

111TH CONGRESS
2D SESSION

S. RES. 440

Improving the Senate cloture process.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2010

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

RESOLUTION

Improving the Senate cloture process.

Whereas the Senate rules regarding cloture serve the legitimate purpose of protecting the rights of the minority;

Whereas the Senate has never been intended to operate solely on the basis of majority rule; and

Whereas the Senate rules should not be abused for the purpose of delaying or otherwise preventing the business of the Senate: Now, therefore, be it

1 *Resolved,*

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

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

5 “2. All motions to proceed to the consideration of any
6 matter shall be determined without debate, except motions

1 to proceed to a proposal to change the Standing Rules
 2 which shall be debatable.”.

3 **SEC. 2. PROCESS FOR ENDING THE DEBATE.**

4 (a) MOTION TO REDUCE TIME FOR CLOTURE PETI-
 5 TION TO RIPEN.—The first sentence of paragraph 2 of
 6 rule XXII of the Standing Rules of the Senate is amended
 7 by inserting after “but one” the following: “(unless by
 8 two-thirds affirmative vote of the Senators duly chosen
 9 and sworn the Senate has agreed to a motion to reduce
 10 time)”.

11 (b) ALLOWING FOR A MOTION TO REDUCE TIME
 12 POSTCLOTURE.—The fourth undesignated paragraph of
 13 paragraph 2 of rule XXII of the Standing Rules of the
 14 Senate is amended by striking the second and third sen-
 15 tences and inserting: “The thirty hours may be increased
 16 or decreased by the adoption of a motion, decided without
 17 debate, by a three-fifths affirmative vote of the Senators
 18 present and voting, and any such time thus agreed upon
 19 shall be equally divided and controlled by the Majority and
 20 Minority Leaders or their designees. However, only one
 21 motion to reduce or extend time, specified above, may be
 22 made in any one calendar day.”.

23 (c) MINORITY MUST VOTE IN THE NEGATIVE, OR
 24 ELSE CLOTURE IS INVOKED.—The second undesignated
 25 paragraph of paragraph 2 of rule XXII of the Standing

1 Rules of the Senate is amended by striking “And if that
 2 question shall be decided in the affirmative by three-fifths
 3 of the Senators duly chosen and sworn” and inserting
 4 “And if that question is decided in the affirmative and
 5 there are not negative votes by at least forty-one hun-
 6 dredths of the Senators duly chosen and sworn”.

7 (d) ENCOURAGING BIPARTISAN NEGOTIATIONS AND
 8 BIPARTISAN COALITION BUILDING.—Paragraph 2 of rule
 9 XXII of the Standing Rules of the Senate is amended by
 10 inserting at the end the following:

11 “In the event that 3 attempts to bring the debate
 12 to a close on any particular measure, motion, other matter
 13 pending before the Senate, or the unfinished business,
 14 have not received the requisite number of votes to bring
 15 the debate to a close under this paragraph, then for any
 16 subsequent attempt to bring the debate to a close on that
 17 particular measure, motion, other matter pending before
 18 the Senate, or the unfinished business, the threshold re-
 19 quired of those voting in the negative in order to prevent
 20 the debate from coming to a close shall be 45 hundredths
 21 of the Senators duly chosen and sworn, unless at least one
 22 of the Senators present and voting in the negative, cau-
 23 cuses with the party of the Majority Leader, in which case
 24 the threshold required of those voting in the negative in
 25 order to prevent the debate from coming to a close shall

1 remain 41 hundredths of the Senators duly chosen and
 2 sworn. If there is one member of the Majority voting to
 3 maintain the filibuster for purposes of the preceding sen-
 4 tence maintaining the threshold for blocking cloture at 41
 5 hundredths, the threshold shall be raised to 45 hundredths
 6 if 3 of those voting in the affirmative to bring debate to
 7 a close caucus with the party of the Minority Leader. For
 8 purposes of this undesignated paragraph, only those Sen-
 9 ators permitted to caucus with the party of the Majority
 10 Leader, by the Majority Leader, shall be considered to
 11 caucus with the party of the Majority Leader. The Major-
 12 ity Leader shall request that a list of Senators caucusing
 13 with the party of the Majority Leader be listed in the Con-
 14 gressional Record, and any time that the Majority Leader
 15 shall regard composition of such list as having changed,
 16 the Majority Leader shall request that a new and updated
 17 list be printed in the Congressional Record.”.

18 **SEC. 3. HOLDS.**

19 The Standing Rules of the Senate are amended by
 20 inserting at the end the following:

21 “RULE XLV

22 “PROCESS FOR HOLDS

23 “1. A Senator who provides notice either to leader-
 24 ship or during open public debate in the full Senate of
 25 intention to object to proceeding to a motion or matter

1 shall disclose the objection in the Congressional Record
2 not later than 2 session days after the date of such notice.
3 Upon the placement of the disclosure of objection in the
4 Congressional Record, the Senate shall only continue to
5 recognize the objection if the objection is raised as pro-
6 vided in this paragraph at least by one Senator who cau-
7 cuses with the party of the Majority Leader and by one
8 Senator who caucuses with the party of the Minority
9 Leader. Under no circumstance shall a particular objec-
10 tion to a nomination be recognized for more than 30 days.

11 “2. If a second objection is raised to a nomination,
12 no additional time beyond the 30-day limit of the first ob-
13 jection to the nominee shall be in order unless the second
14 objection is raised by both at least one Senator who cau-
15 cuses with the party of the Majority Leader but who did
16 not raise the first objection, and also at least one Senator
17 who caucuses with the party of the Minority Leader but
18 who did not raise the first objection.

19 “3. In this rule, the term ‘with the party of the Ma-
20 jority Leader’ has the same meaning as in rule XXII. The
21 process for determining what Senator caucuses with the
22 party of the Minority Leader under this rule shall be at
23 the discretion of the Minority Leader but shall follow the
24 analogous rule XXII process.”.

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