119TH CONGRESS
2D SESSION

H. RES. 1369

Expressing the sense of the House of Representatives that the United States Senate's current cloture and filibuster rules are contrary to the constitutional design of two co-equal majoritarian legislative bodies, are non-deliberative in practice, disenfranchise Members of the House of Representatives and their constituents, and disrupt the proper balance of powers between the two chambers of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2026

Mr. CLOUD submitted the following resolution; which was referred to the Committee on Rules

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RESOLUTION

Expressing the sense of the House of Representatives that the United States Senate's current cloture and filibuster rules are contrary to the constitutional design of two co-equal majoritarian legislative bodies, are non-deliberative in practice, disenfranchise Members of the House of Representatives and their constituents, and disrupt the proper balance of powers between the two chambers of Congress, and for other purposes.

Resolved,

SECTION 1. FINDINGS WITH RESPECT TO THE SENATE FILIBUSTER.

(a) FOUNDERS' INTENT REGARDING TWO MAJORITARIAN DELIBERATIVE BODIES OF EQUAL WEIGHT.—The House of Representatives finds the following:

(1) The Framers of the Constitution deliberately designed the United States Congress as a bicameral legislature composed of two co-equal chambers, each intended to operate on the principle of majority rule. As James Madison wrote in Federalist No. 58: ''In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed'' if a minority faction could defeat the wishes of the majority.

(2) Alexander Hamilton, in Federalist No. 22, explicitly condemned supermajority requirements as fundamentally anti-republican in nature, writing: ''Its real operation is to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto, to the regular deliberations and decisions of a respectable majority.''. Hamilton warned that requiring more than

a majority to act ''tends to subject the sense of the greater number to that of the lesser number.''.

(3) The Constitutional Convention of 1787 specifically and deliberately rejected supermajority requirements as the default rule for ordinary legislation. The Constitution enumerates only six circumstances in which a supermajority is required—ratification of treaties (article II, section 2), conviction on impeachment (article I, section 3), expulsion of members (article I, sections 2 and 5), overriding a presidential veto (article I, section 7), proposing constitutional amendments (article V), and restoring the rights of former Confederates (section 3 of the Fourteenth Amendment)—and ordinary legislation is conspicuously absent from this list.

(4) As Madison recorded in his Notes on the Constitutional Convention, when a supermajority requirement for ordinary legislation was proposed, it was rejected by the delegates precisely because they understood that majority rule was the bedrock of republican governance. Madison himself wrote in Federalist No. 51 that in a republic, ''it is of great importance . . . not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other

part,'' a protection achieved through representative majorities—not through minority veto.

(5) The Senate was designed as a deliberative check—not as a chamber capable of nullifying majority will indefinitely. As Madison noted at the Constitution Convention in June 1787, the Senate's role was to provide ''a necessary fence against . . . the fickleness and passion'' of momentary majorities—a check achieved through longer terms, smaller size, and staggered elections, not through procedural rules enabling indefinite minority obstruction of majority legislation.

(b) THE CURRENT SENATE FILIBUSTER IS NOT DELIBERATIVE.—The House finds the following:

(1) The original Senate filibuster, whatever its historical justification, required Senators to maintain continuous floor debate as a mechanism to delay rather than permanently defeat legislation, thereby preserving at least a nominal form of deliberation. The modern filibuster, as reformed in 1975 and subsequently, requires only that forty-one senators signal their intent to object—without requiring any senator to be present on the floor, to speak, or to engage in debate of any kind.

(2) The Senate's ''two-track system'' implemented in the 1970s, transformed the filibuster from an act of extended deliberation into a procedural veto exercisable by a minority without any requirement for sustained engagement with the legislation at issue. Under current Senate practice, a minority of senators may prevent a bill passed by the House from receiving a vote by simply refusing to invoke cloture—without ever setting foot on the Senate floor to debate the merits of the legislation.

(3) The Supreme Court of the United States, in INS v. Chadha, 462 U.S. 919 (1983), reaffirmed that the Constitution's explicit procedural requirements for legislation reflect careful and deliberate choices by the Framers. Justice Burger, writing for the Court, emphasized that the procedures of bicameralism and presentment ''are integral parts of the constitutional design for the separation of powers'' and that departures from constitutionally prescribed procedure undermine the representative character of the legislative process.

(4) A procedure that permits forty-one senators—potentially representing as little as eleven percent of the American population—to prevent the Senate from voting on legislation passed by a major-

ity of the House of Representatives and supported by a majority of the Senate cannot be characterized as deliberation; it is, rather, a procedural mechanism for the exercise of minority veto power antithetical to the republican form of government guaranteed to the states by article IV, section 4 of the Constitution.

(c) THE CURRENT SENATE FILIBUSTER IS COUNTER TO THE INTENT OF TWO CO-EQUAL MAJORITARIAN BODIES.—The House finds the following:

(1) The Constitution vests all legislative powers in a Congress composed of two chambers, each of which was designed to reflect—through different mechanisms—the will of the American people. Article I, section 1 states plainly: ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' The use of the conjunctive reflects the Framers' design that both chambers act—not that one chamber's minority may indefinitely prevent the other chamber's majority-passed legislation from receiving a vote.

(2) The Senate was never designed to be a chamber in which forty-one members could permanently and without deliberation defeat legislation de-

sired by a majority of both chambers. The Framers' intent, as reflected in the Constitutional text and in the Federalist Papers, was that legislation supported by a majority of each chamber, and signed by the President, would become law—with the check on majority excess supplied not by minority veto but by the structural features of bicameralism, the presidential veto, and judicial review.

(3) In United States v. Ballin, 144 U.S. 1 (1892), the Supreme Court held that each House of Congress has broad authority to establish its own rules of proceeding, but that such rules must not ''ignore constitutional restraints or violate fundamental rights''. A Senate rule that effectively nullifies the deliberative and majoritarian function of the House of Representatives, as an institution coequal under article I, raises serious questions about whether such a rule operates within constitutional limits.

(4) The Senate filibuster, as currently practiced, produces a structural asymmetry between the two chambers wholly foreign to the constitutional design: the House of Representatives, which must pass legislation by majority vote, has its deliberative output systematically negated not by a Senate major-

ity's considered rejection, but by a Senate minority's procedural objection—leaving the House majority without any meaningful legislative recourse and rendering House passage of legislation an exercise without practical consequence whenever Senate minority opposition exists.

(d) THE SENATE FILIBUSTER PREVENTS LEGISLATION PASSED BY THE HOUSE FROM RECEIVING PROPER CONSIDERATION IN THE SENATE.—The House finds the following:

(1) The Constitution's bicameral design contemplates that legislation passed by one chamber will be considered by the other chamber on its merits and ultimately accepted, rejected, or amended by majority action in that chamber. The current Senate filibuster permits legislation passed by the House of Representatives to be tabled indefinitely without a floor vote, without committee action, and without any substantive consideration of its merits by the Senate as a body.

(2) The Supreme Court in Chadha noted that the procedures of article I, section 7—requiring passage by both Houses—were designed to ensure that legislation reflects considered deliberation by both chambers. When one chamber's output is systemati-

cally blocked from consideration by the other chamber's procedural rules, the bicameral design is subverted: one of the two constitutionally required steps in the legislative process is made effectively optional by minority fiat.

(3) The constitutional design of the Senate as a deliberative body capable of amending, improving, and checking legislation passed by the House is not served—but rather undermined—by procedural rules that prevent the Senate as a body from ever deliberating on House-passed legislation. Deliberation requires engagement with the substance of legislation; a procedural block imposed before Senate floor consideration begins forecloses rather than fulfills the deliberative function.

(4) Thomas Jefferson, in his Manual of Parliamentary Practice, written for the Senate and long influential in both chambers, emphasized that the purpose of parliamentary procedure was to facilitate the orderly expression of the majority's will while protecting the minority's right to be heard—not to arm a minority with the power to permanently prevent the majority from acting. Jefferson wrote that ''the object of rules of order'' is to allow ''the will of the assembly'' to prevail, and that procedural dil-

atory motions were to be guarded against as corruptions of the legislative process.

(e) THE SENATE FILIBUSTER UNCONSTITUTIONALLY DISENFRANCHISES THE HOUSE, ITS MEMBERS, AND THE PEOPLE THEY REPRESENT.—The House finds the following:

(1) The House of Representatives was designed by the Framers as the chamber most directly accountable to the people of the United States. As Madison wrote in Federalist No. 52, the House was to have ''an immediate dependence on, and an intimate sympathy with, the people''—a design reflected in two-year terms, proportional representation, and direct popular election. When Senate procedural rules systemically prevent House-passed legislation from receiving a Senate vote, the political accountability that justifies the House's representative function is undermined.

(2) The equal dignity and constitutional standing of the House of Representatives as a co-equal branch of Congress is impaired when Senate rules are deployed to ensure that legislation passed by a majority of the House is never considered on the merits by the Senate. The constitutional design places both chambers on equal footing as necessary

participants in the legislative process; a Senate procedural rule that renders one chamber's majority action a nullity disrupts the constitutional balance between the two Houses.

(3) The voters who elect Members of the House of Representatives do so with the reasonable and constitutionally grounded expectation that their representative, if part of a legislative majority, can pass legislation that will be considered—and accepted or rejected on the merits—by the Senate. When the Senate filibuster prevents that consideration, the votes of House members' constituents are effectively nullified not by a Senate majority's substantive disagreement, but by a Senate minority's procedural refusal to permit a vote.

(4) The Supreme Court has consistently held that the right to vote includes the right to have one's vote counted and to have it carry its constitutionally intended weight. In Reynolds v. Sims, 377 U.S. 533 (1964), Chief Justice Warren wrote that ''the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise''. While Reynolds addressed apportionment, its core principle—that pro-

cedural mechanisms that systematically diminish the effective weight of votes are constitutionally suspect—applies with force to Senate rules that render the legislative output of popularly elected House majorities meaningless.

(5) In Wesberry v. Sanders, 376 U.S. 1 (1964), the Supreme Court held that article I, section 2's requirement that Representatives be chosen ''by the People'' means that ''as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's.''. The principle that representation must carry meaningful weight is subverted when the legislation passed by the elected representatives of the people is prevented from receiving consideration in the Senate by the procedural objection of a minority of senators representing a small fraction of the national population.

(6) The disenfranchisement imposed by the filibuster is particularly acute because it is asymmetric: Senators from less populous states, representing far fewer constituents than the Senators and Representatives they obstruct, wield the power to nullify legislation supported by elected officials representing a substantial majority of the American people. This outcome is incompatible with the republican prin-

ciple, affirmed throughout the Federalist Papers, that in a representative government, the majority's will, expressed through duly elected representatives, must ultimately be capable of prevailing.

SEC. 2. ADDITIONAL FINDINGS AND SENSE OF THE HOUSE OF REPRESENTATIVES WITH RESPECT TO THE FILIBUSTER.

(a) FINDINGS.—The House of Representatives finds the following:

(1) The Framers of the Constitution intended both the House of Representatives and the United States Senate to operate as majoritarian deliberative bodies of equal constitutional standing.

(2) The current Senate filibuster, as practiced under the two-track system established in the 1970s, is not a deliberative mechanism but a procedural veto device enabling a minority of senators to prevent floor votes without engaging in any form of substantive debate.

(3) The current Senate filibuster is contrary to the Framers' intent that ordinary legislation be subject to majority rule in each chamber, as demonstrated by the text of the Constitution, the Federalist Papers, and the records of the Constitutional Convention.

(4) The Senate filibuster prevents legislation passed by the House of Representatives from receiving proper deliberative consideration in the Senate, subverting the bicameral design of article I of the Constitution.

(5) The Senate filibuster unconstitutionally disenfranchises Members of the House of Representatives and the constituents they represent by rendering House majority action without meaningful legislative consequence.

(6) The Senate filibuster, as currently practiced, disrupts the proper constitutional balance between the two co-equal chambers of Congress.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) the United States Senate should reform or abolish its cloture and filibuster rules to restore the principle of majority rule to Senate proceedings on legislation;

(2) the Senate should establish procedures ensuring that legislation passed by a majority of the House of Representatives receives a timely floor vote in the Senate, with final disposition determined by a majority of Senators present and voting;

(3) Senate rules should preserve the minority's right to be heard and to offer amendments, while ensuring that the minority cannot permanently prevent a majority from acting;

(4) the constitutional design of two co-equal majoritarian chambers requires that both the House and the Senate operate on the fundamental principle that, after adequate deliberation, a majority determines the outcome; and

(5) Congress as a whole is best served by procedural rules in both chambers that facilitate deliberation, accountability, and majority governance, consistent with the constitutional vision articulated by the Framers of the Constitution.

SEC. 3. TRANSMISSION.

The Clerk of the House of Representatives shall transmit a copy of this resolution to the President pro tempore of the United States Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, and to each Member of the Senate.

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