

113TH CONGRESS
1ST SESSION

S. RES. 4

To limit certain uses of the filibuster in the Senate to improve the legislative process.

IN THE SENATE OF THE UNITED STATES

JANUARY 3, 2013

Mr. UDALL of New Mexico (for himself, Mr. MERKLEY, and Mr. HARKIN)
submitted the following resolution; which was ordered to lie over under
the rule

RESOLUTION

To limit certain uses of the filibuster in the Senate to
improve the legislative process.

1 *Resolved,*

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

3 Paragraph 1 of rule XXII of the Standing Rules of
4 the Senate is amended by inserting at the end the fol-
5 lowing new paragraph:

6 “Other than a motion made during the first 2 hours
7 of a new legislative day as described in paragraph 2 of
8 rule VIII, consideration of a motion to proceed to the con-
9 sideration of any debatable matter, including debate on
10 any debatable motion or appeal in connection therewith,

1 shall be limited to not more than 2 hours, to be equally
 2 divided between, and controlled by, the Majority Leader
 3 and the Minority Leader or their designees. This para-
 4 graph shall not apply to motions considered nondebatable
 5 by the Senate pursuant to rule or precedent.”.

6 **SEC. 2. EXTENDED DEBATE.**

7 Paragraph 2 of rule XXII of the Standing Rules of
 8 the Senate is amended by striking the second undesig-
 9 nated paragraph and inserting the following:

10 “Is it the sense of the Senate that the debate shall
 11 be brought to a close? And if that question shall be decided
 12 in the affirmative by three-fifths of the Senators duly cho-
 13 sen and sworn, except on a measure or motion to amend
 14 the Senate rules, in which case the necessary affirmative
 15 vote shall be two-thirds of the Senators voting, a quorum
 16 being present, then cloture has been invoked.

17 “If that question is on disposition of a bill or joint
 18 resolution, a resolution or concurrent resolution, a sub-
 19 stitute amendment for a bill or resolution, a motion with
 20 respect to amendments between the Houses, a conference
 21 report, or advice and consent to a nomination or treaty,
 22 and if such question shall be decided in the affirmative
 23 by a majority of Senators voting, a quorum being present,
 24 but less than three-fifths of the Senators duly chosen and
 25 sworn (or less than two-thirds of the Senators voting, a

1 quorum being present, in the case of a measure or motion
2 to amend the Senate rules), then it shall be in order for
3 the Majority Leader (or his or her designee) to initiate
4 a period of extended debate upon the measure, motion,
5 or other matter pending before the Senate, or the unfin-
6 ished business, in relation to which the motion to close
7 debate was offered, in which case the period of extended
8 debate shall begin one hour later.

9 “During a period of extended debate, such measure,
10 motion, or other matter pending before the Senate, or the
11 unfinished business, shall be the unfinished business to the
12 exclusion of all other business, except on action or motion
13 by the Majority Leader (or his or her designee).

14 “During a period of extended debate it shall not be
15 in order for a Senator other than the Majority Leader (or
16 his or her designee) to raise a question as to the presence
17 of a quorum, except immediately prior to a vote or when
18 it has been more than forty-eight hours since a quorum
19 was demonstrated. If upon a roll call it shall be
20 ascertained that a quorum is not present, then the Senate
21 shall adjourn to a time previously decided by order of the
22 Senate or, if no such time has been established, then to
23 a time certain determined by the Majority Leader, after
24 consultation with the Minority Leader.

1 “During a period of extended debate a motion to ad-
2 journal or recess shall not be in order, unless made by the
3 Majority Leader (or his or her designee) or if the absence
4 of a quorum has been demonstrated. Notwithstanding
5 paragraph 1 of rule XIX, there shall be no limit to the
6 number of times a Senator may speak upon any question
7 during a period of extended debate.

8 “If, during the course of extended debate, the Pre-
9 siding Officer puts any question to a vote, the Majority
10 Leader (or his or her designee) may postpone any such
11 vote, which shall occur at a time determined by the Major-
12 ity Leader, after consultation with the Minority Leader,
13 but not later than the time at which a quorum is next
14 demonstrated.

15 “If at any time during a period of extended debate
16 no Senator seeks recognition, then the Presiding Officer
17 shall inquire as to whether any Senator seeks recognition.
18 If no Senator seeks recognition, then the Presiding Officer
19 shall again put the question as to bringing debate to a
20 close (and the Majority Leader or his or her designee may
21 postpone such vote in accordance with the preceding para-
22 graph), which shall be decided without further debate or
23 intervening motion. If that question shall be decided in
24 the affirmative by a majority of Senators voting, a quorum
25 being present, then cloture has been invoked and the pe-

1 riod of extended debate has ended. If that question shall
 2 be decided in the negative by a majority of Senators vot-
 3 ing, a quorum being present, then the period of extended
 4 debate has ended.

5 “If cloture is invoked, then the measure, motion,
 6 other matter pending before the Senate, or the unfinished
 7 business, in relation to which the motion to close debate
 8 was offered, shall remain the unfinished business to the
 9 exclusion of all other business until disposed of.”.

10 **SEC. 3. POST-CLOTURE DEBATE ON NOMINATIONS.**

11 Paragraph 2 of rule XXII of the Standing Rules of
 12 the Senate is amended by striking “After no more than
 13 thirty hours of consideration of the measure, motion, or
 14 other matter on which cloture has been invoked, the Sen-
 15 ate shall proceed, without any further debate on any ques-
 16 tion, to vote on” in the fourth undesignated paragraph
 17 and inserting “After no more than 30 hours of consider-
 18 ation of the measure, motion, or other matter on which
 19 cloture has been invoked, except on the question of advice
 20 and consent to a nomination other than a nomination to
 21 a position as Justice of the Supreme Court in which case
 22 consideration shall be limited to 2 hours, the Senate shall
 23 proceed, without any further debate on any question, to
 24 vote on”.

1 **SEC. 4. CONFERENCE MOTIONS.**

2 Rule XXVIII of the Standing Rules of the Senate is
3 amended by—

4 (1) redesignating paragraphs 1 through 9 as
5 paragraphs 2 through 10, respectively;

6 (2) redesignating any reference to paragraphs 1
7 through 9 as paragraph 2 through 10, respectively;
8 and

9 (3) inserting before paragraph 2, as redesignig-
10 nated, the following:

11 “1. A nondivisible motion to disagree to a House
12 amendment or insist upon a Senate amendment, to re-
13 quest a committee of conference with the House or to
14 agree to a request by the House for a committee of con-
15 ference, and to authorize the Presiding Officer to appoint
16 conferees (or to appoint conferees), is in order and consid-
17 eration of such a motion, including consideration of any
18 debatable motion or appeal in connection therewith, shall
19 be limited to not more than 2 hours.”.

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