

111TH CONGRESS
2D SESSION

S. RES. 619

Expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2010

Mr. UDALL of New Mexico submitted the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Expressing the sense of the Senate that the Senate of each new Congress is not bound by the Rules of previous Senates.

Whereas section 5 of article I of the United States Constitution states “Each House may determine the Rules of its Proceedings”, with no requirement for a supermajority to adopt or amend the rules of either House;

Whereas it is a longstanding common law principle, upheld in Supreme Court decisions such as *United States v. Ballin*, that one legislature cannot bind subsequent legislatures;

Whereas advisory rulings by Vice Presidents Nixon, Humphrey, and Rockefeller, sitting as the President of the Senate, have stated that a Senate at the beginning of a Congress is not bound by the cloture requirement imposed by a previous Senate and may end debate on a pro-

posal to adopt or amend the Standing Rules of the Senate by a majority vote; and

Whereas the provision in rule XXII that requires a two-thirds vote of Senators present and voting to limit debate on a measure or motion to amend the Senate Rules is unconstitutional because its effect is to deny a majority of the Senate of each new Congress from proceeding to a vote to determine its own rules: Now, therefore, be it

1 *Resolved*, That the Senate of each new Congress is
 2 not bound by the rules of previous Senates and should,
 3 upon a motion by a Senator to bring debate to a close,
 4 if said motion receives the affirmative vote of a majority
 5 of the Senators duly chosen and sworn, proceed to deter-
 6 mine the Rules of its Proceedings in accordance with sec-
 7 tion 5 of article I of the Constitution.

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