

112TH CONGRESS
1ST SESSION

S. RES. 8

Amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2011

Mr. HARKIN (for himself, Mr. DURBIN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted the following resolution; which was ordered to lie over, under the rule

RESOLUTION

Amending the Standing Rules of the Senate to provide for cloture to be invoked with less than a three-fifths majority after additional debate.

1 *Resolved,*

2 **SECTION 1. SENATE CLOTURE MODIFICATION.**

3 Paragraph 2 of rule XXII of the Standing Rules of
4 the Senate is amended to read as follows:

5 “2. (a) Notwithstanding the provisions of rule II or
6 rule IV or any other rule of the Senate, at any time a
7 motion signed by sixteen Senators, to bring to a close the
8 debate upon any measure, motion, other matter pending
9 before the Senate, or the unfinished business, is presented

1 to the Senate, the Presiding Officer, or clerk at the direc-
2 tion of the Presiding Officer, shall at once state the motion
3 to the Senate, and one hour after the Senate meets on
4 the following calendar day but one, he shall lay the motion
5 before the Senate and direct that the clerk call the roll,
6 and upon the ascertainment that a quorum is present, the
7 Presiding Officer shall, without debate, submit to the Sen-
8 ate by a yea-and-nay vote the question: ‘Is it the sense
9 of the Senate that the debate shall be brought to a close?’
10 And if that question shall be decided in the affirmative
11 by three-fifths of the Senators duly chosen and sworn—
12 except on a measure or motion to amend the Senate rules,
13 in which case the necessary affirmative vote shall be two-
14 thirds of the Senators present and voting—then said
15 measure, motion, or other matter pending before the Sen-
16 ate, or the unfinished business, shall be the unfinished
17 business.

18 “Hereafter no Senator shall be entitled to speak in
19 all more than one hour on the measure, motion, or other
20 matter pending before the Senate, or the unfinished busi-
21 ness, the amendments thereto, and motions affecting the
22 same, and it shall be the duty of the Presiding Officer
23 to keep the time of each Senator who speaks. Except by
24 unanimous consent, no amendment shall be proposed after
25 the vote to bring the debate to a close, unless it had been

1 submitted in writing to the Journal Clerk by 1 o'clock p.m.
2 on the day following the filing of the cloture motion if an
3 amendment in the first degree, and unless it had been so
4 submitted at least one hour prior to the beginning of the
5 cloture vote if an amendment in the second degree. No
6 dilatory motion, or dilatory amendment, or amendment
7 not germane shall be in order. Points of order, including
8 questions of relevancy, and appeals from the decision of
9 the Presiding Officer, shall be decided without debate.

10 “After no more than thirty hours of consideration of
11 the measure, motion, or other matter on which cloture has
12 been invoked, the Senate shall proceed, without any fur-
13 ther debate on any question, to vote on the final disposi-
14 tion thereof to the exclusion of all amendments not then
15 actually pending before the Senate at that time and to
16 the exclusion of all motions, except a motion to table, or
17 to reconsider and one quorum call on demand to establish
18 the presence of a quorum (and motions required to estab-
19 lish a quorum) immediately before the final vote begins.
20 The thirty hours may be increased by the adoption of a
21 motion, decided without debate, by a three-fifths affirma-
22 tive vote of the Senators duly chosen and sworn, and any
23 such time thus agreed upon shall be equally divided be-
24 tween and controlled by the majority and minority leaders
25 or their designees. However, only one motion to extend

1 time, specified above, may be made in any one calendar
2 day.

3 “If, for any reason, a measure or matter is reprinted
4 after cloture has been invoked, amendments which were
5 in order prior to the reprinting of the measure or matter
6 will continue to be in order and may be conformed and
7 reprinted at the request of the amendment’s sponsor. The
8 conforming changes must be limited to lineation and pagi-
9 nation.

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

13 “Notwithstanding other provisions of this rule, a Sen-
14 ator may yield all or part of his one hour to the majority
15 or minority floor managers of the measure, motion, or
16 matter or to the majority or minority leader, but each Sen-
17 ator specified shall not have more than two hours so yield-
18 ed to him and may in turn yield such time to other Sen-
19 ators.

20 “Notwithstanding any other provision of this rule,
21 any Senator who has not used or yielded at least ten min-
22 utes, is, if he seeks recognition, guaranteed up to ten min-
23 utes, inclusive, to speak only.

24 “After cloture is invoked, the reading of any amend-
25 ment, including House amendments, shall be dispensed

1 with when the proposed amendment has been identified
2 and has been available in printed form at the desk of the
3 Members for not less than twenty-four hours.

4 “(b)(1) If, upon a vote taken on a motion presented
5 pursuant to subparagraph (a), the Senate fails to invoke
6 cloture with respect to a measure, motion, or other matter
7 pending before the Senate, or the unfinished business,
8 subsequent motions to bring debate to a close may be
9 made with respect to the same measure, motion, matter,
10 or unfinished business. It shall not be in order to file sub-
11 sequent cloture motions on any measure, motion, or other
12 matter pending before the Senate, except by unanimous
13 consent, until the previous motion has been disposed of.

14 “(2) Such subsequent motions shall be made in the
15 manner provided by, and subject to the provisions of, sub-
16 paragraph (a), except that the affirmative vote required
17 to bring to a close debate upon that measure, motion, or
18 other matter, or unfinished business (other than a meas-
19 ure or motion to amend Senate rules) shall be reduced
20 by three votes on the second such motion, and by three
21 additional votes on each succeeding motion, until the af-
22 firmative vote is reduced to a number equal to or less than
23 an affirmative vote of a majority of the Senators duly cho-
24 sen and sworn. The required vote shall then be an affirma-
25 tive vote of a majority of the Senators duly chosen and

1 sworn. The requirement of an affirmative vote of a major-
2 ity of the Senators duly chosen and sworn shall not be
3 further reduced upon any vote taken on any later motion
4 made pursuant to this subparagraph with respect to that
5 measure, motion, matter, or unfinished business.”.

6 **SEC. 2. SPECIAL CONSIDERATION OF AMENDMENTS**
7 **POSTCLOTURE.**

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

11 “After debate has concluded under this paragraph
12 but prior to final disposition of the pending matter, the
13 Majority Leader and the Minority Leader may each offer
14 not to exceed 3 amendments identified as leadership
15 amendments if they have been timely filed under this para-
16 graph and are germane to the matter being amended. De-
17 bate on a leadership amendment shall be limited to 1 hour
18 equally divided. A leadership amendment may not be di-
19 vided.”.

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