

United States Senate

WASHINGTON, D.C. 20510

July 17, 2008

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
361-A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator McConnell:

We are writing to urge that you take action regarding the Majority Leader's abuse of a procedure known as "filling the tree," which is used to exclude other Senators from offering amendments to bills brought to the Senate floor.

As you know, the rules of the Senate – reinforced by longstanding tradition – allow all members of the Senate to play a substantial role in shaping legislation. One of the primary means by which this occurs is the ability to offer amendments, which helps to ensure that a full debate is had on the many policy options available for a given issue. Without a robust amendment process, members of the minority, in particular, have little opportunity to raise issues of importance or to improve legislation.

In the 110th Congress, the Democrat Majority Leader has employed a tactic known as "filling the tree" at least eleven times to preclude the minority from offering any amendments on major pieces of legislation. Under normal procedure, Senators are allowed to offer an amendment to any bill, as well as an amendment to the amendment (amendments in the 2nd degree) – after which no additional amendments are allowed. Majority Leader Reid has often "filled" the amendment tree intentionally by offering first and second-degree amendments that do not change the substance of a bill, thereby precluding additional amendments. Because Senate procedure gives the right of recognition to the Majority Leader to offer amendments before other Senators, the effect of such a maneuver is to block all other amendments, including ones offered by Republicans.

According to the Congressional Research Service, Majority Leader Reid has filled the tree at least eleven times on major pieces of legislation during the 110th Congress. On each of these measures, Republicans had legitimate concerns and could have improved the legislation through offering amendments, but were prevented from doing so. The result of this practice was the passage of legislation that spent hundreds of billions in taxpayer dollars without any effective input from Republican members.

One issue in particular that deserves increased attention is the rise in gas prices, which has left many Americans struggling to keep up. Unfortunately, the solutions offered by the majority are deeply flawed and would do little, if anything, to increase the supply of energy produced in this country, and therefore are unlikely to affect prices at the pump. Although the American people are calling for solutions to increase exploration, all Republican proposals to do so have been shut down before a vote could be taken because of the tactics employed by the

Majority Leader. Until alternative proposals are allowed on the floor, the American public will not get relief from the high prices they are paying for gas.

Filling the tree is certainly a permissible procedure under the rules of the Senate, but it can only be accomplished with the help of a willing minority. While we appreciate the difficulty of your position as Republican Leader, we would urge you to take a stand against the abusive way in which the majority has frozen the minority out of the legislative process by making a routine practice of filling the tree.

We would ask that you urge our Republican colleagues to force an open amendment process on all bills for the remainder of this session. Doing so will ensure that the process is fair for all Members and that minority rights are adequately protected. Allowing the Majority Leader to block other Senators from participating in the legislative process does significant damage to the Senate's reputation as the world's most deliberative body.

Sincerely,

Jim DeMint

John Cornyn

Mark Warner

Wayne Allard

Tom H. Coburn

Sayby Chaubkin

Allen Jett

Michael B. Enzi

Noah Coleman

Tom Berman

Jim Lamb

Bill Hartung

Ly Ma

Jefferson

Sam Bumbard

John Emery

John Sumner

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John F. H. H.

Jay E. Chang
