

112TH CONGRESS  
1ST SESSION

# S. RES. 10

To improve the debate and consideration of legislative matters and nominations in the Senate.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2011

Mr. UDALL of New Mexico (for himself, Mr. HARKIN, Mr. MERKLEY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mrs. BOXER, Mr. TESTER, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mrs. HAGAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. FRANKEN, Mr. UDALL of Colorado, and Mr. BENNET) submitted the following resolution; which was ordered to lie over, under the rule

JANUARY 27, 2011

Considered, amended, and not agreed to; returned to the calendar under over, under the rule

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# RESOLUTION

To improve the debate and consideration of legislative matters and nominations in the Senate.

1 *Resolved,*

2 **SECTION 1. DEBATE ON MOTIONS TO PROCEED.**

3 Rule VIII of the Standing Rules of the Senate is  
4 amended by striking paragraph 2 and inserting the fol-  
5 lowing:

1       “2. Debate on a motion to proceed to the consider-  
2 ation of any matter, and any debatable motion or appeal  
3 in connection therewith, shall be limited to not more than  
4 2 hours, to be equally divided between, and controlled by,  
5 the majority leader and the minority leader or their des-  
6 ignees except for a motion to go into executive session to  
7 consider a specified item of executive business and a mo-  
8 tion to proceed to consider any privileged matter, which  
9 shall not be debatable.”.

10 **SEC. 2. ELIMINATING SECRET HOLDS.**

11       Rule VIII of the Standing Rules of the Senate is  
12 amended by inserting at the end the following:

13       “3. No Senator may object on behalf of another Sen-  
14 ator without disclosing the name of that Senator.”.

15 **SEC. 3. RIGHT TO OFFER AMENDMENTS.**

16       Paragraph 2 of rule XXII of the Standing Rules of  
17 the Senate is amended by inserting at the end the fol-  
18 lowing:

19       “After the filing of a cloture motion under this para-  
20 graph but prior to a vote on such motion, the Majority  
21 Leader and the Minority Leader may each offer not to  
22 exceed 3 amendments identified as leadership amendments  
23 if they have been timely filed under this paragraph and  
24 are germane to the matter being amended. Debate on a  
25 leadership amendment shall be limited to 1 hour equally

1 divided. A leadership amendment may not be divided. A  
 2 leadership amendment shall require the approval of at  
 3 least three-fifths of the Senators duly chosen and sworn.”.

4 **SEC. 4. EXTENDED DEBATE.**

5 Paragraph 2 of rule XXII of the Standing Rules of  
 6 the Senate is amended—

7 (1) by designating the first 3 undesignated  
 8 paragraphs as subparagraphs (a), (b), and (d), re-  
 9 spectively;

10 (2) in subparagraph (d), as designated by para-  
 11 graph (1), by striking “Thereafter” and inserting  
 12 “If the Senate agrees to bring debate to a close  
 13 under subparagraphs (b) or (c), thereafter”; and

14 (3) by inserting after subparagraph (b), as des-  
 15 ignated by paragraph (1), the following:

16 “(c)(1) If the Senate has voted against closing debate  
 17 on a measure, motion, or other matter under subpara-  
 18 graph (b), but a majority of senators present and voting  
 19 have voted to bring debate to a close, then the procedures  
 20 under this subparagraph shall be in order at any time,  
 21 so long as that measure, motion or other matter has con-  
 22 tinued as the only pending business subsequent to the vote  
 23 against closing debate.

24 “(2) Under the circumstances described in clause (1),  
 25 it shall be in order for the Majority Leader or his designee

1 to move to bring debate on the pending measure, motion,  
2 or other matter to a close on the grounds that no Senator  
3 seeks recognition to debate the matter. Immediately after  
4 the motion is made and before putting the question there-  
5 on, the Presiding Officer shall immediately inquire wheth-  
6 er any Senator seeks recognition for the purpose of debat-  
7 ing the measure, motion or other matter on which the Sen-  
8 ate had previously voted against closing debate under sub-  
9 paragraph (b). If a Senator seeks recognition for that pur-  
10 pose, the Presiding Officer shall announce that the Senate  
11 is proceeding under extended debate, and shall recognize  
12 a Senator who seeks recognition for debate. After the Pre-  
13 siding Officer's announcement under the preceding sen-  
14 tence the Senate shall continue to proceed under extended  
15 debate subject to the conditions provided in clause (3).  
16 Notwithstanding rule XIX, Senators may speak more than  
17 twice on a question during extended debate.

18       “(3)(A) If the Senate enters into extended debate  
19 under this clause, no dilatory motions, motions to suspend  
20 any rule or any part thereof, nor dilatory quorum calls  
21 shall be entertained.

22       “(B) If during extended debate the proceedings de-  
23 scribed in either subclause (C), (D), or (E) occur and un-  
24 less the Majority Leader or his designee withdraws the  
25 motion made under clause (2), the Senate shall proceed

1 immediately to vote on that motion or to vote at a time  
2 designated by the Majority Leader or his designee within  
3 the next 4 calendar days of Senate session. When voted  
4 on, that motion shall be decided by a majority of Senators  
5 chosen and sworn.

6       “(C) If, at any point during extended debate when  
7 no Senator is recognized, no Senator seeks recognition, the  
8 Presiding Officer shall renew the inquiry as to whether  
9 a Senator seeks recognition and shall recognize a Senator  
10 who seeks recognition for the purpose of debate. If no Sen-  
11 ator then seeks recognition (or if no Senator sought rec-  
12 ognition in response to the Presiding Officer’s inquiry  
13 under clause (2)), the Senate shall dispose of the motion  
14 of the Majority Leader (or his designee) to bring debate  
15 to a close pursuant to clause (2), in the manner specified  
16 in subclause (B).

17       “(D)(i) If, at any point during extended debate, a  
18 Senator raises a question of the presence of a quorum,  
19 the Presiding Officer shall renew the inquiry as to whether  
20 a Senator seeks recognition, and shall recognize a Senator  
21 who seeks recognition for debate.

22       “(ii) If no Senator then seeks recognition for de-  
23 bate—

24               “(I) the Presiding Officer shall direct the Clerk  
25       to call the roll;

1           “(II) upon the establishment of a quorum, the  
2       Senate shall dispose of the motion of the Majority  
3       Leader (or his designee) to bring debate to a close  
4       pursuant to clause (2) in the manner specified in  
5       subclause (B); and

6           “(III) if the Senate adjourns for lack of a  
7       quorum and when the Senate next convenes and the  
8       morning hour or any period for morning business is  
9       expired or is deemed to be expired, the Senate shall  
10      dispose of the motion of the Majority Leader (or his  
11      designee) made to bring debate to a close pursuant  
12      to clause (2) in the manner specified in subclause  
13      (B).

14          “(E)(i) If, at any point during extended debate, a  
15      Senator having been recognized moves to adjourn, recess,  
16      postpone the pending matter, or proceed to other business,  
17      then unless the motion is made or seconded by the Major-  
18      ity Leader or his designee, the Presiding Officer shall  
19      renew the inquiry as to whether a Senator seeks recogni-  
20      tion, and shall recognize a Senator who seeks recognition  
21      for debate, and said motion shall be considered withdrawn.  
22      If no Senator then seeks recognition for debate, then the  
23      Presiding Officer shall immediately put the question on  
24      the motion offered, unless the vote is delayed as provided  
25      in subclause (F).

1       “(ii) If the Senate agrees to a motion to adjourn or  
2 recess it shall resume consideration of the pending meas-  
3 ure, motion or other matter pending at the time of ad-  
4 journment or recess when it first takes up business after  
5 it next reconvenes, and the Senate shall still be in a period  
6 of extended debate. Upon the negative disposition of the  
7 motion to adjourn, recess, postpone, or proceed to other  
8 business, unless such motion was made by the majority  
9 leader or his designee, the Senate shall dispose of the mo-  
10 tion of the Majority Leader (or his designee) to bring de-  
11 bate to a close pursuant to clause (2) in the manner speci-  
12 fied in subclause (B).

13       “(F) During a period of extended debate, the Major-  
14 ity Leader or his designee may delay any vote until a des-  
15 ignated time within the next 4 calendar days of Senate  
16 session, and any votes ordered or occurring thereafter  
17 shall likewise be delayed.

18       “(4) If the motion of the Majority Leader to bring  
19 debate to a close pursuant to clause (3)(B) is agreed to  
20 by a majority of Senators chosen and sworn, the Presiding  
21 Officer shall announce that extended debate is ended and  
22 that the measure, motion, or other matter pending before  
23 the Senate shall be the unfinished business to the exclu-  
24 sion of all other business until disposed of and further pro-  
25 ceedings on the measure, motion or other matter shall

1 occur in accordance with subparagraph (d). If the Major-  
2 ity Leader withdraws the motion to bring debate to a close  
3 pursuant to clause (3)(B) or that motion is not agreed  
4 to by a majority of Senators chosen and sworn the Pre-  
5 siding Officer shall announce that extended debate is  
6 ended.

7 “(5) If extended debate on a measure, motion or  
8 other matter is ended under this subparagraph, other than  
9 by agreement to the motion made by the Majority Leader  
10 under clause (4), further consideration of the measure,  
11 motion or other matter shall occur as otherwise provided  
12 by the rules, except that if the Senate subsequently again  
13 votes against closing debate under subparagraph (b), the  
14 procedures under this subparagraph shall apply.”.

15 **SEC. 5. POSTCLOTURE DEBATE ON NOMINATIONS.**

16 The second undesignated paragraph of paragraph 2  
17 of rule XXII of the Standing Rules of the Senate is  
18 amended by inserting at the end the following: “If the  
19 matter on which cloture is invoked is a nomination, the  
20 period of time for debate shall be 2 hours.”.

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