

108TH CONGRESS  
1ST SESSION

# S. RES. 138

To amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate.

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## IN THE SENATE OF THE UNITED STATES

MAY 9, 2003

Mr. FRIST (for himself, Mr. MILLER, Mr. McCONNELL, Mr. STEVENS, Mr. SANTORUM, Mr. KYL, Mrs. HUTCHISON, Mr. ALLEN, Mr. LOTT, Mr. HATCH, Mr. CORNYN, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

To amend rule XXII of the Standing Rules of the Senate relating to the consideration of nominations requiring the advice and consent of the Senate.

1       *Resolved*, That rule XXII of the Standing Rules of  
2 the Senate is amended—

3           (1) in paragraph (2), by striking “Notwith-  
4 standing” and inserting “Except as provided by  
5 paragraph 3 and notwithstanding”; and

6           (2) by adding at the end the following:

7       “3. (a) The provisions of this paragraph shall apply  
8 to the considerations of nominations requiring the advice  
9 and consent of the Senate.

1           “(b)(1) Notwithstanding the provisions of rule II or  
2 rule IV or any other rule of the Senate and after a nomi-  
3 nation requiring the advice and consent of the Senate has  
4 been pending before the Senate for at least 12 hours, a  
5 motion signed by 16 Senators to bring to a close the de-  
6 bate on that nomination may be presented to the Senate  
7 and the Presiding Officer, or clerk at the direction of the  
8 Presiding Officer, shall at once state the motion to the  
9 Senate, and 1 hour after the Senate meets on the following  
10 calendar day but 1, he shall lay the motion before the Sen-  
11 ate and direct that the clerk call the roll, and upon the  
12 ascertainment that a quorum is present, the Presiding Of-  
13 ficer shall, without debate, submit to the Senate by a yea-  
14 and-nay vote the question: ‘Is it the sense of the Senate  
15 that the debate shall be brought to a close?’.

16           “(2) If the question in clause (1) is agreed to by  
17 three-fifths of the Senators duly chosen and sworn then  
18 the nomination pending before the Senate shall be the un-  
19 finished business to the exclusion of all other business  
20 until disposed of.

21           “(3) After cloture is invoked, no Senator shall be en-  
22 titled to speak in all more than 1 hour on the nomination  
23 pending before the Senate and it shall be the duty of the  
24 Presiding Officer to keep the time of each Senator who  
25 speaks. No dilatory motion shall be in order. Points of

1 order and appeals from the decision of the Presiding Offi-  
2 cer shall be decided without debate.

3       “(4) After no more than 30 hours of consideration  
4 of the nomination on which cloture has been invoked, the  
5 Senate shall proceed, without any further debate on any  
6 question, to vote on the final disposition thereof to the  
7 exclusion of all motions, except a motion to table, or to  
8 reconsider and one quorum call on demand to establish  
9 the presence of a quorum (and motions required to estab-  
10 lish a quorum) immediately before the final vote begins.  
11 The 30 hours may be increased by the adoption of a mo-  
12 tion, decided without debate, by a three-fifths affirmative  
13 vote of the Senators duly chosen and sworn, and any such  
14 time thus agreed upon shall be equally divided between  
15 and controlled by the Majority and Minority Leaders or  
16 their designees. However, only one motion to extend time,  
17 specified above, may be made in any 1 calendar day.

18       “(5) Notwithstanding other provisions of this rule, a  
19 Senator may yield all or part of his 1 hour to the majority  
20 or minority floor managers of the nomination or to the  
21 Majority or Minority Leader, but each Senator specified  
22 shall not have more than 2 hours so yielded to him and  
23 may in turn yield such time to other Senators.

24       “(6) Notwithstanding any other provision of this rule,  
25 any Senator who has not used or yielded at least 10 min-

1 utes, is, if he seeks recognition, guaranteed up to 10 min-  
2 utes, inclusive, to speak only.

3 “(c)(1) If, upon a vote taken on a motion presented  
4 pursuant to subparagraph (b), the Senate fails to invoke  
5 cloture with respect to a nomination pending before the  
6 Senate, subsequent motions to bring debate to a close may  
7 be made with respect to the same nomination. It shall not  
8 be in order to file subsequent cloture motions on any nomi-  
9 nation, except by unanimous consent, until the previous  
10 motion has been disposed of.

11 “(2) Such subsequent motions shall be made in the  
12 manner provided by, and subject to the provisions of, sub-  
13 paragraph (b), except that the affirmative vote required  
14 to bring to a close debate upon that nomination shall be  
15 reduced by 3 votes on the second such motion, and by 3  
16 additional votes on each succeeding motion, until the af-  
17 firmative vote is reduced to a number equal to or less than  
18 an affirmative vote of a majority of the Senators duly cho-  
19 sen and sworn. The required vote shall then be a simple  
20 majority.”.

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