

111TH CONGRESS
2^D SESSION

S. RES. 396

To enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress.

IN THE SENATE OF THE UNITED STATES

JANUARY 25, 2010

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

To enable each newly constituted Senate to carry out its responsibility to determine the Rules of its Proceedings at the beginning of each Congress.

Whereas article I, section 5 of the United States Constitution provides that “Each House may determine the Rules of its Proceedings”;

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions, that one legislature cannot bind subsequent legislatures;

Whereas rule V of the Standing Rules of the Senate states that “the Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules”;

Whereas rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules; and

Whereas rule V and rule XXII of the Standing Rules of the Senate, taken together, can effectively deny the Senate the opportunity to exercise its constitutional right to determine the Rules of its Proceedings under article I, section 5, thus allowing one Congress to bind its successors: Now, therefore, be it

1 *Resolved*, That upon the expiration of the Standing
2 Rules of the Senate at the Sine Die Adjournment of the
3 111th Congress, the Senate shall proceed in accordance
4 with article I, section 5 of the Constitution to determine
5 the Rules of its Proceedings by a simple majority vote.

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