

108TH CONGRESS  
1ST SESSION

# **S. RES. 85**

To amend paragraph 2 of rule XXII of the Standing Rules of the Senate.

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## IN THE SENATE OF THE UNITED STATES

MARCH 13, 2003

Mr. MILLER submitted the following resolution; which was referred to the Committee on Rules and Administration

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# **RESOLUTION**

To amend paragraph 2 of rule XXII of the Standing Rules of the Senate.

1       *Resolved*, That paragraph 2 of rule XXII of the  
2 Standing Rules of the Senate is amended to read as fol-  
3 lows:

4       “2. (a)(1) Notwithstanding the provisions of rule II  
5 or rule IV or any other rule of the Senate, at any time  
6 a motion signed by 16 Senators, to bring to a close the  
7 debate upon any measure, motion, other matter pending  
8 before the Senate, or the unfinished business, is presented  
9 to the Senate, the Presiding Officer, or clerk at the direc-  
10 tion of the Presiding Officer, shall at once state the motion  
11 to the Senate, and 1 hour after the Senate meets on the

1 following calendar day but 1, he shall lay the motion be-  
2 fore the Senate and direct that the clerk call the roll, and  
3 upon the ascertainment that a quorum is present, the Pre-  
4 siding Officer shall, without debate, submit to the Senate  
5 by a yea-and-nay vote the question: “Is it the sense of  
6 the Senate that the debate shall be brought to a close?”.

7       “(2) If the question in clause (1) is agreed to by  
8 three-fifths of the Senators duly chosen and sworn—ex-  
9 cept on a measure or motion to amend the Senate rules,  
10 in which case the necessary affirmative vote shall be two-  
11 thirds of the Senators present and voting—then that  
12 measure, motion, or other matter pending before the Sen-  
13 ate, or the unfinished business, shall be the unfinished  
14 business to the exclusion of all other business until dis-  
15 posed of.

16       “(3) After cloture is invoked, no Senator shall be en-  
17 titled to speak in all more than 1 hour on the measure,  
18 motion, or other matter pending before the Senate, or the  
19 unfinished business, the amendments thereto, and motions  
20 affecting the same, and it shall be the duty of the Pre-  
21 siding Officer to keep the time of each Senator who  
22 speaks. Except by unanimous consent, no amendment  
23 shall be proposed after the vote to bring the debate to a  
24 close, unless it had been submitted in writing to the Jour-  
25 nal Clerk by 1 o’clock p.m. on the day following the filing

1 of the cloture motion if an amendment in the first degree,  
2 and unless it had been so submitted at least 1 hour prior  
3 to the beginning of the cloture vote if an amendment in  
4 the second degree. No dilatory motion, or dilatory amend-  
5 ment, or amendment not germane shall be in order. Points  
6 of order, including questions of relevancy, and appeals  
7 from the decision of the Presiding Officer, shall be decided  
8 without debate.

9       “(4) After no more than 30 hours of consideration  
10 of the measure, motion, or other matter on which cloture  
11 has been invoked, the Senate shall proceed, without any  
12 further debate on any question, to vote on the final dis-  
13 position thereof to the exclusion of all amendments not  
14 then actually pending before the Senate at that time and  
15 to the exclusion of all motions, except a motion to table,  
16 or to reconsider and one quorum call on demand to estab-  
17 lish the presence of a quorum (and motions required to  
18 establish a quorum) immediately before the final vote be-  
19 gins. The 30 hours may be increased by the adoption of  
20 a motion, decided without debate, by a three-fifths affirm-  
21 ative vote of the Senators duly chosen and sworn, and any  
22 such time thus agreed upon shall be equally divided be-  
23 tween and controlled by the Majority and Minority Lead-  
24 ers or their designees. However, only one motion to extend  
25 time, specified above, may be made in any 1 calendar day.

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

8       “(6) No Senator shall call up more than 2 amend-  
9 ments until every other Senator shall have had the oppor-  
10 tunity to do likewise.

11       “(7) Notwithstanding other provisions of this rule, a  
12 Senator may yield all or part of his 1 hour to the majority  
13 or minority floor managers of the measure, motion, or  
14 matter or to the Majority or Minority Leader, but each  
15 Senator specified shall not have more than 2 hours so  
16 yielded to him and may in turn yield such time to other  
17 Senators.

18       “(8) Notwithstanding any other provision of this rule,  
19 any Senator who has not used or yielded at least 10 min-  
20 utes, is, if he seeks recognition, guaranteed up to 10 min-  
21 utes, inclusive, to speak only.

22       “(9) After cloture is invoked, the reading of any  
23 amendment, including House amendments, shall be dis-  
24 pensed with when the proposed amendment has been iden-

1 tified and has been available in printed form at the desk  
2 of the Members for not less than 24 hours.

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

13       “(2) Such subsequent motions shall be made in the  
14 manner provided by, and subject to the provisions of, sub-  
15 paragraph (a), except that the affirmative vote required  
16 to bring to a close debate upon that measure, motion, or  
17 other matter, or unfinished business (other than a meas-  
18 ure or motion to amend Senate rules) shall be reduced  
19 by 3 votes on the second such motion, and by 3 additional  
20 votes on each succeeding motion, until the affirmative vote  
21 is reduced to a number equal to or less than an affirmative  
22 vote of a majority of the Senators duly chosen and sworn.  
23 The required vote shall then be an affirmative vote of a  
24 majority of the Senators duly chosen and sworn. The re-  
25 quirement of an affirmative vote of a majority of the Sen-

1 ators duly chosen and sworn shall not be further reduced  
2 upon any vote taken on any later motion made pursuant  
3 to this subparagraph with respect to that measure, mo-  
4 tion, matter, or unfinished business.”.

