

# 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

Rules of the Senate is amended by striking “duly chosen and sworn” and inserting “present and voting”.

## SEC. 2. MOTIONS TO PROCEED.

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

“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 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees except for—

“(1) a motion to proceed to a proposal to change the Standing Rules which shall be debatable; and

“(2) 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. 3. NO FILIBUSTER AFTER COMPLETE SUBSTITUTE IS AGREED TO.

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

“If a complete substitute amendment for a measure is agreed to after consideration under cloture, the Senate shall proceed to a final disposition of the measure without intervening action or debate except one quorum call if requested.”.

## SEC. 4. NO FILIBUSTER RELATED TO COMMITTEES ON CONFERENCE.

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

“10.(a) Upon the majority leader making a motion to disagree with a House amendment or amendments or insist on a Senate amendment or amendments, request a conference with the House, or agree to the conference requested by the House on the disagreeing votes of the two Houses, and that the chair be authorized to appoint conferees on the part of the Senate, debate on the motion, and any debatable motion or appeal in connection therewith, shall be limited to not more than 4 hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

“(b) A motion made by the majority leader pursuant to subparagraph (a) shall not be divisible and shall not be subject to amendment.”.

## SEC. 5. TIME PRECLOTURE.

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

(1) in the first subparagraph of paragraph 2, by striking “one hour after the Senate meets on the following calendar day but one” and inserting “24 hours after the filing of the motion”; and

(2) in the third undesignated paragraph, by striking the second sentence and inserting “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 12 hours following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least 1 hour prior to the beginning of the cloture vote if an amendment in the second degree.”.

## SEC. 6. DIVISION OF TIME POSTCLOTURE.

The fourth undesignated subparagraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by inserting “(to be equally divided between the majority and the minority)” after “thirty hours of consideration”.

## SEC. 7. ELIMINATING DEBATE TIME POSTCLOTURE 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 Senate shall immediately proceed to vote on final disposition of the nomination upon invoking cloture on the nomination under this paragraph.”.

## SEC. 8. ALLOWING COMMITTEES TO MEET WITHOUT CONSENT.

Paragraph 5 of rule XXVI of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a); and

(2) redesignating subparagraphs (b) through (e) as subparagraphs (a) through (d), respectively.

## SEC. 9. READING OF AMENDMENTS.

Paragraph 1 of rule XV of the Standing Rules of the Senate is amended by inserting at the end the following:

“(c) The reading of an amendment may be waived by a nondebateable motion if the amendment has been printed in the Congressional Record and available for at least 24 hours before the motion.”.

## SEC. 10. ALLOWING AMENDMENTS WHEN AMENDMENTS PENDING BY A LIMITED MOTION.

Rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

“6.(a) If an amendment is pending and except as provided in subparagraph (b), a nondebateable motion shall be in order to set aside any pending amendments in order to offer another germane amendment. No Senator shall offer more than 1 such motion in any calendar day and the Senate shall consider not more than 5 such motions in any calendar day.

“(b)(1) A nondebateable motion shall be in order to waive the requirement of germaneness under subparagraph (a).

“(2) A waiver motion under this subparagraph shall require three-fifths of the Senators duly chosen and sworn.

“(c) An affirmative vote of three-fifths of the Senators duly chosen and sworn shall be required to sustain an appeal of a ruling by the chair on a point of order raised under this paragraph.”.

## SENATE RESOLUTION 13—A BILL TO REQUIRE A TWO-FIFTHS THRESHOLD TO SUSTAIN A FILIBUSTER

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

S. RES. 13

*Resolved,*

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

The second undesignated paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking “And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn” and inserting “And if that question is decided in the affirmative and there are not negative votes by more than two-fifths of the Senators duly chosen and sworn”.

## SENATE CONCURRENT RESOLUTION—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID of Nevada submitted the following concurrent resolution; which was considered and agrees to:

S. CON. RES. 1

*Resolved, by the Senate of the United States (the House of Representatives concurring), (That (a) when the Senate adjourns or recesses on any day from Wednesday, January 5, 2011, through Monday, January 10, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned or recessed until 10 a.m. on Tuesday, January 25, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and*

*(b) when the House adjourns on the legislative day of Wednesday, January 12, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, January 18, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on any legislative day from Wednesday, January 26, 2011, through Friday, January 28, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2011, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.*

SEC. 2. (a) The Majority Leader of the Senate, or his designee, after consultation with the Minority Leader of the Senate, or his designee, shall notify the Members of the Senate to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

(b) After reassembling pursuant to subsection (a), when the Senate recesses or adjourns on a motion offered pursuant to this subsection by its Majority Leader or his designee, the Senate shall again stand recessed or adjourned pursuant to the first section of this concurrent resolution.

SEC. 3. The Speaker or his designee, after consultation with the Minority Leader of the House, shall notify Members of the House to reassemble at such place and time as he may designate if, in his opinion, the public interest shall warrant it.

## SENATE CONCURRENT RESOLUTION 2—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT MARKING THE 50TH ANNIVERSARY OF THE INAUGURAL ADDRESS OF PRESIDENT JOHN F. KENNEDY

Mr. KERRY submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Whereas John Fitzgerald Kennedy was elected to the United States House of Representatives and served from January 3, 1947, to January 3, 1953, until he was elected by the Commonwealth of Massachusetts to the Senate where he served from January 3, 1953, to December 22, 1960;

Whereas on November 8, 1960, John Fitzgerald Kennedy was elected as the 35th President of the United States; and

Whereas on January 20, 1961, President Kennedy was sworn in as President of the United States and delivered his inaugural address at 12:51 p.m., a speech that served as a clarion call to service for the Nation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

## SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR AN EVENT HONORING PRESIDENT KENNEDY.

The rotunda of the United States Capitol is authorized to be used on January 20, 2011, for