemic but have been stalled in Congress.

The Democrats' attempts to pass a voting rights package are of particular importance now, as states across the country are ramping up restrictions on voting. Some examples include requiring increasingly strict documentation for voters and cutting both early and mail-in voting. Measures like these disproportionately impact people of color, disabled and chronically ill communities, LGBTQ+ folks and the elderly. Limiting access to the vote creates barriers for the most marginalized of our communities to advance our rights and demand change. Therefore, ending the HIV epidemic means ending voter suppression.

## So what's next?

While the fate of voting rights and important steps to enacting Democrats' bills hang in the balance, senators will continue to debate this issue over the coming weeks. Facing pressure from President Biden and Majority Leader Schumer, we are likely to see more debate over the coming weeks. While it is unclear whether the vote this week will occur, it is certain that little of the Democrats' legislative agenda will pass under the Senate's current conditions.

The AIDS United Policy Department will continue to monitor this ongoing issue and keep people living with and vulnerable to HIV up to date in the coming weeks.

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