

119TH CONGRESS
2^D 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

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.

1 *Resolved,*

1 **SECTION 1. FINDINGS WITH RESPECT TO THE SENATE FILI-**
2 **BUSTER.**

3 (a) FOUNDERS' INTENT REGARDING TWO
4 MAJORITARIAN DELIBERATIVE BODIES OF EQUAL
5 WEIGHT.—The House of Representatives finds the fol-
6 lowing:

7 (1) The Framers of the Constitution delib-
8 erately designed the United States Congress as a bi-
9 cameral legislature composed of two co-equal cham-
10 bers, each intended to operate on the principle of
11 majority rule. As James Madison wrote in Federalist
12 No. 58: “In all cases where justice or the general
13 good might require new laws to be passed, or active
14 measures to be pursued, the fundamental principle
15 of free government would be reversed” if a minority
16 faction could defeat the wishes of the majority.

17 (2) Alexander Hamilton, in Federalist No. 22,
18 explicitly condemned supermajority requirements as
19 fundamentally anti-republican in nature, writing:
20 “Its real operation is to embarrass the administra-
21 tion, to destroy the energy of the government, and
22 to substitute the pleasure, caprice, or artifices of an
23 insignificant, turbulent, or corrupt junto, to the reg-
24 ular deliberations and decisions of a respectable ma-
25 jority.”. Hamilton warned that requiring more than

1 a majority to act “tends to subject the sense of the
2 greater number to that of the lesser number.”.

3 (3) The Constitutional Convention of 1787 spe-
4 cifically and deliberately rejected supermajority re-
5 quirements as the default rule for ordinary legisla-
6 tion. The Constitution enumerates only six cir-
7 cumstances in which a supermajority is required—
8 ratification of treaties (article II, section 2), convic-
9 tion on impeachment (article I, section 3), expulsion
10 of members (article I, sections 2 and 5), overriding
11 a presidential veto (article I, section 7), proposing
12 constitutional amendments (article V), and restoring
13 the rights of former Confederates (section 3 of the
14 Fourteenth Amendment)—and ordinary legislation
15 is conspicuously absent from this list.

16 (4) As Madison recorded in his Notes on the
17 Constitutional Convention, when a supermajority re-
18 quirement for ordinary legislation was proposed, it
19 was rejected by the delegates precisely because they
20 understood that majority rule was the bedrock of re-
21 publican governance. Madison himself wrote in Fed-
22 eralist No. 51 that in a republic, “it is of great im-
23 portance . . . not only to guard the society against
24 the oppression of its rulers, but to guard one part
25 of the society against the injustice of the other

1 part,” a protection achieved through representative
2 majorities—not through minority veto.

3 (5) The Senate was designed as a deliberative
4 check—not as a chamber capable of nullifying ma-
5 jority will indefinitely. As Madison noted at the Con-
6 stitution Convention in June 1787, the Senate’s role
7 was to provide “a necessary fence against . . . the
8 fickleness and passion” of momentary majorities—a
9 check achieved through longer terms, smaller size,
10 and staggered elections, not through procedural
11 rules enabling indefinite minority obstruction of ma-
12 jority legislation.

13 (b) THE CURRENT SENATE FILIBUSTER IS NOT DE-
14 LIBERATIVE.—The House finds the following:

15 (1) The original Senate filibuster, whatever its
16 historical justification, required Senators to main-
17 tain continuous floor debate as a mechanism to
18 delay rather than permanently defeat legislation,
19 thereby preserving at least a nominal form of delib-
20 eration. The modern filibuster, as reformed in 1975
21 and subsequently, requires only that forty-one sen-
22 ators signal their intent to object—without requiring
23 any senator to be present on the floor, to speak, or
24 to engage in debate of any kind.

1 (2) The Senate’s “two-track system” imple-
2 mented in the 1970s, transformed the filibuster from
3 an act of extended deliberation into a procedural
4 veto exercisable by a minority without any require-
5 ment for sustained engagement with the legislation
6 at issue. Under current Senate practice, a minority
7 of senators may prevent a bill passed by the House
8 from receiving a vote by simply refusing to invoke
9 cloture—without ever setting foot on the Senate
10 floor to debate the merits of the legislation.

11 (3) The Supreme Court of the United States, in
12 INS v. Chadha, 462 U.S. 919 (1983), reaffirmed
13 that the Constitution’s explicit procedural require-
14 ments for legislation reflect careful and deliberate
15 choices by the Framers. Justice Burger, writing for
16 the Court, emphasized that the procedures of bi-
17 cameralism and presentment “are integral parts of
18 the constitutional design for the separation of pow-
19 ers” and that departures from constitutionally pre-
20 scribed procedure undermine the representative
21 character of the legislative process.

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

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

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

11 (1) The Constitution vests all legislative powers
12 in a Congress composed of two chambers, each of
13 which was designed to reflect—through different
14 mechanisms—the will of the American people. Arti-
15 cle I, section 1 states plainly: “All legislative Powers
16 herein granted shall be vested in a Congress of the
17 United States, which shall consist of a Senate and
18 House of Representatives.” The use of the conjunc-
19 tive reflects the Framers’ design that both chambers
20 act—not that one chamber’s minority may indefi-
21 nitely prevent the other chamber’s majority-passed
22 legislation from receiving a vote.

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

1 sired by a majority of both chambers. The Framers’
2 intent, as reflected in the Constitutional text and in
3 the Federalist Papers, was that legislation supported
4 by a majority of each chamber, and signed by the
5 President, would become law—with the check on
6 majority excess supplied not by minority veto but by
7 the structural features of bicameralism, the presi-
8 dential veto, and judicial review.

9 (3) In *United States v. Ballin*, 144 U.S. 1
10 (1892), the Supreme Court held that each House of
11 Congress has broad authority to establish its own
12 rules of proceeding, but that such rules must not
13 “ignore constitutional restraints or violate funda-
14 mental rights”. A Senate rule that effectively nul-
15 lifies the deliberative and majoritarian function of
16 the House of Representatives, as an institution co-
17 equal under article I, raises serious questions about
18 whether such a rule operates within constitutional
19 limits.

20 (4) The Senate filibuster, as currently prac-
21 ticed, produces a structural asymmetry between the
22 two chambers wholly foreign to the constitutional de-
23 sign: the House of Representatives, which must pass
24 legislation by majority vote, has its deliberative out-
25 put systematically negated not by a Senate major-

1 ity’s considered rejection, but by a Senate minority’s
2 procedural objection—leaving the House majority
3 without any meaningful legislative recourse and ren-
4 dering House passage of legislation an exercise with-
5 out practical consequence whenever Senate minority
6 opposition exists.

7 (d) THE SENATE FILIBUSTER PREVENTS LEGISLA-
8 TION PASSED BY THE HOUSE FROM RECEIVING PROPER
9 CONSIDERATION IN THE SENATE.—The House finds the
10 following:

11 (1) The Constitution’s bicameral design con-
12 templates that legislation passed by one chamber
13 will be considered by the other chamber on its merits
14 and ultimately accepted, rejected, or amended by
15 majority action in that chamber. The current Senate
16 filibuster permits legislation passed by the House of
17 Representatives to be tabled indefinitely without a
18 floor vote, without committee action, and without
19 any substantive consideration of its merits by the
20 Senate as a body.

21 (2) The Supreme Court in *Chadha* noted that
22 the procedures of article I, section 7—requiring pas-
23 sage by both Houses—were designed to ensure that
24 legislation reflects considered deliberation by both
25 chambers. When one chamber’s output is systemati-

1 cally blocked from consideration by the other cham-
2 ber’s procedural rules, the bicameral design is sub-
3 verted: one of the two constitutionally required steps
4 in the legislative process is made effectively optional
5 by minority fiat.

6 (3) The constitutional design of the Senate as
7 a deliberative body capable of amending, improving,
8 and checking legislation passed by the House is not
9 served—but rather undermined—by procedural rules
10 that prevent the Senate as a body from ever deliber-
11 ating on House-passed legislation. Deliberation re-
12 quires engagement with the substance of legislation;
13 a procedural block imposed before Senate floor con-
14 sideration begins forecloses rather than fulfills the
15 deliberative function.

16 (4) Thomas Jefferson, in his *Manual of Par-*
17 *liamentary Practice*, written for the Senate and long
18 influential in both chambers, emphasized that the
19 purpose of parliamentary procedure was to facilitate
20 the orderly expression of the majority’s will while
21 protecting the minority’s right to be heard—not to
22 arm a minority with the power to permanently pre-
23 vent the majority from acting. Jefferson wrote that
24 “the object of rules of order” is to allow “the will
25 of the assembly” to prevail, and that procedural dil-

1 atory motions were to be guarded against as corrup-
2 tions of the legislative process.

3 (e) THE SENATE FILIBUSTER UNCONSTITUTION-
4 ALLY DISENFRANCHISES THE HOUSE, ITS MEMBERS,
5 AND THE PEOPLE THEY REPRESENT.—The House finds
6 the following:

7 (1) The House of Representatives was designed
8 by the Framers as the chamber most directly ac-
9 countable to the people of the United States. As
10 Madison wrote in Federalist No. 52, the House was
11 to have “an immediate dependence on, and an inti-
12 mate sympathy with, the people”—a design reflected
13 in two-year terms, proportional representation, and
14 direct popular election. When Senate procedural
15 rules systemically prevent House-passed legislation
16 from receiving a Senate vote, the political account-
17 ability that justifies the House’s representative func-
18 tion is undermined.

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

1 participants in the legislative process; a Senate pro-
2 cedural rule that renders one chamber's majority ac-
3 tion a nullity disrupts the constitutional balance be-
4 tween the two Houses.

5 (3) The voters who elect Members of the House
6 of Representatives do so with the reasonable and
7 constitutionally grounded expectation that their rep-
8 resentative, if part of a legislative majority, can pass
9 legislation that will be considered—and accepted or
10 rejected on the merits—by the Senate. When the
11 Senate filibuster prevents that consideration, the
12 votes of House members' constituents are effectively
13 nullified not by a Senate majority's substantive dis-
14 agreement, but by a Senate minority's procedural re-
15 fusal to permit a vote.

16 (4) The Supreme Court has consistently held
17 that the right to vote includes the right to have
18 one's vote counted and to have it carry its constitu-
19 tionally intended weight. In *Reynolds v. Sims*, 377
20 U.S. 533 (1964), Chief Justice Warren wrote that
21 “the right of suffrage can be denied by a
22 debasement or dilution of the weight of a citizen's
23 vote just as effectively as by wholly prohibiting the
24 free exercise of the franchise”. While *Reynolds* ad-
25 dressed apportionment, its core principle—that pro-

1 cedural mechanisms that systematically diminish the
2 effective weight of votes are constitutionally sus-
3 pect—applies with force to Senate rules that render
4 the legislative output of popularly elected House ma-
5 jorities meaningless.

6 (5) In *Wesberry v. Sanders*, 376 U.S. 1 (1964),
7 the Supreme Court held that article I, section 2’s re-
8 quirement that Representatives be chosen “by the
9 People” means that “as nearly as is practicable one
10 man’s vote in a congressional election is to be worth
11 as much as another’s.”. The principle that represen-
12 tation must carry meaningful weight is subverted
13 when the legislation passed by the elected represent-
14 atives of the people is prevented from receiving con-
15 sideration in the Senate by the procedural objection
16 of a minority of senators representing a small frac-
17 tion of the national population.

18 (6) The disenfranchisement imposed by the fili-
19 buster is particularly acute because it is asymmetric:
20 Senators from less populous states, representing far
21 fewer constituents than the Senators and Represent-
22 atives they obstruct, wield the power to nullify legis-
23 lation supported by elected officials representing a
24 substantial majority of the American people. This
25 outcome is incompatible with the republican prin-

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

5 **SEC. 2. ADDITIONAL FINDINGS AND SENSE OF THE HOUSE**
6 **OF REPRESENTATIVES WITH RESPECT TO**
7 **THE FILIBUSTER.**

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

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

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

20 (3) The current Senate filibuster is contrary to
21 the Framers' intent that ordinary legislation be sub-
22 ject to majority rule in each chamber, as dem-
23 onstrated by the text of the Constitution, the Fed-
24 eralist Papers, and the records of the Constitutional
25 Convention.

1 (4) The Senate filibuster prevents legislation
2 passed by the House of Representatives from receiv-
3 ing proper deliberative consideration in the Senate,
4 subverting the bicameral design of article I of the
5 Constitution.

6 (5) The Senate filibuster unconstitutionally dis-
7 enfranchises Members of the House of Representa-
8 tives and the constituents they represent by ren-
9 dering House majority action without meaningful
10 legislative consequence.

11 (6) The Senate filibuster, as currently prac-
12 ticed, disrupts the proper constitutional balance be-
13 tween the two co-equal chambers of Congress.

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

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

20 (2) the Senate should establish procedures en-
21 suring that legislation passed by a majority of the
22 House of Representatives receives a timely floor vote
23 in the Senate, with final disposition determined by
24 a majority of Senators present and voting;

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

5 (4) the constitutional design of two co-equal
6 majoritarian chambers requires that both the House
7 and the Senate operate on the fundamental principle
8 that, after adequate deliberation, a majority deter-
9 mines the outcome; and

10 (5) Congress as a whole is best served by proce-
11 dural rules in both chambers that facilitate delibera-
12 tion, accountability, and majority governance, con-
13 sistent with the constitutional vision articulated by
14 the Framers of the Constitution.

15 **SEC. 3. TRANSMISSION.**

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

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