

118TH CONGRESS  
1ST SESSION

# S. 859

To provide for the expedited consideration of nominations for the Supreme Court of the United States.

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IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To provide for the expedited consideration of nominations for the Supreme Court of the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Supreme Court  
5 Nominee Deserves Timely Consideration Act”.

6 **SEC. 2. SUPREME COURT JUDICIAL REVIEW PROCEDURE.**

7 (a) DISCHARGE.—In the Senate, if the Committee on  
8 the Judiciary of the Senate has not reported a nomination  
9 for the Chief Justice of the United States or an associate  
10 justice of the Supreme Court of the United States at the

1 end of 60 continuous days of session after the date on  
2 which the nomination is referred to such committee, any  
3 Member may submit to the Congressional Record a notice  
4 of intent to discharge the nomination. At the end of 20  
5 calendar days after the notice of intent to file such peti-  
6 tion, such committee may be discharged from further con-  
7 sideration of such nomination upon a petition supported  
8 in writing by 30 Members of the Senate, and such nomina-  
9 tion shall be placed on the calendar. Debate on the motion,  
10 and on all debatable motions and appeals in connection  
11 therewith, shall not be in order.

12 (b) CONSIDERATION.—

13 (1) DEBATE.—In the Senate, debate on the  
14 nomination, and on all debatable motions and ap-  
15 peals in connection therewith, shall be limited to not  
16 more than 30 hours, which shall be divided equally  
17 between those favoring and those opposing the nomi-  
18 nation. A motion further to limit debate is not in  
19 order and not debatable. A motion to postpone, a  
20 motion to proceed to the consideration of other busi-  
21 ness, or any amendment thereto, is not in order. A  
22 one-time nondebtable motion to extend the consid-  
23 eration of the nomination an additional 30 hours  
24 shall only be in order when supported in writing by  
25 30 Members of the Senate.

1           (2) VOTE.—In the Senate, immediately fol-  
2           lowing the conclusion of the debate on a nomination  
3           described in subsection (b)(1), and a single quorum  
4           call at the conclusion of the debate if requested in  
5           accordance with the rules of the Senate, the vote on  
6           the confirmation of the nomination shall occur.

7           (c) RULES OF THE SENATE.—This section is enacted  
8 by Congress—

9           (1) as an exercise of the rulemaking power of  
10          the Senate, and as such it is deemed a part of the  
11          rules of the Senate, and it supersedes other rules  
12          only to the extent that it is inconsistent with such  
13          rules; and

14          (2) with full recognition of the constitutional  
15          right of the Senate to change such rules (so far as  
16          relating to the procedure of the Senate) at any time,  
17          in the same manner, and to the same extent as in  
18          the case of any other rule of the Senate.

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