

# SENATE RESOLUTION 6—TO MAKE EFFECTIVE APPOINTMENT OF SENATE LEGAL COUNSEL

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 6

That the appointment of Morgan J. Frankel of the District of Columbia to be Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of January 7, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

# SENATE RESOLUTION 7—TO MAKE EFFECTIVE APPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. REID of Nevada (for himself and Mr. McCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 7

That the appointment of Patricia Mack Bryan of Virginia to be Deputy Senate Legal Counsel, made by the President pro tempore this day, shall become effective as of January 3, 2011, and the term of service of the appointee shall expire at the end of the One Hundred Thirteenth Congress.

# SENATE RESOLUTION 8—AMENDING THE STANDING RULES OF THE SENATE TO PROVIDE FOR CLOTURE TO BE INVOKED WITH LESS THAN A THREE-FIFTHS MAJORITY AFTER ADDITIONAL DEBATE

Mr. HARKIN (for himself, Mr. DURBIN, Ms. MIKULSKI, and Mrs. SHAHEEN) submitted the following resolution; which was submitted and read:

S. RES. 8

*Resolved,*

## SECTION 1. SENATE CLOTURE MODIFICATION.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

“(2) (a) Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yeand-nay vote the question: ‘Is it the sense of the Senate that the debate shall be brought to a close?’ And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business.

“Thereafter no Senator shall be entitled to speak in all more than one hour on the meas-

ure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

“After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the majority and minority leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

“If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.

“No Senator shall call up more than two amendments until every other Senator shall have had the opportunity to do likewise.

“Notwithstanding other provisions of this rule, a Senator may yield all or part of his one hour to the majority or minority floor managers of the measure, motion, or matter or to the majority or minority leader, but each Senator specified shall not have more than two hours so yielded to him and may in turn yield such time to other Senators.

“Notwithstanding any other provision of this rule, any Senator who has not used or yielded at least ten minutes, is, if he seeks recognition, guaranteed up to ten minutes, inclusive, to speak only.

“After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.

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

“(2) Such subsequent motions shall be made in the manner provided by, and subject to the provisions of, subparagraph (a), except that the affirmative vote required to bring to a close debate upon that measure, motion, or other matter, or unfinished business (other than a measure or motion to amend Senate rules) shall be reduced by three votes on the second such motion, and by three additional votes on each succeeding motion, until the affirmative vote is reduced to a number equal to or less than an affirmative vote of a majority of the Senators duly chosen and sworn. The required vote shall then be an affirmative vote of a majority of the Senators duly chosen and sworn. The requirement of an affirmative vote of a majority of the Senators duly chosen and sworn shall not be further reduced upon any vote taken on any later motion made pursuant to this subparagraph with respect to that measure, motion, matter, or unfinished business.”.

## SEC. 2. SPECIAL CONSIDERATION OF AMENDMENTS POSTCLOTURE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

“After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided.”.

# SENATE RESOLUTION 9—TO PERMIT THE SENATE TO AVOID UNNECESSARY DELAY AND VOTE ON MATTERS FOR WHICH FLOOR DEBATE HAS CEASED

Mr. LAUTENBERG (for himself, Mr. DURBIN, Mrs. GILLIBRAND, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 9

*Resolved,*

## SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by—

(1) inserting after the second undesignated subparagraph the following:

“Following the filing of the cloture motion and prior to the cloture vote, as long as the matter on which cloture has been filed remains the pending matter—

“(1) there shall be no dilatory motion, including dilatory quorum calls, in order; and

“(2) if, at any time, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on cloture as long as any applicable filing deadline for first degree amendments has passed.”; and

(2) inserting after the fifth undesignated subparagraph (after the amendment by paragraph (1)) the following:

“If, at any time after cloture is invoked on an executive nomination or a motion to proceed, no Senator seeks recognition on the floor, it shall be in order for the Majority Leader to put the question on which cloture has been invoked.”.

# SENATE RESOLUTION 10—TO IMPROVE THE DEBATE AND CONSIDERATION OF LEGISLATIVE MATTERS AND NOMINATIONS IN THE SENATE

Mr. UDALL of New Mexico (for himself, Mr. HARKIN, Mr. MERKLEY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. BEGICH, Mr. BLUMENTHAL, Mrs. GILLIBRAND, Mrs. SHAHEEN, Mrs. BOXER, Mr. TESTER, Mr. CARDIN, Ms. MIKULSKI, Mr. WARNER, Mr. MANCHIN, Mr. COONS, Ms. STABENOW, Mrs. HAGAN, Mr. ROCKEFELLER, Mr. CASEY, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. FRANKEN, and Mr. UDALL of Colorado) submitted the following resolution; which was submitted and read:

S. RES. 10

*Resolved,*

## SECTION 1. DEBATE ON MOTIONS TO PROCEED.

Rule VIII of the Standing Rules of the Senate is amended by striking paragraph 2 and inserting the following:

"2. Debate on a motion to proceed to the consideration of any matter, and any debatable motion or appeal in connection therewith, shall be limited to not more than 2 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for a motion to go into executive session to consider a specified item of executive business and a motion to proceed to consider any privileged matter, which shall not be debatable."

## SEC. 2. ELIMINATING SECRET HOLDS.

Rule VIII of the Standing Rules of the Senate is amended by inserting at the end the following:

"3. No Senator may object on behalf of another Senator without disclosing the name of that Senator."

## SEC. 3. RIGHT TO OFFER AMENDMENTS.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following:

"After debate has concluded under this paragraph but prior to final disposition of the pending matter, the Majority Leader and the Minority Leader may each offer not to exceed 3 amendments identified as leadership amendments if they have been timely filed under this paragraph and are germane to the matter being amended. Debate on a leadership amendment shall be limited to 1 hour equally divided. A leadership amendment may not be divided."

## SEC. 4. EXTENDED DEBATE.

Paragraph 2 of rule XXII of the Standing Rules of the Senate is amended—

(1) by striking the second undesignated paragraph and inserting the following:

"Is it the sense of the Senate that the debate shall be brought to a close? And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then cloture has been invoked. If that question shall be decided in the negative the Senate shall enter a period of continuous debate on the measure, motion, or other matter pending before the Senate, or the unfinished business. A period of continuous debate shall continue as long as the subject of the cloture vote is the pending business. During a period of continuous debate, if a Senator seeks recognition to speak, that Senator shall be recognized and the Presiding Officer shall not entertain any motion or quorum calls. If during a period of continuous debate, no Sen-

ator seeks recognition, then the Presiding Officer shall note that the period of continuous debate has ended and cloture shall be considered invoked."; and

(2) in the last undesignated paragraph by inserting "or during a period of continuous debate" after "is invoked".

## SEC. 5. POST CLOTURE DEBATE ON NOMINATIONS.

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting at the end the following: "If the matter on which cloture is invoked is a nomination, the period of time for debate shall be 2 hours."

# SENATE RESOLUTION 11—TO ESTABLISH AS A STANDING ORDER OF THE SENATE THAT A SENATOR PUBLICLY DISCLOSE A NOTICE OF INTENT TO OBJECTING TO ANY MEASURE OR MATTER

Mr. WYDEN (for himself, Mr. GRASSLEY, Mrs. MCCASKILL, Ms. COLLINS, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mr. UDALL of Colorado, Mr. WHITEHOUSE, Mr. BINGAMAN, and Mr. MANCHIN) submitted the following resolution; which was submitted and read:

S. RES. 11

*Resolved,*

## SECTION 1. ELIMINATING SECRET SENATE HOLDS.

(a) IN GENERAL.—

(1) COVERED REQUEST.—This standing order shall apply to a notice of intent to object to the following covered requests:

(A) A unanimous consent request to proceed to a bill, resolution, joint resolution, concurrent resolution, conference report, or amendment between the Houses.

(B) A unanimous consent request to pass a bill or joint resolution or adopt a resolution, concurrent resolution, conference report, or the disposition of an amendment between the Houses.

(C) A unanimous consent request for disposition of a nomination.

(2) RECOGNITION OF NOTICE OF INTENT.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent to object to a covered request of a Senator who is a member of their caucus if the Senator—

(A) submits the notice of intent to object in writing to the appropriate leader and grants in the notice of intent to object permission for the leader or designee to object in the Senator's name; and

(B) not later than 1 session day after submitting the notice of intent to object to the appropriate leader, submits a copy of the notice of intent to object to the Congressional Record and to the Legislative Clerk for inclusion in the applicable calendar section described in subsection (b).

(3) FORM OF NOTICE.—To be recognized by the appropriate leader a Senator shall submit the following notice of intent to object:

"I, Senator \_\_\_\_\_, intend to object to \_\_\_\_\_, dated \_\_\_\_\_. I will submit a copy of this notice to the Legislative Clerk and the Congressional Record within 1 session day and I give my permission to the objecting Senator to object in my name." The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date

that the notice of intent to object is submitted.

(b) CALENDAR.—Upon receiving the submission under subsection (a)(2)(B), the Legislative Clerk shall add the information from the notice of intent to object to the applicable Calendar section entitled "Notices of Intent to Object to Proceeding" created by Public Law 110-81. Each section shall include the name of each Senator filing a notice under subsection (a)(2)(B), the measure or matter covered by the calendar to which the notice of intent to object relates, and the date the notice of intent to object was filed.

(c) REMOVAL.—A Senator may have a notice of intent to object relating to that Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator \_\_\_\_\_, do not object to \_\_\_\_\_, dated \_\_\_\_\_. The first blank shall be filled with the name of the Senator, the second blank shall be filled with the name of the covered request, the name of the measure or matter and, if applicable, the calendar number, and the third blank shall be filled with the date of the submission to the Congressional Record under this subsection.

(d) OBJECTING ON BEHALF OF A MEMBER.—If a Senator who has notified his or her leader of an intent to object to a covered request fails to submit a notice of intent to object under subsection (a)(2)(B) within 1 session day following an objection to a covered request by the leader or his or her designee on that Senator's behalf, the Legislative Clerk shall list the Senator who made the objection to the covered request in the applicable "Notice of Intent to Object to Proceeding" calendar section.

# SENATE RESOLUTION 12—TO AMEND THE STANDING RULES OF THE SENATE TO REFORM THE FILIBUSTER RULES TO IMPROVE THE DAILY PROCESS OF THE SENATE

Mr. UDALL of Colorado (for himself, Mr. DURBIN, and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 12

Whereas the Senate has operated under the cloture rules for many decades;

Whereas there has been a marked increase in the use of the filibuster in recent years;

Whereas sweeping, monumental legislation affecting economic recovery, reform of the healthcare system, reform of the financial regulatory system, and many other initiatives all were enacted in the 111th Congress after overcoming filibusters;

Whereas both parties have used the filibuster to prevent the passage of controversial legislation and confirmation of qualified nominees;

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

Whereas there are many areas where the rules of the Senate have been abused, and can make way for changes that will improve the daily process of the Senate; and

Whereas bipartisan cooperation can overcome nearly any obstacle in the United States Senate, changing the Senate rules must also be done with bipartisan cooperation: Now, therefore, be it

*Resolved,*

## SECTION 1. CHANGING VOTE THRESHOLD TO PRESENT AND VOTING.

The second undesignated subparagraph of paragraph 2 of rule XXII of the Standing