



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 157

WASHINGTON, THURSDAY, JANUARY 27, 2011

No. 12

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 8, 2011, at 2 p.m.

## Senate

THURSDAY, JANUARY 27, 2011

The Senate met at 10:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, we lift our hearts to You, the giver of wisdom and strength.

Guide our lawmakers through the deliberations of this day. Give them wisdom to work for justice and to advance Your kingdom on Earth. May they set a course for this Nation that unites people in dedication to truth and righteousness. Lord, empower them to meet today's joys with gratitude, its difficulties with fortitude, and its duties with fidelity. Teach them to toil and to ask for nothing more than to know they are pleasing You.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 27, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will begin en bloc consideration of several resolutions to change the Senate rules. There will be up to 8 hours of debate prior to a series of stacked rollcall votes in relation to the resolutions.

The Senate will recess from 12:30 until 2:15 to allow for caucuses. It is my understanding that both the Democrats and Republicans will be holding meetings today during that hour.

If all time is used, the series of votes will begin around 8 p.m. However, we expect time to be yielded back so that the votes can begin earlier. Senators will be notified if and when any time is

yielded back and when the votes are expected to begin.

### MEASURE PLACED ON THE CALENDAR—S. 192

Mr. REID. Mr. President, I understand S. 192 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 192) to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. Mr. President, I object to further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar under rule XIV.

### ORDER OF BUSINESS

Mr. REID. My understanding now is that as soon as the clerk announces the order for the day, the 8 hours will begin to run; is that right, Mr. President?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S295

AMENDING THE STANDING RULES AND PROCEDURE OF THE SENATE—S. RES. 8, S. RES. 10, S. RES. 21, S. RES. 28, AND S. RES. 29

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the en bloc consideration of the following resolutions, which the clerk will report.

The legislative clerk read the titles of the resolutions as follows:

A resolution (S. Res. 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;

A resolution (S. Res. 10) to improve the debate and consideration of legislative matters and nominations in the Senate;

A resolution (S. Res. 21) to amend the Standing Rules of the Senate to provide procedures for extended debate;

A resolution (S. Res. 28) 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;

A resolution (S. Res. 29) to permit the waiving of the reading of an amendment if the text and adequate notice are provided.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the clerk begin calling the quorum and that the time be evenly divided for the duration of the consideration of the resolutions. If there are quorum calls during this debate, I ask unanimous consent that the time be equally divided on both sides during those quorum calls.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that we have more reporting to be done by the clerk on matters that will come before the Senate.

AMENDMENTS NOS. 1 AND 2

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the two amendments that are in order.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 1 to S. Res. 10; and the Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 2 to S. Res. 21.

The amendments are as follows:

AMENDMENT NO. 1

(Purpose: In the nature of a substitute.)

Strike all after the resolving clause and insert the following:

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 debat-

able 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 the filing of a cloture motion under this paragraph but prior to a vote on such motion, 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. A leadership amendment shall require the approval of at least three-fifths of the Senators duly chosen and sworn."

SEC. 4. EXTENDED DEBATE.

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

(1) by designating the first 3 undesignated paragraphs as subparagraphs (a), (b), and (d), respectively;

(2) in subparagraph (d), as designated by paragraph (1), by striking "Thereafter" and inserting "If the Senate agrees to bring debate to a close under subparagraphs (b) or (c), thereafter"; and

(3) by inserting after subparagraph (b), as designated by paragraph (1), the following:

"(c)(1) If the Senate has voted against closing debate on a measure, motion, or other matter under subparagraph (b), but a majority of senators present and voting have voted to bring debate to a close, then the procedures under this subparagraph shall be in order at any time, so long as that measure, motion or other matter has continued as the only pending business subsequent to the vote against closing debate.

"(2) Under the circumstances described in clause (1), it shall be in order for the Majority Leader or his designee to move to bring debate on the pending measure, motion, or other matter to a close on the grounds that no Senator seeks recognition to debate the matter. Immediately after the motion is made and before putting the question thereon, the Presiding Officer shall immediately inquire whether any Senator seeks recognition for the purpose of debating the measure, motion or other matter on which the Senate had previously voted against closing debate under subparagraph (b). If a Senator seeks recognition for that purpose, the Presiding Officer shall announce that the Senate is proceeding under extended debate, and shall recognize a Senator who seeks recognition for debate. After the Presiding Officer's announcement under the preceding sentence the Senate shall continue to proceed under extended debate subject to the conditions provided in clause (3). Notwithstanding rule XIX, Senators may speak more than twice on a question during extended debate.

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

"(B) If during extended debate the proceedings described in either subclause (C), (D), or (E) occur and unless the Majority Leader or his designee withdraws the motion made under clause (2), the Senate shall proceed immediately to vote on that motion or to vote at a time designated by the Majority Leader or his designee within the next 4 calendar days of Senate session. When voted on, that motion shall be decided by a majority of Senators chosen and sworn.

"(C) If, at any point during extended debate when no Senator is recognized, no Senator seeks recognition, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition and shall recognize a Senator who seeks recognition for the purpose of debate. If no Senator then seeks recognition (or if no Senator sought recognition in response to the Presiding Officer's inquiry under clause (2)), the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2), in the manner specified in subclause (B).

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

"(ii) If no Senator then seeks recognition for debate—

"(I) the Presiding Officer shall direct the Clerk to call the roll;

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

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

"(E)(i) If, at any point during extended debate, a Senator having been recognized moves to adjourn, recess, postpone the pending matter, or proceed to other business, then unless the motion is made or seconded by the Majority Leader or his designee, the Presiding Officer shall renew the inquiry as to whether a Senator seeks recognition, and shall recognize a Senator who seeks recognition for debate, and said motion shall be considered withdrawn. If no Senator then seeks recognition for debate, then the Presiding Officer shall immediately put the question on the motion offered, unless the vote is delayed as provided in subclause (F).

"(ii) If the Senate agrees to a motion to adjourn or recess it shall resume consideration of the pending measure, motion or other matter pending at the time of adjournment or recess when it first takes up business after it next reconvenes, and the Senate shall still be in a period of extended debate. Upon the negative disposition of the motion to adjourn, recess, postpone, or proceed to other business, unless such motion was made by the majority leader or his designee, the Senate shall dispose of the motion of the Majority Leader (or his designee) to bring debate to a close pursuant to clause (2) in the manner specified in subclause (B).

"(F) During a period of extended debate, the Majority Leader or his designee may delay any vote until a designated time within the next 4 calendar days of Senate session, and any votes ordered or occurring thereafter shall likewise be delayed.

"(4) If the motion of the Majority Leader to bring debate to a close pursuant to clause (3)(B) is agreed to by a majority of Senators