

112TH CONGRESS
1ST SESSION

S. RES. 21

To amend the Standing Rules of the Senate to provide procedures for extended debate.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. MERKLEY (for himself, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. ROCKEFELLER, Mr. DURBIN, Mr. LIEBERMAN, Mr. SANDERS, Mrs. SHAHEEN, Mr. CASEY, Mr. HARKIN, Mrs. GILLIBRAND, Mrs. HAGAN, Mr. FRANKEN, Mr. UDALL of Colorado, Mr. BROWN of Ohio, Ms. KLOBUCHAR, Mr. MANCHIN, and Mr. COONS) submitted the following resolution; which was ordered to lie over under the rule

JANUARY 27, 2011

Considered, amended, and not agreed to; returned to the calendar under over, under the rule

RESOLUTION

To amend the Standing Rules of the Senate to provide procedures for extended debate.

1 *Resolved,*

2 **SECTION 1. EXTENDED DEBATE.**

3 Paragraph 2 of rule XXII of the Standing Rules of

4 the Senate is amended—

1 (1) designating the first 3 undesignated para-
2 graphs as subparagraphs (a), (b), and (d), respec-
3 tively;

4 (2) in subparagraph (d), as designated by para-
5 graph (1), by striking “Thereafter” and inserting
6 “If the Senate agrees to bring debate to a close
7 under subparagraphs (b) or (c), thereafter”; and

8 (3) inserting after subparagraph (b), as des-
9 ignated by paragraph (1), the following:

10 “(c)(1) If the Senate has voted against closing debate
11 on a measure, motion, or other matter under subpara-
12 graph (b), but a majority of senators present and voting
13 have voted to bring debate to a close, then the procedures
14 under this subparagraph shall be in order at any time,
15 so long as that measure, motion or other matter has con-
16 tinued as the only pending business subsequent to the vote
17 against closing debate.

18 “(2) Under the circumstances described in clause (1),
19 it shall be in order for the Majority Leader or his designee
20 to move to bring debate on the pending measure, motion,
21 or other matter to a close on the grounds that no Senator
22 seeks recognition to debate the matter. Immediately after
23 the motion is made and before putting the question there-
24 on, the Presiding Officer shall immediately inquire wheth-
25 er any Senator seeks recognition for the purpose of debat-

1 ing the measure, motion or other matter on which the Sen-
2 ate had previously voted against closing debate under sub-
3 paragraph (b). If a Senator seeks recognition for that pur-
4 pose, the Presiding Officer shall announce that the Senate
5 is proceeding under extended debate, and shall recognize
6 a Senator who seeks recognition for debate. After the Pre-
7 siding Officer's announcement under the preceding sen-
8 tence the Senate shall continue to proceed under extended
9 debate subject to the conditions provided in clause (3).
10 Notwithstanding rule XIX, Senators may speak more than
11 twice on a question during extended debate.

12 “(3)(A) If the Senate enters into extended debate
13 under this clause, no dilatory motions, motions to suspend
14 any rule or any part thereof, nor dilatory quorum calls
15 shall be entertained.

16 “(B) If during extended debate the proceedings de-
17 scribed in either subclause (C), (D), or (E) occur and un-
18 less the Majority Leader or his designee withdraws the
19 motion made under clause (2), the Senate shall proceed
20 immediately to vote on that motion or to vote at a time
21 designated by the Majority Leader or his designee within
22 the next 4 calendar days of Senate session. When voted
23 on, that motion shall be decided by a majority of Senators
24 chosen and sworn.

1 “(C) If, at any point during extended debate when
2 no Senator is recognized, no Senator seeks recognition, the
3 Presiding Officer shall renew the inquiry as to whether
4 a Senator seeks recognition and shall recognize a Senator
5 who seeks recognition for the purpose of debate. If no Sen-
6 ator then seeks recognition (or if no Senator sought rec-
7 ognition in response to the Presiding Officer’s inquiry
8 under clause (2)), the Senate shall dispose of the motion
9 of the Majority Leader (or his designee) to bring debate
10 to a close pursuant to clause (2), in the manner specified
11 in subclause (B).

12 “(D)(i) If, at any point during extended debate, a
13 Senator raises a question of the presence of a quorum,
14 the Presiding Officer shall renew the inquiry as to whether
15 a Senator seeks recognition, and shall recognize a Senator
16 who seeks recognition for debate.

17 “(ii) If no Senator then seeks recognition for de-
18 bate—

19 “(I) the Presiding Officer shall direct the Clerk
20 to call the roll;

21 “(II) upon the establishment of a quorum, the
22 Senate shall dispose of the motion of the Majority
23 Leader (or his designee) to bring debate to a close
24 pursuant to clause (2) in the manner specified in
25 subclause (B); and

1 “(III) if the Senate adjourns for lack of a
2 quorum and when the Senate next convenes and the
3 morning hour or any period for morning business is
4 expired or is deemed to be expired, the Senate shall
5 dispose of the motion of the Majority Leader (or his
6 designee) made to bring debate to a close pursuant
7 to clause (2) in the manner specified in subclause
8 (B).

9 “(E)(i) If, at any point during extended debate, a
10 Senator having been recognized moves to adjourn, recess,
11 postpone the pending matter, or proceed to other business,
12 then unless the motion is made or seconded by the Major-
13 ity Leader or his designee, the Presiding Officer shall
14 renew the inquiry as to whether a Senator seeks recogni-
15 tion, and shall recognize a Senator who seeks recognition
16 for debate, and said motion shall be considered withdrawn.
17 If no Senator then seeks recognition for debate, then the
18 Presiding Officer shall immediately put the question on
19 the motion offered, unless the vote is delayed as provided
20 in subclause (F).

21 “(ii) If the Senate agrees to a motion to adjourn or
22 recess it shall resume consideration of the pending meas-
23 ure, motion or other matter pending at the time of ad-
24 journment or recess when it first takes up business after
25 it next reconvenes, and the Senate shall still be in a period

1 of extended debate. Upon the negative disposition of the
2 motion to adjourn, recess, postpone, or proceed to other
3 business, unless such motion was made by the majority
4 leader or his designee, the Senate shall dispose of the mo-
5 tion of the Majority Leader (or his designee) to bring de-
6 bate to a close pursuant to clause (2) in the manner speci-
7 fied in subclause (B).

8 “(F) During a period of extended debate, the Major-
9 ity Leader or his designee may delay any vote until a des-
10 ignated time within the next 4 calendar days of Senate
11 session, and any votes ordered or occurring thereafter
12 shall likewise be delayed.

13 “(4) If the motion of the Majority Leader to bring
14 debate to a close pursuant to clause (3)(B) is agreed to
15 by a majority of Senators chosen and sworn, the Presiding
16 Officer shall announce that extended debate is ended and
17 that the measure, motion, or other matter pending before
18 the Senate shall be the unfinished business to the exclu-
19 sion of all other business until disposed of and further pro-
20 ceedings on the measure, motion or other matter shall
21 occur in accordance with subparagraph (d). If the Major-
22 ity Leader withdraws the motion to bring debate to a close
23 pursuant to clause (3)(B) or that motion is not agreed
24 to by a majority of Senators chosen and sworn the Pre-

1 siding Officer shall announce that extended debate is
2 ended.

3 “(5) If extended debate on a measure, motion or
4 other matter is ended under this subparagraph, other than
5 by agreement to the motion made by the Majority Leader
6 under clause (4), further consideration of the measure,
7 motion or other matter shall occur as otherwise provided
8 by the rules, except that if the Senate subsequently again
9 votes against closing debate under subparagraph (b), the
10 procedures under this subparagraph shall apply.”.

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