

119TH CONGRESS
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H. RES. 1439

Expressing the sense of the House of Representatives that the United States Senate's current cloture and filibuster rules are contrary to the constitutional design of two co-equal majoritarian legislative bodies, are non-deliberative in practice, disenfranchise Members of the House of Representatives and their constituents, and disrupt the proper balance of powers between the two chambers of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2026

Mr. CLOUD submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Expressing the sense of the House of Representatives that the United States Senate's current cloture and filibuster rules are contrary to the constitutional design of two co-equal majoritarian legislative bodies, are non-deliberative in practice, disenfranchise Members of the House of Representatives and their constituents, and disrupt the proper balance of powers between the two chambers of Congress, and for other purposes.

1 *Resolved,*

1 **SECTION 1. FINDINGS WITH RESPECT TO THE SENATE FILI-**
2 **BUSTER.**

3 (a) FOUNDERS' INTENT REGARDING TWO
4 MAJORITARIAN DELIBERATIVE BODIES OF EQUAL
5 WEIGHT.—The House of Representatives finds the fol-
6 lowing:

7 (1) The Framers of the Constitution delib-
8 erately designed the United States Congress as a bi-
9 cameral legislature composed of two co-equal cham-
10 bers, each intended to operate on the principle of
11 majority rule. As James Madison wrote in Federalist
12 No. 58: “In all cases where justice or the general
13 good might require new laws to be passed, or active
14 measures to be pursued, the fundamental principle
15 of free government would be reversed” if a minority
16 faction could defeat the wishes of the majority.

17 (2) Alexander Hamilton, in Federalist No. 22,
18 explicitly condemned supermajority requirements as
19 fundamentally anti-republican in nature, writing:
20 “Its real operation is to embarrass the administra-
21 tion, to destroy the energy of the government, and
22 to substitute the pleasure, caprice, or artifices of an
23 insignificant, turbulent, or corrupt junto, to the reg-
24 ular deliberations and decisions of a respectable ma-
25 jority.”. Hamilton warned that requiring more than

1 a majority to act tends “to subject the sense of the
2 greater number to that of the lesser.”.

3 (3) The Constitutional Convention of 1787 spe-
4 cifically and deliberately rejected supermajority re-
5 quirements as the default rule for ordinary legisla-
6 tion. The Constitution enumerates only six cir-
7 cumstances in which a supermajority is required
8 (and ordinary legislation is conspicuously absent
9 from this list of enumerated circumstances), as fol-
10 lows:

11 (A) Conviction on Impeachment (Article I,
12 Section 3).

13 (B) Expelling a Member of Congress (Arti-
14 cle I, Section 5).

15 (C) Overriding a Presidential Veto (Article
16 I, Section 7).

17 (D) Ratifying treaties (Article II, Section
18 2).

19 (E) Proposing Constitutional Amendments
20 (Article V).

21 (F) Ratification of the Constitution by the
22 States (Article VII).

23 (b) THE CURRENT SENATE FILIBUSTER IS NOT DE-
24 LIBERATIVE.—The House finds the following:

1 (1) The original Senate filibuster, whatever its
2 historical justification, required Senators to main-
3 tain continuous floor debate as a mechanism to
4 delay rather than permanently defeat legislation,
5 thereby preserving at least a nominal form of deliberation.
6 The modern filibuster, as reformed in 1975
7 and subsequently, requires only that forty-one Sen-
8 ators signal their intent to object—without requiring
9 any Senator to be present on the floor, to speak, or
10 to engage in debate of any kind.

11 (2) The Senate’s “two-track system” imple-
12 mented in the 1970s, transformed the filibuster from
13 an act of extended deliberation into a procedural
14 veto exercisable by a minority without any require-
15 ment for sustained engagement with the legislation
16 at issue. Under current Senate practice, a minority
17 of Senators may prevent a bill passed by the House
18 from receiving a vote by simply refusing to invoke
19 cloture—without ever setting foot on the Senate
20 floor to debate the merits of the legislation.

21 (3) The Supreme Court of the United States, in
22 INS v. Chadha, 462 U.S. 919 (1983), reaffirmed
23 that the Constitution’s explicit procedural require-
24 ments for legislation reflect careful and deliberate
25 choices by the Framers. Justice Burger, writing for

1 the Court, emphasized that the procedures of bi-
2 cameralism and presentment “are integral parts of
3 the constitutional design for the separation of pow-
4 ers”.

5 (4) A procedure that permits forty-one Sen-
6 ators, potentially representing as little as eleven per-
7 cent of the American population, to prevent the Sen-
8 ate from voting on legislation passed by a majority
9 of the House of Representatives and supported by a
10 majority of the Senate cannot be characterized as
11 deliberation; it is, rather, a procedural mechanism
12 for the exercise of minority veto power antithetical
13 to the republican form of government guaranteed to
14 the states by Article IV, Section 4 of the Constitu-
15 tion.

16 (c) THE CURRENT SENATE FILIBUSTER IS COUNTER
17 TO THE INTENT OF TWO CO-EQUAL MAJORITARIAN BOD-
18 IES.—The House finds the following:

19 (1) The Constitution vests all legislative powers
20 in a Congress composed of two chambers, each of
21 which was designed to reflect, through different
22 mechanisms, the will of the American people. Article
23 I, Section 1 states plainly: “All legislative Powers
24 herein granted shall be vested in a Congress of the
25 United States, which shall consist of a Senate and

1 House of Representatives.” The use of the conjunc-
2 tive reflects the Framers’ design that both chambers
3 act—not that one chamber’s minority may indefi-
4 nitely prevent the other chamber’s majority-passed
5 legislation from receiving a vote.

6 (2) The Senate was never designed to be a
7 chamber in which forty-one members could perma-
8 nently and without deliberation defeat legislation de-
9 sired by a majority of both chambers. The Framers’
10 intent, as reflected in the constitutional text and in
11 the Federalist Papers, was that legislation supported
12 by a majority of each chamber, and signed by the
13 President, would become law—with the check on
14 majority excess supplied not by minority veto but by
15 the structural features of bicameralism, the presi-
16 dential veto, and judicial review.

17 (3) In *United States v. Ballin*, 144 U.S. 1
18 (1892), the Supreme Court held that each House of
19 Congress has broad authority to establish its own
20 rules of proceeding, but that such rules must not
21 “ignore constitutional restraints or violate funda-
22 mental rights”. A Senate rule that effectively nul-
23 lifies the deliberative and majoritarian function of
24 the House of Representatives, as an institution co-
25 equal under Article I, raises serious questions about

1 whether such a rule operates within constitutional
2 limits.

3 (4) The Senate filibuster, as currently prac-
4 ticed, produces a structural asymmetry between the
5 two chambers wholly foreign to the constitutional de-
6 sign: the House of Representatives, which must pass
7 legislation by majority vote, has its deliberative out-
8 put systematically negated not by a Senate major-
9 ity's considered rejection, but by a Senate minority's
10 procedural objection—leaving the House majority
11 without any meaningful legislative recourse and ren-
12 dering House passage of legislation an exercise with-
13 out practical consequence whenever Senate minority
14 opposition exists.

15 (d) THE SENATE FILIBUSTER PREVENTS LEGISLA-
16 TION PASSED BY THE HOUSE FROM RECEIVING PROPER
17 CONSIDERATION IN THE SENATE.—The House finds the
18 following:

19 (1) The Constitution's bicameral design con-
20 templates that legislation passed by one chamber
21 will be considered by the other chamber on its merits
22 and ultimately accepted, rejected, or amended by
23 majority action in that chamber. The current Senate
24 filibuster permits legislation passed by the House of
25 Representatives to be tabled indefinitely without a

1 floor vote, without committee action, and without
2 any substantive consideration of its merits by the
3 Senate as a body.

4 (2) The Supreme Court in *Chadha* noted that
5 the procedures of Article I, Section 7, requiring pas-
6 sage by both Houses, were designed to ensure that
7 legislation reflects considered deliberation by both
8 chambers. When one chamber's output is systemati-
9 cally blocked from consideration by the other cham-
10 ber's procedural rules, the bicameral design is sub-
11 verted: one of the two constitutionally required steps
12 in the legislative process is made effectively optional
13 by minority fiat.

14 (3) The constitutional design of the Senate as
15 a deliberative body capable of amending, improving,
16 and checking legislation passed by the House is not
17 served, but rather undermined, by procedural rules
18 that prevent the Senate as a body from ever deliber-
19 ating on House-passed legislation. Deliberation re-
20 quires engagement with the substance of legislation;
21 a procedural block imposed before Senate floor con-
22 sideration begins forecloses rather than fulfills the
23 deliberative function.

24 (e) THE SENATE FILIBUSTER UNCONSTITUTION-
25 ALLY DISENFRANCHISES THE HOUSE, ITS MEMBERS,

1 AND THE PEOPLE THEY REPRESENT.—The House finds
2 the following:

3 (1) The House of Representatives was designed
4 by the Framers as the chamber most directly ac-
5 countable to the people of the United States. As
6 Madison wrote in Federalist No. 52, the House was
7 to have “an immediate dependence on, and an inti-
8 mate sympathy with, the people”—a design reflected
9 in two-year terms, proportional representation, and
10 direct popular election. When Senate procedural
11 rules systemically prevent House-passed legislation
12 from receiving a Senate vote, the political account-
13 ability that justifies the House’s representative func-
14 tion is undermined.

15 (2) The equal dignity and constitutional stand-
16 ing of the House of Representatives as a co-equal
17 branch of Congress is impaired when Senate rules
18 are deployed to ensure that legislation passed by a
19 majority of the House is never considered on the
20 merits by the Senate. The constitutional design
21 places both chambers on equal footing as necessary
22 participants in the legislative process; a Senate pro-
23 cedural rule that renders one chamber’s majority ac-
24 tion a nullity disrupts the constitutional balance be-
25 tween the two Houses.

1 (3) The voters who elect Members of the House
2 of Representatives do so with the reasonable and
3 constitutionally grounded expectation that their rep-
4 resentative, if part of a legislative majority, can pass
5 legislation that will be considered, and accepted or
6 rejected on the merits, by the Senate. When the
7 Senate filibuster prevents that consideration, the
8 votes of House members' constituents are effectively
9 nullified not by a Senate majority's substantive dis-
10 agreement, but by a Senate minority's procedural re-
11 fusal to permit a vote.

12 (4) The Supreme Court has consistently held
13 that the right to vote includes the right to have
14 one's vote counted and to have it carry its constitu-
15 tionally intended weight. In *Reynolds v. Sims*, 377
16 U.S. 533 (1964), Chief Justice Warren wrote that
17 "the right of suffrage can be denied by a
18 debasement or dilution of the weight of a citizen's
19 vote just as effectively as by wholly prohibiting the
20 free exercise of the franchise". While *Reynolds* ad-
21 dressed apportionment, its core principle, that proce-
22 dural mechanisms that systematically diminish the
23 effective weight of votes are constitutionally suspect,
24 applies with force to Senate rules that render the

1 legislative output of popularly elected House majori-
2 ties meaningless.

3 **SEC. 2. ADDITIONAL FINDINGS AND SENSE OF THE HOUSE**
4 **OF REPRESENTATIVES WITH RESPECT TO**
5 **THE FILIBUSTER.**

6 (a) FINDINGS.—The House of Representatives finds
7 the following:

8 (1) The Framers of the Constitution intended
9 both the House of Representatives and the United
10 States Senate to operate as majoritarian deliberative
11 bodies of equal constitutional standing.

12 (2) The current Senate filibuster, as practiced
13 under the two-track system established in the 1970s,
14 is not a deliberative mechanism but a procedural
15 veto device enabling a minority of Senators to pre-
16 vent floor votes without engaging in any form of
17 substantive debate.

18 (3) The current Senate filibuster is contrary to
19 the Framers' intent that ordinary legislation be sub-
20 ject to majority rule in each chamber, as dem-
21 onstrated by the text of the Constitution, the Fed-
22 eralist Papers, and the records of the Constitutional
23 Convention.

24 (4) The Senate filibuster prevents legislation
25 passed by the House of Representatives from receiv-

1 ing proper deliberative consideration in the Senate,
2 subverting the bicameral design of Article I of the
3 Constitution.

4 (5) The Senate filibuster unconstitutionally disenfranchises Members of the House of Representatives and the constituents they represent by rendering House majority action without meaningful legislative consequence.

9 (6) The Senate filibuster, as currently practiced, disrupts the proper constitutional balance between the two co-equal chambers of Congress.

12 (b) SENSE OF THE HOUSE.—It is the sense of the
13 House of Representatives that—

14 (1) the United States Senate should reform or abolish its cloture and filibuster rules to restore the principle of majority rule to Senate proceedings on legislation;

18 (2) the Senate should establish procedures ensuring that legislation passed by a majority of the House of Representatives receives a timely floor vote in the Senate, with final disposition determined by a majority of Senators present and voting;

23 (3) Senate rules should preserve the minority's right to be heard and to offer amendments, while en-

1 suring that the minority cannot permanently prevent
2 a majority from acting;

3 (4) the constitutional design of two co-equal
4 majoritarian chambers requires that both the House
5 and the Senate operate on the fundamental principle
6 that, after adequate deliberation, a majority deter-
7 mines the outcome; and

8 (5) Congress as a whole is best served by proce-
9 dural rules in both chambers that facilitate delibera-
10 tion, accountability, and majority governance, con-
11 sistent with the constitutional vision articulated by
12 the Framers of the Constitution.

13 **SEC. 3. TRANSMISSION.**

14 The Clerk of the House of Representatives shall
15 transmit a copy of this resolution to the President pro
16 tempore of the United States Senate, the Majority Leader
17 of the Senate, the Minority Leader of the Senate, and to
18 each Member of the Senate.

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