

112TH CONGRESS  
1ST SESSION

# S. RES. 12

To amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate.

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IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2011

Mr. UDALL of Colorado (for himself, Mr. DURBIN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

To amend the Standing Rules of the Senate to reform the filibuster rules to improve the daily process of the Senate.

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation and confirmation of qualified nominees;

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

1       *Resolved,*

2       **SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT**  
 3                               **AND VOTING.**

4       The second undesignated subparagraph of paragraph  
 5 2 of rule XXII of the Standing Rules of the Senate is  
 6 amended by striking “duly chosen and sworn” and insert-  
 7 ing “present and voting”.

8       **SEC. 2. MOTIONS TO PROCEED.**

9       Paragraph 2 of rule VIII of the Standing Rules of  
 10 the Senate is amended to read as follows:

11       “2. Debate on a motion to proceed to the consider-  
 12 ation of any matter, and any debatable motion or appeal  
 13 in connection therewith, shall be limited to not more than  
 14 4 hours, to be equally divided between, and controlled by,  
 15 the majority leader and the minority leader or their des-  
 16 ignees except for—

1           “(1) a motion to proceed to a proposal to  
2           change the Standing Rules which shall be debatable;  
3           and

4           “(2) a motion to go into executive session to  
5           consider a specified item of executive business and  
6           a motion to proceed to consider any privileged mat-  
7           ter which shall not be debatable.”.

8   **SEC. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS**  
9                                   **AGREED TO.**

10          Paragraph 2 of rule XXII of the Standing Rules of  
11 the Senate is amended by inserting at the end the fol-  
12 lowing:

13          “If a complete substitute amendment for a measure  
14 is agreed to after consideration under cloture, the Senate  
15 shall proceed to a final disposition of the measure without  
16 intervening action or debate except one quorum call if re-  
17 quested.”.

18   **SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CON-**  
19                                   **FERENCE.**

20          Rule XXVIII of the Standing Rules of the Senate is  
21 amended by inserting at the end the following:

22          “10.(a) Upon the majority leader making a motion  
23 to disagree with a House amendment or amendments or  
24 insist on a Senate amendment or amendments, request a  
25 conference with the House, or agree to the conference re-

1 requested by the House on the disagreeing votes of the two  
 2 Houses, and that the chair be authorized to appoint con-  
 3 ferees on the part of the Senate, debate on the motion,  
 4 and any debatable motion or appeal in connection there-  
 5 with, shall be limited to not more than 4 hours, to be  
 6 equally divided between, and controlled by, the majority  
 7 leader and the minority leader or their designees.

8 “(b) A motion made by the majority leader pursuant  
 9 to subparagraph (a) shall not be divisible and shall not  
 10 be subject to amendment.”

11 **SEC. 5. TIME PRECLOTURE.**

12 Paragraph 2 of rule XXII of the Standing Rules of  
 13 the Senate is amended—

14 (1) in the first subparagraph of paragraph 2,  
 15 by striking “one hour after the Senate meets on the  
 16 following calendar day but one” and inserting “24  
 17 hours after the filing of the motion”; and

18 (2) in the third undesignated paragraph, by  
 19 striking the second sentence and inserting “Except  
 20 by unanimous consent, no amendment shall be pro-  
 21 posed after the vote to bring the debate to a close,  
 22 unless it had been submitted in writing to the Jour-  
 23 nal Clerk 12 hours following the filing of the cloture  
 24 motion if an amendment in the first degree, and un-  
 25 less it had been so submitted at least 1 hour prior

1 to the beginning of the cloture vote if an amendment  
2 in the second degree.”.

3 **SEC. 6. DIVISION OF TIME POSTCLOTURE.**

4 The fourth undesignated subparagraph of paragraph  
5 2 of rule XXII of the Standing Rules of the Senate is  
6 amended by inserting “(to be equally divided between the  
7 majority and the minority)” after “thirty hours of consid-  
8 eration”.

9 **SEC. 7. ELIMINATING DEBATE TIME POSTCLOTURE ON**  
10 **NOMINATIONS.**

11 The second undesignated paragraph of paragraph 2  
12 of rule XXII of the Standing Rules of the Senate is  
13 amended by inserting at the end the following: “If the  
14 matter on which cloture is invoked is a nomination, the  
15 Senate shall immediately proceed to vote on final disposi-  
16 tion of the nomination upon invoking cloture on the nomi-  
17 nation under this paragraph.”.

18 **SEC. 8. ALLOWING COMMITTEES TO MEET WITHOUT CON-**  
19 **SENT.**

20 Paragraph 5 of rule XXVI of the Standing Rules of  
21 the Senate is amended by—

22 (1) striking subparagraph (a); and

23 (2) redesignating subparagraphs (b) through

24 (e) as subparagraphs (a) through (d), respectively.

1 **SEC. 9. READING OF AMENDMENTS.**

2 Paragraph 1 of rule XV of the Standing Rules of the  
3 Senate is amended by inserting at the end the following:

4 “(c) The reading of an amendment may be waived  
5 by a nondebatable motion if the amendment has been  
6 printed in the Congressional Record and available for at  
7 least 24 hours before the motion.”.

8 **SEC. 10. ALLOWING AMENDMENTS WHEN AMENDMENTS**  
9 **PENDING BY A LIMITED MOTION.**

10 Rule XV of the Standing Rules of the Senate is  
11 amended by adding at the end the following:

12 “6.(a) If an amendment is pending and except as pro-  
13 vided in subparagraph (b), a nondebateable motion shall  
14 be in order to set aside any pending amendments in order  
15 to offer another germane amendment. No Senator shall  
16 offer more than 1 such motion in any calendar day and  
17 the Senate shall consider not more than 5 such motions  
18 in any calendar day.

19 “(b)(1) A nondebateable motion shall be in order to  
20 waive the requirement of germaneness under subpara-  
21 graph (a).

22 “(2) A waiver motion under this subparagraph shall  
23 require three-fifths of the Senators duly chosen and sworn.

24 “(c) An affirmative vote of three-fifths of the Sen-  
25 ators duly chosen and sworn shall be required to sustain

- 1 an appeal of a ruling by the chair on a point of order
- 2 raised under this paragraph.”.

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