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Parliamentary Reference Sources: Senate

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Parliamentary Reference Sources: Senate

Summary

The Senate's procedures are determined not only by its standing rules, but also by its standing orders, published precedents, committee rules, and informal practices. Constitutional mandates and rule-making statutes also impose procedural requirements on the Senate, and rules of the Senate's party conferences can sometimes affect committee and floor action. Parliamentary reference sources provide information about how and when these foundations of Senate procedure govern different parliamentary situations.

This report discusses the availability and format of three types of Senate parliamentary reference materials: official sources such as the *Senate Manual* and *Riddick's Senate Procedure*; publications of committees and offices of the Senate; and the rules of the party conferences. The report also reviews some key principles of Senate parliamentary procedure to keep in mind when analyzing information from parliamentary reference sources. One of the most important principles is that the Senate frequently agrees to set aside its rules and consider measures under the terms of unanimous consent agreements. The central role of unanimous consent agreements in Senate floor proceedings is emphasized in many of the reference sources covered in this report.

The appendices provide citations to each reference source described in this report, a list of relevant Congressional Research Service (CRS) products, and a summary of Senate parliamentary reference information available through the Internet.

This report assumes a basic familiarity with Senate procedures. Information about House parliamentary reference sources is provided in CRS Report RL30787, *Parliamentary Reference Sources: House of Representatives*.

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Parliamentary Reference Sources: Senate

Introduction

The Senate's procedures are not based solely on its standing rules. The foundations of Senate procedure also include the body's standing orders, published precedents, committee rules, and unofficial practices. Constitutional mandates and rule-making statutes impose procedural requirements on the Senate, and rules of the Senate's party conferences can sometimes affect committee and floor action. Various reference sources provide information about how and when these foundations of Senate procedures govern specific parliamentary situations. This report discusses three types of reference sources:

- ! official sources such as the *Senate Manual*, *Riddick's Senate Procedure*, rule-making statutes, and the rules adopted by Senate committees;
- ! publications of committees (e.g., *Budget Process Law Annotated*, a print issued by the Senate Budget Committee) and offices (e.g., *Enactment of a Law*, a document prepared by the Senate parliamentarian) of the Senate; and
- ! rules of the Senate's party conferences.

This report¹ begins by reviewing some important principles of Senate parliamentary procedure to keep in mind when using and evaluating information from parliamentary reference sources. Next, the report describes the contents and format of key reference sources. Sample pages from the official reference sources are provided. Information on how to access each reference source, including any versions available through the Internet, is presented in boxes following the description of each source. Appendix A furnishes citations for each reference source described in this report and for relevant Congressional Research Service (CRS) products. A summary of Senate parliamentary reference information available through the Internet is provided in Appendix B.

Official guidance on Senate procedure is available from the Office of the Senate Parliamentarian (4-6128). CRS staff (7-5700) also can assist with clarifying Senate rules and procedures.

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Important Principles of Senate Parliamentary Procedure

When using parliamentary reference materials, the reader should bear in mind that the following principles of Senate procedure remain constant regardless of the parliamentary situation: Senate procedures derive from multiple sources; the Senate has the constitutional power to make its own rules of procedure; Senators often must initiate enforcement of their rules; the Senate conducts much of its business by unanimous consent; the Senate usually follows its precedents; and the Senate adheres to many informal practices. Each of these principles is discussed below.

Multiple Sources of Senate Procedures

The standing rules of the Senate may be the most obvious source of Senate parliamentary procedure, but they are by no means the only one. Other sources of Senate procedures include:

- ! requirements imposed by the Constitution, particularly those in Article 1, Section 5;
- ! standing orders of the Senate;
- ! precedents of the Senate;
- ! rule-making provisions in statutes (hereafter referred to as “rule-making statutes”);
- ! rules of procedure adopted by each committee;
- ! rules of the Senate’s party conferences; and
- ! informal practices that the Senate adheres to by custom.

To answer a question about Senate procedure, it often is necessary to take account of several of these sources. For example, Rule XIX of the Senate’s standing rules provides that “the presiding officer shall recognize the Senator who shall first address him.”² However, when several Senators seek recognition at the same time, there is a precedent that “priority of recognition shall be accorded to the majority leader and minority leader, the majority manager and minority manager, in that order.”³ This precedent sometimes can have significant consequences on the Senate floor. For example, it gives the majority leader the opportunity to offer the debate-ending motions to table, or to propose second-degree amendments to “unfriendly” first-degree amendments.

²Rule XIX, in *Standing Rules of the Senate*, S.Doc. 106-15, 106th Congress, 2nd session (Washington: GPO, 2000), p. 13.

³*Riddick’s Senate Procedure*, S.Doc. 101-28, 101st Congress, 2nd session (Washington: GPO, 1992), p. 1098.

Constitutional Rule-Making Authority of the Senate

Article 1 of the Constitution gives the Senate the authority to determine its rules of procedure. There are two dimensions to the Senate's constitutional rule-making authority. First, the Senate can decide what rules should govern its procedures. The Senate exercises this rule-making power when it adopts an amendment to the standing rules, or creates a new standing rule, by majority vote. The Senate also uses its rule-making power when it creates standing orders, and when it enacts rule-making provisions of statutes such as the Congressional Budget and Impoundment Act of 1974. Standing orders and rule-making provisions of law have the same standing and effect as the Senate's standing rules because all are created through an exercise of the Senate's constitutional rule-making authority.

The second dimension to the Senate's rule-making authority is that the chamber can decide when its rules of procedure should not govern. In practical terms, this means the Senate can waive its rules by unanimous consent, or suspend its rules by a two-thirds vote under a rarely-used provision of Rule V. The Senate cannot waive its rules by majority vote, an option that is available to the House through the adoption of a "special rule."⁴ However, the Senate can achieve the effect of waiving a rule by majority vote if it votes to overrule the presiding officer's decision to sustain a point of order, or if it votes against sustaining a point of order in those cases where the presiding officer submits a question of order to the full body.⁵

Enforcing the Senate Rules and Precedents

The Senate's presiding officer (whether it is the Vice President or a Senator of the majority party) does not always call to the chamber's attention that a violation of Senate rules is taking place.⁶ The Senate often can violate its procedures unless a Senator makes a point of order at the right moment that the proposed action violates the standing rules or precedents, a constitutional provision, or a source of procedure that has the same authority as a standing rule (i.e., standing order, rule-making statute, or unanimous consent agreement).

When a point of order is raised, the presiding officer usually makes a ruling without debate. Under Rule XX, the presiding officer has the option of submitting "any question of order for the decision of the Senate." He rarely does this, but may do so if the existing rules and precedents do not speak clearly on the parliamentary

⁴Special rules are resolutions reported by the House Rules Committee that usually specify how a measure is to be considered on the floor. Once the House adopts a special rule by a majority vote, it governs consideration of the measure. Special rules often waive procedural requirements imposed by the rules of the House or rule-making statutes.

⁵There is a procedure by which the Senate can vote to waive certain budget-related prohibitions and requirements by majority vote or by a three-fifths vote of all Senators.

⁶An important exception occurs when the Senate is operating under cloture. When this happens, the precedents provide that the presiding officer has the authority to rule all dilatory motions out of order on his own initiative.

question at hand. In such cases, the presiding officer will often invite debate on the question of order.

The presiding officer must submit two types of questions of order to the Senate for it to decide. First, under Rule XVI, paragraph 4, the Senate decides questions concerning the germaneness or relevance of most amendments to appropriations bills, and does so without debate. Second, according to the Senate's precedents, the Senate decides all constitutional questions, with debate usually allowed.⁷

Any Senator can appeal the ruling of the presiding officer on a question of order. The Senate then decides, usually by majority vote, to uphold or overturn the presiding officer's decision. This vote usually establishes a precedent that guides the presiding officer in deciding future questions of order, unless and until this precedent is overturned by another decision of the Senate or by a rules change.⁸ Some rule-making statutes require a super-majority vote to overturn on appeal the presiding officer's ruling on a point order (e.g., Section 313 of the Congressional Budget Act, P.L. 93-344, the so-called "Byrd Rule").

Senators are much more likely than Representatives to appeal decisions of their presiding officer. This difference in the practices of the two chambers is largely explained by the fact that the Speaker of the House, the elected leader of the majority party, presides over the proceedings of the House of Representatives.⁹ An appeal of the Speaker's decision on a point of order could thus be viewed as a vote against his leadership. This situation does not arise in the Senate, because its majority leader does not preside over the Senate's proceedings.

Parliamentary actions taken on the basis of an informal practice, or a rule of one of the Senate's party conferences, are not enforceable on the Senate floor. While informal practices and party conference rules can affect Senate committee and floor action, they are not invoked through an exercise of the Senate's constitutional rule-making authority; hence, they do not have the same authority as Senate rules and procedures. Informal practices evolve over the years as custom, and party conference rules are adopted and enforced by each party.

The Senate's Reliance on Unanimous Consent

The Senate's standing rules emphasize the rights of individual Senators, in particular by granting each Senator the right to debate at length, and the right to offer amendments that are not germane or relevant to the bill under consideration. It would be impossible for the Senate to act on legislation in a timely fashion if Senators always

⁷*Riddick's Senate Procedure*, pp. 989 and 1491-1492.

⁸The precedential effect of a Senate vote on a question of order is analyzed in CRS General Distribution Memorandum, *Recent Senate Decision Concerning Conference Reports*, by Stanley Bach, (Washington: Oct. 16, 1996).

⁹The Speaker appoints a member of the majority party to preside when the House meets in the Committee of the Whole.

exercised these two powerful rights. For this and other reasons, the Senate often agrees by unanimous consent to operate outside its standing rules.

In practice, Senate business is frequently conducted under unanimous consent agreements, otherwise known as “time agreements” because they usually limit the time for debating measures, amendments, motions or other questions. These agreements also may structure the amendment process and require the germaneness or relevance of amendments. Because it takes only one Senator to object to a unanimous consent agreement, each agreement is carefully crafted by the majority leader, in consultation with the minority leader, leaders of the committee that reported the bill in question, and other Senators who have indicated a particular interest in the legislation. Unanimous consent agreements are used to bring up a measure,¹⁰ to define how the measure will be considered on the floor, and to control how the Senate will consider individual amendments. Unanimous consent agreements that remain in effect are printed at the front of the Senate’s daily “Calendar of Business” as well as in the *Congressional Record*.

Unanimous consent agreements have the same authority as the Senate’s standing rules and are enforceable on the Senate floor. They have the effect of changing “all Senate rules and precedents that are contrary to the terms of the agreement.”¹¹ One could argue that unanimous consent agreements are even stronger than the standing rules because these agreements can be changed only by unanimous consent; this is a stiffer threshold than the majority vote requirement for changing the Senate’s standing rules.

The Importance of Precedents

The published precedents of the Senate discuss how the Senate has interpreted and applied its rules. The precedents both complement and supplement the rules of the Senate. As illustrated earlier by the example of according priority recognition to the majority leader, the close interplay between the precedents and the standing rules often makes it necessary to consult the precedents for guidance on how rules are to be understood.

Precedents are analogous to case law in their effect. Just as attorneys in court will cite previous judicial decisions to support their arguments, Senators will cite precedents of the Senate to support a point of order, or defend against one, or to argue for or against an appeal of the presiding officer’s ruling on a point of order. Similarly, the presiding officer will often support his or her ruling by citing the precedents. In this way, precedents influence the manner in which current Senate rules are applied by relating past decisions to the specific case before the chamber.

¹⁰ A body of precedents has developed on how unanimous consent agreements are to be interpreted and applied in different procedural situations. These precedents are covered in *Riddick’s Senate Procedure*, pp. 1311-1369. The majority leader often calls up a measure by unanimous consent rather than by offering a motion to proceed to consideration of the measure. This motion is usually debatable, and hence open to a filibuster.

¹¹ *Riddick’s Senate Procedure*, p. 1311.

Precedents usually are established when the Senate votes on questions of order (i.e., a vote on a point of order that the presiding officer has submitted to the body, or a vote on whether to uphold or overturn a ruling of the presiding officer), or when the presiding officer decides a question of order and this ruling is not appealed. Historically, the Senate follows such precedents until “the Senate in its wisdom should reverse or modify that decision.”¹² Precedents also can be created when the presiding officer responds to a parliamentary inquiry.

Precedents do not carry equal weight. Precedents based on a vote of the Senate have more weight than those based on the presiding officer’s rulings. Responses of the presiding officer to parliamentary inquiries have even less weight. In addition, more recent precedents generally have greater weight than earlier ones, and a precedent that reflects an established pattern of rulings will have more weight than a precedent that is isolated in its effect. All precedents also must be evaluated in the historical context of the Senate’s rules and practices at the time the precedents were established. Senators seeking precedents to support or rebut an argument may consult the Senate Parliamentarian’s Office (4-6128).

The Senate’s published precedents are not as voluminous as those of the House. House precedents are set forth in several extensive publications: *Deschler’s Precedents of the U.S. House of Representatives*; *Hinds’ and Cannon’s Precedents of the House of Representatives*; *Cannon’s Procedure in the House of Representatives*; *House Rules and Manual*; *House Practice: A Guide to the Rules, Precedents and Procedures of the House*; and *Procedure in the U.S. House of Representatives* and its two supplements. The Senate’s precedents, by contrast are contained in one publication, *Riddick’s Senate Procedure*. However, the brevity of the Senate’s standing rules make its precedents particularly important.

The Senate’s Unofficial Practices

Some Senate procedural actions are based on unofficial practices that have evolved over the years and become accepted custom. These practices do not have the same standing as the chamber’s rules, nor are they compiled in any written source of authority. Although these unofficial practices cannot be enforced on the Senate floor, many of them are well established and customarily followed.

Some contemporary examples of unofficial practices include respecting “holds” that individual Senators sometimes place on consideration of specific measures, and giving the majority leader or his designee the prerogative to offer motions to proceed to the consideration of a bill, to recess, or to adjourn.

¹²*Riddick’s Senate Procedure*, p. 987.

Official Senate Parliamentary Reference Sources

Official Senate parliamentary reference sources provide an authoritative account of Senate rules, procedures, and precedents. Senators often cite these official reference sources when raising a point order or defending against one. The following official sources are described in this section, with excerpts presented from each:

- ! *Standing Rules of the Senate*;
- ! *Senate Manual*;
- ! standing orders of the Senate;
- ! Constitution;
- ! *Riddick's Senate Procedure*;
- ! rule-making statutes; and
- ! committee rules.

As discussed earlier, unanimous consent agreements, like the Senate's standing rules, are enforceable on the Senate floor. Unanimous consent agreements are printed in the Senate's daily "Calendar of Business."

Information on how to consult each official reference source, including any versions available through the Internet, is presented in a box after the source's description. Internet addresses are provided in brackets e.g., [[http:// www.senate.gov/~rules/srules.htm](http://www.senate.gov/~rules/srules.htm)]. The name of the Internet service is listed in bold type. Appendices A and B summarize the information presented in the boxes.

This report also presents an excerpt from each printed source, which shows its format and is annotated to indicate special features and components. Although some of these excerpts do not reflect the most recent, current edition of the source in question, they illustrate the same format and other features retained in the current editions.

Standing Rules of the Senate

At the start of the 107th Congress, there were 43 standing rules of the Senate. Unlike the House, the Senate is a continuing body with only one-third of its membership up for election every 2 years; as a result, the Senate does not readopt its standing rules at the beginning of each Congress. Changes to the Senate's standing rules are proposed in the form of Senate resolutions. These resolutions must be adopted by majority vote.

The Senate Committee on Rules and Administration periodically issues a document that contains the standing rules. The most recent edition is *Standing Rules of the Senate* (S.Doc.106-15). Footnotes indicate any standing rules that have changed since the last general revision of the Senate's rules in 1979. These footnotes cite the resolution adopted by the Senate to make the rules change. An index is provided at the end of the document. The Senate's standing rules also appear in the *Senate Manual* (discussed in next section).

Reprinted on the opposite page is the text of Rule IV from the most recent edition of the *Standing Rules of the Senate*.¹³

When published, the *Standing Rules of the Senate* document is distributed to the offices of Senators and committees. Some copies also are available from the Senate Document Room.

Internet: The Senate's standing rules (with no footnotes or index) are available through

! t h e **S e n a t e ' s W e b s e r v i c e** a t
[<http://rules.senate.gov/senaterules/menu.htm>];

! the **CRS Guides to Congressional Process** site at
[<http://www.crs.gov/products/guides/guidehome.shtml>];

! the Library of Congress **U.S. Legislative Branch** page at
[<http://lcweb.loc.gov/global/legislative/srules/srulestoc.html>].

¹³*Standing Rules of the Senate*, S.Doc. 106-15, p. 4.

Page number in the Standing Rules of the Senate document.

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(b) Whenever the Senate is proceeding under paragraph 2 of rule XXII, the reading of the Journal shall be dispensed with and shall be considered approved to date.

(c) The proceedings of the Senate shall be briefly and accurately stated on the Journal. Messages of the President in full; titles of bills and resolutions, and such parts as shall be affected by proposed amendments; every vote, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate, shall be entered.

(d) The legislative, the executive, the confidential legislative proceedings, and the proceedings when sitting as a Court of Impeachment, shall each be recorded in a separate book.

2. During a session of the Senate when that body is in continuous session, the presiding officer shall temporarily suspend the business of the Senate at noon each day for the purpose of having the customary daily prayer by the Chaplain.

RULE V

SUSPENSION AND AMENDMENT OF THE RULES

Standing rule number.

Paragraph 1 of Rule V.

1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules.

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

RULE VI

QUORUM—ABSENT SENATORS MAY BE SENT FOR

1. A quorum shall consist of a majority of the Senators duly chosen and sworn.

2. No Senator shall absent himself from the service of the Senate without leave.

3. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

4. Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

Topic of Rule VI.

Senate Manual

The *Senate Manual*, compiled by the Senate Rules and Administration Committee, typically contains the following parliamentary reference sources:¹⁴

- ! **Standing rules.** The rules appear with footnotes in the same manner as in the *Standing Rules of the Senate*; an index is provided.
- ! **Standing orders adopted by Senate resolution.** Each standing order appears with a headnote summarizing the subject and a citation to the Senate resolution(s) creating and amending the order; no index is provided.
- ! **“General and Permanent Laws Relating to the U.S. Senate”** (the *Senate Manual* uses this title). Laws affecting the operations and procedures of the Senate, including rule-making statutes, appear in their codified version (i.e., organized under the relevant title, chapter and section of the United States Code); a table of contents is provided, but there is no index.
- ! **Constitution and its amendments.** Bold brackets are placed around text in the Constitution that has been amended, and a citation directs readers to the *Manual* section containing the amendment; there are historical footnotes about the ratification of each amendment; an index is provided.

Throughout the *Manual*, portions of text (e.g., each paragraph of each standing rule) are assigned *Manual* section numbers that always appear in bold type. Both the special indexes and the *Manual*'s general index direct readers to these section numbers. For example, the indexes indicate that the motion to adjourn is covered in the *Manual* sections numbered 6.4, 9, and 22.1. The indexes should be examined thoroughly to find all pertinent citations.

When published, the *Senate Manual* is distributed to offices of Senators and committees; limited copies are available from the Senate Document Room. The *Senate Manual* also can be consulted at the CRS Senate Reference Center (B-05, Russell Senate Office building).

Internet: The full text of the *Senate Manual* (S.Doc. 106-1) can be searched online through **GPO Access**, a WWW service of the Government Printing Office, at [<http://www.access.gpo.gov/congress/cong007.html>].

Standing Orders

¹⁴This report does not describe all the material included in the *Senate Manual*. The *Senate Manual* excerpts appearing in the report were taken from the 103rd Congress edition, S.Doc. 103-1, (Washington: GPO, 1993). These excerpts illustrate the same format and other features retained in the most recent edition, (S.Doc. 106-1).

From time to time, the Senate adopts a resolution or agrees to a unanimous consent request to create a standing order of the Senate. A standing order, while not embraced in the standing rules, operates with the same authority as a standing rule. As such, standing orders are enforceable on the Senate floor. Standing orders govern until they are repealed by the Senate or until a time specified in an order.

Standing orders created by the adoption of resolutions are compiled in the *Senate Manual*. For each standing order, the *Senate Manual* provides a headnote summarizing the order's subject matter, the text of the order, and a citation to the Senate resolution(s) creating and amending the order. (A citation to the *Senate Journal* is sometimes provided, usually for older standing orders.) Footnotes provide supplementary information, such as when references in the standing order (e.g., name of a committee) were changed. Reprinted on the next page is a standing order on the authority of the Committee on Appropriations, as it appears in the *Senate Manual*.¹⁵

The Senate also agrees to unanimous consent requests to create standing orders of the Senate. These agreements usually govern for the duration of a Congress. The agreements are not printed in the *Senate Manual*; they appear only in the *Congressional Record* on the day they are adopted. The majority of these unanimous consent agreements are adopted during the opening days of a new Congress. For example, on the first day of the 106th Congress, the Senate adopted 11 unanimous consent agreements that function as standing orders. One of these agreements created a standing order establishing a period of "leader time" on each calendar day. During this time period, the majority and minority leaders discuss matters such as the legislative schedule and policy views. All 11 unanimous consent agreements appear on the next page.¹⁶

¹⁵"Standing Orders of the Senate", *Senate Manual*, S.Doc. 103-1, p. 106.

¹⁶*Congressional Record*, daily edition., Vol. 145, January 6, 1999, pp. S5-S6.

Senate Manual — [70]
section number.

STANDING ORDERS OF THE SENATE

70

COMMITTEE ON APPROPRIATIONS AUTHORITY

Standing order's
subject matter.

Text of standing order.

Resolved, That for the purpose of obtaining and laying factual data and information before the Senate Committee on Appropriations, or any subcommittee thereof, for its consideration in the discharge of its functions, the chairman or acting chairman of said committee is hereby authorized and directed, within the limit of funds made available by resolutions of the Senate, to appoint and employ such experts as he may deem necessary to obtain such data and information, and such experts, upon the written authority of the chairman or acting chairman, shall have the right to examine the books, documents, papers, reports, or other records of any department, agency, or establishment of the Federal Government in the District of Columbia and elsewhere; be it further

Resolved, That the said committee through its chairman is hereby authorized, within the limit of funds made available by resolutions of the Senate, to appoint additional clerical help and assistants.

[S. Res. 198, 78-1, Oct. 14, 1948; S. Res. 281, 96-2, Mar. 11, 1980.]

72 CLOSING THE OFFICE OF A SENATOR OR SENATE LEADER WHO DIES OR RESIGNS

Resolved, That (a)(1) In the case of the death or resignation of a Senator during his term of office, the employees in the office of such Senator who are on the Senate payroll on the date of such death or resignation shall be continued on such payroll at their respective salaries for a period not to exceed sixty days, or such greater number of days as may, in any particular case, be established by the Senate Committee on Rules and Administration as being required to complete the closing of the office of such Senator. Such employees so continued on the payroll of the Senate shall, while so continued, perform their duties under the direction of the Secretary of the Senate, and such Secretary shall remove from such payroll any such employees who are not attending to the duties for which their services are continued.

(2) If an employee of a Senator continued on the Senate payroll pursuant to paragraph (1) resigns or is terminated during the period required to complete the closing of the office of such Senator, the Secretary of the Senate may replace such employee by appointing another individual. Any individual appointed as a replacement under the au-

Citation to the adopted
Senate resolutions that
created and amended
this standing order.

UNANIMOUS-CONSENT AGREEMENTS EN BLOC—STANDING ORDERS

Mr. LOTT. Mr. President, the following unanimous consent requests are those of the standing orders—for example, setting the leader's time each day—which are obtained at the beginning of each Congress, which govern the day-to-day activity. As in the past, these consents have been cleared by the Democratic leader. Therefore, I send to the desk 11 unanimous consent requests and ask for their immediate consideration en bloc, that the requests be agreed to en bloc, and that the various consents be shown separately in the RECORD.

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

STANDING ORDER FOR ETHICS COMMITTEE TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the 106th Congress, the Ethics Committee be authorized to meet during the session of the Senate.

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

STANDING ORDER FOR 15-MINUTE ROLLCALL VOTES

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the 106th Congress, there be a limitation of 15 minutes each upon any roll-call vote, with the warning signal to be sounded at the midway point, beginning at the last 7 1/2 minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7 1/2 minutes.

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

STANDING ORDER FOR SECRETARY OF THE SENATE TO RECEIVE REPORTS

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate.

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

STANDING ORDER FOR PROVISION OF LEADERSHIP TIME

Mr. LOTT. Mr. President, I ask unanimous consent that the Majority and Minority Leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or approval of, the Journal.

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

STANDING ORDER FOR FLOOR PRIVILEGES TO HOUSE PARLIAMENTARIAN

Mr. LOTT. Mr. President, I ask unanimous consent that the Parliamentarian of the House of Representatives and his four assistants be given the privilege of the floor during the 106th Congress.

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

STANDING ORDER CONCERNING PRINTING OF CONFERENCE REPORTS AND STATEMENTS

Mr. LOTT. Mr. President, I ask unanimous consent that, notwithstanding the provisions of Rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed.

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

STANDING ORDER FOR ACTION BY COMMITTEE ON APPROPRIATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Appropriations be authorized during the 106th Congress to file reports during adjournments or recesses of the Senate on appropriation bills, including joint resolutions, together with any accompanying notices of motions to suspend Rule XVI, pursuant to Rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposes amendments shall be printed.

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

STANDING ORDER FOR SECRETARY OF THE SENATE TO MAKE CERTAIN CORRECTIONS

Mr. LOTT. Mr. President, I ask unanimous consent that, for the duration of the 106th Congress, the Secretary of

the Senate be authorized to make technical and clerical corrections in the engrossment of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions and Senate amendments to House amendments to Senate amendments to House bills or resolutions.

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

STANDING ORDER FOR CERTAIN ACTIONS BY OFFICERS OF THE SENATE

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the 106th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate be authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions, and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

STANDING ORDER FOR GRANTING OF FLOOR PRIVILEGES

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the 106th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant at Arms be instructed to rotate such staff members as space allows.

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

STANDING ORDER FOR REFERRAL OF TREATIES AND NOMINATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that for the duration of the 106th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day.

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

Constitution

The Constitution imposes several procedural requirements on the Senate. For example, Article 1, Section 5 requires the Senate to keep and publish an official *Journal* of its proceedings, and mandates that a quorum be present to conduct business on the Senate floor and that a yea and nay vote take place upon the request of one-fifth of the Senators present.

The Constitution also bestows certain exclusive powers on the Senate: Article II, Section 2 grants the Senate sole authority to advise and consent to treaties and executive nominations; and Article I, Section 3 gives the Senate the sole power to try all impeachments.¹⁷ Detailed information about the Senate's advice and consent role is provided in *Treaties and Other International Agreements: The Role of the United States Senate* (S.Prt. 103-53), which is described later in this report.

Reprinted on the next page is an excerpt from Article 1 of the Constitution, as it appears in the *Senate Manual*.¹⁸

The Constitution and its amendments are printed in the *Senate Manual*.

Internet: The LIS Homepage provides a link to a searchable version of the Constitution and its amendments through **THOMAS**, the public access Web service of the Library of Congress, at [<http://lcweb2.loc.gov/const/const.html>]. (A link to the amendments appears at the top of this Web page.)

A searchable version of *The Constitution of the United States of America, Analysis and Interpretation*, prepared by CRS, is available on the **GPO Access** Web site at [<http://www.access.gpo.gov/congress/senate/constitution/index.html>]. It includes references to decisions of the Supreme Court.

¹⁷ See the "Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials" Sections 100-126, *Senate Manual*, S.Doc. 106-1, pp. 181-189. Also, see *Procedure and Guidelines for Impeachment Trials in the United States Senate* (not described in this report), 99th Congress, 2nd session, S.Doc. 99-33, for information on the Senate's rules, procedures, and precedents for impeachment proceedings.

¹⁸ Constitution of the United States, *Senate Manual*, S.Doc. 103-1, p. 825.

Senate Manual section number.

Clause 4 of Article 1, Section 3 of the Constitution.

electd, be an Inhabitant of that State for which he shall be chosen.

⁴ The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

⁵ The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

⁶ The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two-thirds of the Members present.

⁷ Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 4 of Article 1 of the Constitution.

SECTION 4. ¹ The Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

² The Congress shall assemble at least once in every Year, and such Meeting shall **be on the first Monday in December,** unless they shall by Law appoint a different Day.*

Text enclosed in the bold brackets was changed by an Amendment to the Constitution.

SECTION 5. ¹ Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

² Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

*The part included in heavy brackets was changed by Section 2 of amendment XX, Senate Manual section 790.2.

Directs reader to Senate Manual section where amended text for Section 4, clause 2 is located.

Each constitutional clause is assigned a Senate Manual number.

Riddick's Senate Procedure

Riddick's Senate Procedure is the most valuable reference source on Senate rules, precedents, and practices. Published in 1992, this volume presents significant Senate precedents established from 1883 to 1992. *Riddick's Senate Procedure* was written by Floyd M. Riddick, parliamentarian of the Senate from 1964 to 1974, and Alan S. Frumin, parliamentarian of the Senate from 1987 to 1995 and senior assistant parliamentarian since 1995. The book is an updated and revised version of the 1981 edition of *Senate Procedure*, written by Riddick.

The 1992 publication is organized around topics of Senate procedure which are presented in alphabetical order. There are no chapters in *Riddick's Senate Procedure*. For each procedural topic, the book reviews the general principles governing that procedure, and provides the text of the relevant standing rule(s) or rule-making provision(s). Summaries of individual precedents are then presented under subject headings organized in alphabetical order. The summaries rarely exceed one sentence. Many of the subject headings are further divided into more detailed topics. For example, the topic "Cloture Procedure" has a subject heading "Amendments After Cloture" which is further divided into 18 topics, such as "Drafted Improperly" and "Filing of Amendments."

Footnotes provide citations to the date, the Congress, and the session when precedents were established, and to the *Congressional Record* or *Senate Journal* pages where readers can locate the full text of procedural exchanges (e.g., "July 28, 1916, 64-1, *Record*, pp. 11748-50"). Footnote citations beginning with the word "see" indicate precedents based on presiding officers' responses to parliamentary inquiries; citations without "see" indicate precedents created by ruling of the presiding officers or by votes of the Senate.

The appendix contains sample floor dialogues showing the terminology that Senators and the presiding officer use in different parliamentary situations. Examples of established forms used in the Senate (e.g., for various types of conference reports, the motion to invoke cloture) also are provided. Useful supplementary information appears in brackets throughout the appendix.

The publication's main index is useful for locating information on specific topics of Senate procedure. The appendix has a separate index. The table of contents lists only the main procedural topics covered in the book.

Reprinted on the following pages are excerpts from the "Cloture Procedure" section in *Riddick's Senate Procedure*, and the appendix.

Riddick's Senate Procedure is automatically distributed to new Senators. The publication also can be consulted in the CRS Senate Reference Center (B-05, Russell Senate Office Building). Copies are no longer available from GPO.

There are no chapters in Riddick's Senate Procedure. The publication is organized around procedural topics such as "Cloture Procedure."

— **CLOTURE PROCEDURE**

Cloture is the means by which the Senate limits debate on a measure or matter. A cloture motion "to bring to a close the debate on any measure, motion or other matter pending before the Senate, or the unfinished business" must be signed by at least sixteen Senators, and (with few exceptions) may be presented at any time. It may even be presented over the objections of the Senator who has the floor, but such presentation is merely an interruption and does not remove the Senator from the floor. When a cloture motion is presented, it is immediately reported by the Clerk at the direction of the Chair. The motion is applicable to the pending measure or matter or amendment pending thereto, or the unfinished business.

Under Rule XXII, the vote occurs on the motion on the second day of session after it is filed, and by precedent this is the case even if the consideration of the matter to which the motion applies had been suspended or displaced in the interim. One hour after the Senate convenes on the second day of session after the motion is presented, the Presiding Officer lays the motion before the Senate and directs the Clerk to call the roll to ascertain the presence of a quorum. If a quorum is present, a roll call vote occurs on the motion without debate. Adoption of the motion requires an affirmative vote of three-fifths of the Senators duly chosen and sworn, unless it applies to an amendment to the Senate rules, in which case an affirmative vote of two-thirds of the Senators voting (a quorum being present) is necessary.

If cloture is invoked, total consideration of the measure or matter to which it applies is limited to 30 hours, and a vote occurs on the clotured matter at the expiration of that time to the exclusion of all amendments not actually pending, and all motions except a motion to reconsider and table, and one quorum call (and motions required to establish a quorum). All time used for debate, votes, quorum calls, points of order and inquiries addressed to the Chair and responses thereto, the reading of amendments and for anything else that occurs while the Senate is considering the clotured matter, is charged against the allotted 30 hours. However, the time may be extended by a vote of three-fifths of the Senators duly chosen and sworn, and any such additional time is controlled by the two Leaders. Only one motion to extend time is in order on any calendar day.

Each Senator may speak for no more than one hour on the clotured matter and all amendments and motions affecting such matter. The Majority and Minority Leaders and the managers of the measure or matter may each be yielded up to two hours by other Senators, and the recipient of such time may yield time to other Senators. No other yielding of time is permitted except by unanimous consent. Any Senator who did not use or yield 10 minutes before the expiration of the 30 hours may thereafter speak only for the balance of the guaranteed 10 minutes.

Once cloture is invoked, no first degree amendment may be offered if it had not been filed with the Journal Clerk while the Senate was in session by 1:00 p.m. on the day following the day

For most procedural topics, the publication first discusses general principles governing the procedure.

Continued discussion of general principles governing cloture.

the cloture motion was filed, and no second degree amendment may be offered if it had not been so filed at least 1 hour prior to the beginning of the cloture vote. Amendments must be correctly drafted, and may not be modified (except to conform page and line designations to a reprinted matter). Amendments which have been available in printed form on Senators' desks for at least 24 hours need not be read. No Senator may call up more than two amendments until every Senator has had the opportunity to do likewise.

Nongermane amendments are out of order, as are all dilatory motions, quorum calls or amendments, and the Chair is authorized to make such determinations on its own initiative or in response to a point of order. The Chair is also authorized to count a quorum. Appeals are decided without debate.

Paragraph of Senate standing rule that sets forth cloture procedure.

Rule XXII, Paragraph 2

[Procedure To Invoke Cloture]

Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?"

Full text of paragraph.

And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn—except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting—then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

Summaries of precedents are grouped together under subject headings. The heading for these precedents, "Amends Measure in Two or More Places -- Out of Order on Its Face," appears on page 285.

in fact more than one amendment and is not in order. Amendments consisting of two provisions and amending a bill at two different points or in more than one place is in fact two amendments and not in order,⁶ and is subject to a point of order. An amendment that hits a bill in more than one noncontiguous place is technically out of order as being more than one amendment, and if the Senate is operating under cloture the Presiding Officer is required to hold such a purported "amendment" out of order on his or her own initiative.⁷ In 1977, the Vice President on his own initiative ruled out of order 26 such amendments when the Senate was operating under cloture.⁸

The Chair during the consideration of a measure under cloture sustained a point of order against an amendment which proposed to add a new section to a bill and at the same place in the bill specified that succeeding sections be renumbered accordingly,⁹ but several days later reversed itself during the consideration of an amendment which was drafted in the same manner, and stated further that "amending the bill in two places, where the second one is simply redesignating another section, does not hit in two places".¹⁰ The Chair has ruled amendments out of order, which hit the bill in two or more places, before they were read holding the reading of such amendments was not necessary prior to a ruling by the Chair thereon.¹¹

One-sentence summary of a precedent established in 1977. Each summary ends with a footnote number.

Subject heading used to group together relevant precedents.

Chair Takes Initiative To Rule Amendments Out of Order:

The Vice President took "judicial notice of the fact that we have now been for some 13 days, I believe, on this measure, well over 100 votes having been taken" and sustained a point of order made by the Majority Leader that required the Chair to take the initiative to rule out of order amendments which were dilatory or out of order on their face. An appeal was taken and laid upon the table, sustaining the ruling of the Vice President.¹² Soon thereafter, the Vice President took the initiative to rule out of order 33 consecutive amendments (26 of which hit the bill

Congressional Record citations beginning with "see" designate precedents based on Presiding Officer's response to a parliamentary inquiry.

Congressional Record citation for 1977 precedent highlighted above. Citations without "see" designate precedents created by Presiding Officer's ruling, or by a Senate vote.

⁶ Oct. 10, 1978, 95-2, *Record*, p. 35262; Sept. 26, 1977, 95-1, *Record*, p. 30828; Sept. 27, 1977, 95-1, *Record*, pp. 31241-42, 31246-47; Sept. 28, 1977, 95-1, *Record*, p. 31422; *see* *Amr.* 23, 1982, 97-2, *Record*, pp. 7450-51.

⁷ Sept. 18, 1984, 95-2, *Record*, p. 26381.

⁸ Oct. 3, 1977, 95-1, *Record*, pp. 31827-31.

⁹ Sept. 27, 1977, 95-1, *Record*, pp. 31243-45.

¹⁰ Oct. 1, 1977, 95-1, *Record*, pp. 31860-62.

¹¹ Sept. 28, 1977, 95-1, *Record*, pp. 31257-62.

¹² Oct. 3, 1977, 95-1, *Record*, pp. 31916-20.

[If a recess is agreed to, when the time to reconvene arrives, the Presiding Officer takes the Chair.]

THE PRESIDING OFFICER. (using the gavel). The hour of 4:00 o'clock having arrived, the Senate resumes its session.

OR

The Senate will come to order.

Procedural topic . ————— **Reconsideration**

[When the Senate votes on the passage of any bill, joint resolution, or motion, or on any other question, that vote is open to reconsideration under Rule XIII immediately, or on the same day, or on either of the next two days of actual session of the Senate thereafter.]

General principles governing motion to reconsider.

[If other business has intervened and the matter is no longer before the Senate or if other business is pending, a Senator may enter a motion to reconsider, if within the prescribed time, without proceeding to its immediate consideration. When such a motion is entered, the action taken by the Senate against which the motion was directed is stayed until the motion is disposed of. To consider a motion to reconsider which has been entered requires a majority vote and is generally debatable. Once the Senate agrees to consider a motion to reconsider, the question occurs on the adoption of the motion to reconsider.]

Information about the sample floor dialogue that follows. —

[If the motion to reconsider is made immediately after the vote, the procedure, including a motion to table if a Senator desires to make it, takes the following form:]

Sample floor dialogue. —————

A SENATOR. Mr. President, I move to reconsider the vote whereby the Senate passed (defeated) the bill, S. ____ or H.R. ____ (motion, resolution, or whatever the question was).

ANOTHER SENATOR. Mr. President, I move to lay that motion on the table.

THE PRESIDING OFFICER. The question is on the motion to lay on the table the motion to reconsider (the passage of the bill, motion, resolution, or whatever the question was).

Without objection, the motion is agreed to.

OR

As many as are in favor of the motion say "aye."

[After the "ayes" have responded collectively, the Chair continues:]

As many as are opposed say "no."

Rule-Making Statutes

The term “rule-making statute” refers to a public law that has provisions specifying legislative procedures to be followed in the Senate or the House, or both. Because these procedures are created through an exercise of each chamber’s constitutional rule-making authority, they have the same standing as Senate and House rules. Most rule-making statutes have a section titled “Exercise of Rule-Making Power,” which states that certain provisions of the law “shall be considered as part of the rules of each House.”¹⁹ Three of the most important rule-making statutes define specific procedures for considering budgetary legislation: the Congressional Budget and Impoundment Act of 1974 (commonly known as the Congressional Budget Act), the Balanced Budget and Emergency Deficit Control Act (the so-called “Gramm-Rudman-Hollings Act”), and the Budget Enforcement Act of 1990. For example, Section 305(b) of the Congressional Budget Act defines Senate floor procedures for considering annual budget resolutions. An excerpt from section 305(b) appears on the following page.

Rule-making provisions related to the congressional budget process, and relevant Senate precedents, are presented in *Riddick’s Senate Procedure* (pages 502-642), and in *Budget Process Law Annotated* (discussed later in this report).

The Legislative Reorganization Act of 1946 (P.L. 79-601, 60 Stat. 812) and the Legislative Reorganization Act of 1970 (P.L. 91-510, 84 Stat. 1140) are important rule-making statutes that affected legislative procedures. Many rule-making provisions in these statutes were later incorporated into the Senate’s standing rules. Another type of rule-making statute, commonly referred to as a “congressional disapproval statute,” defines special procedures for congressional approval or disapproval of specified actions proposed to be taken by the executive branch or independent agencies. For example, rule-making provisions in the Trade Act of 1974 established fast-track procedures for considering legislation approving trade agreements.

Congressional disapproval statutes are discussed on pages 496-501 of *Riddick’s Senate Procedure*. In addition, the rule-making provisions of 30 such statutes are presented in the *House Rules and Manual* for the 107th Congress (H.Doc. 106-320) on pages 1015-1145.

¹⁹For example, Section 904(a)(1) of the Congressional Budget and Impoundment Act of 1974, P.L. 93-344.

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Senate Procedure.

SENATE PROCEDURE

PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 304. (a) IN GENERAL.—At any time after the concurrent resolution on the budget for a fiscal year has been agreed to pursuant to section 301, and before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.

(b) ECONOMIC ASSUMPTIONS.—The provisions of section 301(g) shall apply with respect to concurrent resolutions on the budget under this section (and amendments thereto and conference reports thereon) in the same way they apply to concurrent resolutions on the budget under such section 301(g) (and amendments thereto and conference reports thereon).

PROVISIONS RELATING TO THE CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 305.

* * * * *

Text of Section 305(b) of the Congressional Budget Act.

(b) PROCEDURE IN SENATE AFTER REPORT OF COMMITTEE; DEBATE; AMENDMENTS.—

(1) Debate in the Senate on any concurrent resolution on the budget, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 50 hours, except that with respect to any concurrent resolution referred to in section 304(a) all such debate shall be limited to not more than 15 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

Clause 2 of Section 305(b).

(2) Debate in the Senate on any amendment to a concurrent resolution on the budget shall be limited to 2 hours, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, and debate on any amendment to an amendment, debatable motion, or appeal shall be limited to 1 hour, to be equally divided between, and controlled by, the mover and the manager of the concurrent resolution, except that in the event the manager of the concurrent resolution is in favor of any such amendment, motion, or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of such concurrent resolution shall be received. Such leaders, or either of them, may, from the time under their control on the passage of the concurrent resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(3) Following the presentation of opening statements on the concurrent resolution on the budget for a fiscal year by the chairman and ranking minority member of the Committee on the Budget of the Senate, there shall be a period of up to four hours for debate on economic goals and policies.

(4) Subject to the other limitations of this Act, only if a concurrent resolution on the budget reported by the Committee on the Budget of the Senate sets forth the economic goals (as de-

Committee Rules of Procedure

Rule XXVI, paragraph 2, of the Senate's standing rules requires that each standing committee adopt written rules of procedure and publish these rules in the *Congressional Record* no later than March 1 of the first session of each Congress.²⁰ In addition, any amendments to committee rules do not take effect until they are published in the *Congressional Record*. Committee rules cover important aspects of the committee stage of the legislative process, such as referral of legislation to subcommittees, quorum and voting requirements, markups, and preparation of committee reports. Subcommittees also may have their own supplemental rules of procedure.

Committee rules of procedure do not supersede those established by the standing rules of the Senate. Rule XXV defines the jurisdiction of the standing committees, and Rule XXVI sets forth rules of procedure to be followed by standing committees. The full texts of these standing rules and relevant Senate precedents are discussed on pages 382-42 of *Riddick's Senate Procedure*. Committee rules can be enforced in the committee that has adopted them.

The Senate Committee on Rules and Administration usually issues a document each Congress that presents the jurisdiction statements and the rules of procedure of all Senate committees. This document, entitled *Authority and Rules of Senate Committees*, also provides related information such as public laws affecting committee procedures. Each committee's rules also appear in the *Congressional Record* on the day they were submitted for publication. In addition, some committees publish their rules in a committee print, or in the committee's interim or final "Legislative Calendar."

Reprinted on the following page is an excerpt from the rules of the Senate Committee on Finance for the 104th Congress.²¹

When published, *Authority and Rules of Senate Committees* is available from the Senate Document Room (B-04 Hart Office Building, 4-7701), or the Office of Senate Legal Counsel (642 Senate Hart Office Building, 4-4435).

Internet: The latest version of *Authority and Rules of Senate Committees*, S. Doc. 107-3, is available at GPO Access Legislative page at [http://www.access.gpo.gov/su_docs/legislative.html].

²⁰According to Rule XXVI, paragraph 2, the March 1 deadline does not apply to committees established on or after February 1. Such committees must publish their rules of procedure not later than 60 days after being established.

²¹*Authority and Rules of Senate Committees, 1997-1998*, S.Doc. 105-4, (Washington: GPO, 1995), p. 84.

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Authority and Rules of Senate Committees

Title of print issued by Senate Rules and Administration Committee.

Number and subject matter of committee rule.

Paragraph b of Rule 4.

After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

RULE 3. PRESIDING OFFICER.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

RULE 4. QUORUMS.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

RULE 5. REPORTING OF MEASURES OR RECOMMENDATIONS.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

RULE 6. PROXY VOTING; POLLING.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

RULE 7. ORDER OF MOTIONS.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

RULE 8. BRINGING A MATTER TO A VOTE.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

RULE 9. PUBLIC ANNOUNCEMENT OF COMMITTEE VOTES.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Reference to Senate's Standing Rules.

Publications of Committees and Offices of the Senate

Some publications prepared by committees and offices of the Senate provide valuable information about Senate parliamentary procedure and practices. Although these publications are not official parliamentary reference sources, they often make references to official sources such as the Senate's standing rules and published precedents. Publications developed by the Senate parliamentarian, and by the committees on Budget, Foreign Relations, and Rules and Administration, are described below.

Budget Process Law Annotated

Budget Process Law Annotated (S.Prt. 103-49), a print of the Senate Budget Committee, provides the text of the Congressional Budget Act, Gramm-Rudman-Hollings Act, the Budget Enforcement Act, and other budget documents such as executive orders. The print's great value lies in its informative annotations, which were prepared by William G. Dauster, then the Senate Budget Committee's minority chief counsel. These annotations provide summaries of, and citations to, important Senate precedents. For some precedents, the full text of the procedural exchange establishing the precedent is presented.

In addition, the annotations explain references made in the budgetary laws and include the legislative history of certain provisions in these laws. Throughout the print, symbols are used to indicate provisions that established a point of order in the Senate, or a procedure for controlling time in the Senate.

Photocopies of *Budget Process Law Annotated* (S.Prt. 103-49) are available from the Senate Budget Committee (621 Dirksen Senate Office Building, 4-0642). The print is 857 pages long.

U.S. Senate Handbook (Chapter 3)

Chapter 3 (entitled "Legislative Activity") of the *U.S. Senate Handbook* explains the procedures that accompany each stage of the legislative process in the Senate. This publication (S.Doc. 104-64) was issued by the Senate Committee on Rules and Administration.

Useful references to the Senate's standing rules and *Riddick's Senate Procedure* are provided throughout Chapter 3. The chapter also summarizes the procedures governing the Senate's consideration of general appropriations bills, budget resolutions, and reconciliation bills. In addition, the chapter explains Senate procedures for acting on treaties and executive nominations.

Upon publication, the *U.S. Senate Handbook* (S.Doc. 104-64) was automatically distributed to Senate offices by the Senate Committee on Rules and Administration. Copies of the handbook's Chapter 3 are available from the Congressional Research Service (7-5700).

Senate Cloture Rule

Senate Cloture Rule (S.Prt. 99-95), a print prepared for the Senate Committee on Rules and Administration by the Congressional Research Service, was issued during the 99th Congress. The print's coverage of the rule's history and application can be useful to those wanting a more detailed knowledge of how the cloture rule has developed and been used.

The print provides the text of all the standing rules affecting debate, a chronological history of efforts to limit debate in the Senate (the facts of each situation are provided), tables summarizing Senate votes on cloture motions, a bibliography of publications and articles on selected filibusters and cloture motions, and legislative histories of the original cloture rule and later amendments to the rule.

Senate Cloture Rule (S.Prt. 99-95) can be obtained from CRS (7-5700).

Treaties and Other International Agreements: The Role of the United States Senate

Treaties and Other International Agreements: The Role of the United States Senate (S.Prt. 106-71) was designed, in part, to serve as a "reference manual" for the Senate's consideration of treaties and other international agreements.²² The print was prepared for the Senate Committee on Foreign Relations by the Congressional Research Service. The 106th Congress edition is an update of the 1993 version, S.Prt. 103-53.

The 106th Congress edition of this print provides detailed information about the Senate's advice and consent role, and explains the steps involved in making treaties and executive agreements as well as the history of international agreements. Chapter 5 covers the procedures that govern all stages of Senate consideration of treaties and international agreements, from receipt and referral to committee to final action on the Senate floor. Chapter 10 discusses congressional oversight of treaties and other international agreements.

²²U.S. Congress, Senate, *Treaties and Other International Agreements: The Role of the United States Senate*, S.Print 106-71, 106th Congress, 2nd session (Washington: GPO, 2001), p. xi.

Treaties and Other International Agreements: The Role of the United States Senate (S.Prt. 106-71) is available from the Document Room of the Senate Committee on Foreign Relations (423 Dirksen Senate Office Building, 4-4620).
Internet: A link to S.Prt. 106-71 is available on GPO Access at:
[<http://www.gpo.gov/congress/senate/senate11cp106.html>]

Enactment of a Law

Enactment of a Law (S.Doc. 97-20), prepared by the Senate parliamentarian under the direction of the secretary of the Senate, explains Senate floor procedures and the functions of the various Senate officials, such as the secretary of the Senate, the sergeant at arms, and the Senate parliamentarian. Some information about House and conference procedures and presidential action also is provided.

While the most recent printed edition of *Enactment of a Law* dates from 1981, an online version available through the Internet was prepared in February 1997 by the Senate parliamentarian, Robert B. Dove. This online version reflects changes made to the congressional budget process and Senate rules and procedures since the last printed edition.

The printed version of *Enactment of a Law* (S.Doc. 97-20) is available from the Congressional Research Service (7-5700).

Internet: The online version of *Enactment of a Law* (February 1997) is available through **THOMAS**, at [<http://thomas.loc.gov/home/enactment/enactlawtoc.html>].

This version also is the basis of the Senate Overview section of the **CRS Guides to Congressional Processes** at [<http://www.crs.gov/products/guides/senate/overview/SenateOverview.shtml>].

How Our Laws Are Made

How Our Laws Are Made provides a summary of the legislative process from the drafting of legislation to final approval and presidential action. While this document focuses on House procedures, it includes a review of Senate committee and floor procedures prepared by the Office of the Senate Parliamentarian.

A new edition of *How Our Laws Are Made* (22nd edition), House Document 106-197, prepared by the Office of the House Parliamentarian, in consultation with the Office of the Parliamentarian of the U.S. Senate, also is available online through the Internet. This version (January 2000) reflects the changes made to House rules at the beginning of the 106th Congress.

The latest print version of *How Our Laws Are Made* (22nd edition), H. Doc. 106-197, dated January 2000, is available from the Government Printing Office.

Internet: The latest online version of *How Our Laws Are Made* is available through **THOMAS** at [<http://thomas.loc.gov/home/lawsmade.toc.html>].

Rules of the Senate's Party Conferences

The rules of the Senate Democratic Conference and the Senate Republican Conference cover topics such as the selection of party leaders, meetings of the party conference, and limitations on committee assignments. These rules are binding only on the Senators belonging to each party conference. As such, party conference rules cannot be enforced on the Senate floor; the rules are adopted by each conference's members and can only be enforced within that conference.

Internet: An online version of the Rules of the Senate Republican Conference for the 107th Congress, can be accessed at [<http://www.senate.gov/~src/rules.html>].

APPENDIX A: Senate Parliamentary Reference Sources

Official Reference Sources

Authority and Rules of Senate Committees, 2001-2002, a document usually issued each Congress by the Senate Committee on Rules and Administration. The latest edition is S.Doc. 107-3, 107th Congress, 1st session (Washington: GPO, 2001).

Senate Manual, a document compiled by the Senate Committee on Rules and Administration. The latest edition is S.Doc. 106-1, 106th Congress, 1st session (Washington: GPO, 2000), 1196 pp.

Standing Rules of the Senate, a document prepared by the Senate Committee on Rules and Administration. The most recent edition is S.Doc. 106-15, 106th Congress, 2nd session (Washington: GPO, 2000), 71 pp.

Riddick's Senate Procedure. S.Doc. 101-28, 101st Congress, 2nd session (Washington: GPO, 1992), 1608 pp.

Publications of Committees and Offices of the Senate

Budget Process Law Annotated. S.Prt. 103-49, 103rd Congress, 1st session (Washington: GPO, 1993), 857 pp.

Chapter 3 "Legislative Activity", *U.S. Senate Handbook*. S.Prt. 104-64, 104th Congress, 2nd session (Washington: GPO, 1996), 52 pp.

Enactment of a Law. S.Doc. 97-20, 97th Congress, 2nd session (Washington: GPO, 1982), 41 pp. An electronic version (Feb. 1997) is available through THOMAS, a Web service of the Library of Congress; see Appendix B of this report.

How Our Laws Are Made (22nd edition), prepared by the Office of the House Parliamentarian, H.Doc. 106-197, 106th Congress, 2nd session (Washington: GPO, 2000), 49 pp. An electronic version (January 31, 2000) can be accessed through the Legislative Information System; see Appendix B of this report.

Senate Cloture Rule. S.Prt. 99-95, 99th Congress, 1st session (Washington: GPO, 1985), 135 pp.

Procedure and Guidelines for Impeachment Trials in the United States Senate. S.Doc. 99-33, 99th Congress, 2nd session (Washington: GPO, 1986), 101 pp.

Treaties and Other International Agreements: The Role of the United States Senate. S.Prt. 106-71, 106th Congress, 2nd session (Washington: GPO, 2001), 435pp.

Congressional Research Service (CRS) Products

Most titles are available full-text from the CRS Web site home page at [http://www.crs.gov]. From the CRS Home page, under the heading “Search All Products”, insert the product number (example: 98-853) in the search box, select the “By product number” radio button, then click on the “Go” button.

CRS Report 98-853. *The Amending Process in the Senate*, by Stanley Bach.

CRS Report RL30862. *Budget Reconciliation Procedures: The Senate’s “Byrd Rule”*, by Robert Keith.

CRS Report RL30743. *Committee Assignment Process in the U.S. Senate: Democratic and Republican Party Procedures*, by Judy Schneider.

CRS Report 96-708. *Conference Committee and Related Procedures: An Introduction*, by Stanley Bach.

CRS Report RS20722. *The First Day of a new Congress: a Guide to Proceedings on the Senate Floor*, by Mildred Lehmann Amer.

CRS Report RL30548. *Hearings in the U.S. Senate: Guide for Preparation and Procedure*, by Richard C. Sachs.

CRS Report 98-712. *“Holds” in the Senate*, by Walter Oleszek.

CRS Report RL30945. *House and Senate Rules of Procedure: A Comparison*, by Judy Schneider.

CRS Report RS20668. *How Measures Are Brought to the Senate Floor: a Brief Introduction*, by James V. Saturno.

CRS Report 96-548. *The Legislative Process on the Senate Floor: An Introduction*, by Stanley Bach.

CRS Report RL30850. *Minority Rights and Senate Procedures*, by Stanley Bach.

CRS Report 98-503. *Publications of the U.S. Senate*, by Faye M. Bullock.

CRS Report 98-696. *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Stanley Bach.

CRS Report 98-183. *Senate Committees: Categories and Rules for Committee Assignments*, by Judy Schneider.

CRS Report 97-368. *Senate Floor Procedure: A Summary*, by Stanley Bach.

CRS Report 98-308. *Senate Legislative Procedures: Published Sources of Information*, by Stanley Bach.

CRS Report 98-311. *Senate Rules Affecting Committee Activities*, by Stanley Bach.

CRS Report 98-470. *Senate Manual: a Guide to its Contents*, by Lorraine H. Tong.

CRS Report 98-912. *Senate Rules and Practices on Committee, Subcommittee, and Chairmanship Assignment Limitations as of November 4, 2000*, by Judy Schneider.

CRS Report 96-452. *Voting and Quorum Procedures in the Senate*, by Stanley Bach.

APPENDIX B: Senate Parliamentary Reference Information Available Through the Internet

Throughout this report are citations to Internet locations and Web sites at which electronic versions of various Senate parliamentary reference sources are available. This appendix lists these online resources in a single compendium for the convenience of the reader.

The vast majority of the referenced links can be accessed through one of two “gateway” Web sites maintained by legislative branch organizations: the **Legislative Information System (LIS)**, and **GPO Access**. Each of these sites (detailed below) provides a good entry point for research into Senate procedures. Documents relating to Senate procedures also can be found at other **Library of Congress** and **U.S. Senate** Web sites at the locations indicated.

To find the document cited at a specified Internet location, use the address provided in brackets. The list is current as of this report’s publication date. Because information on the Internet is constantly changing, this list should not be considered exhaustive.

Legislative Information System of the U.S. Congress (LIS)

[<http://www.congress.gov>]

The Legislative Information System (**Congress Only**) was released at the start of the 105th Congress and has been extensively redesigned for the 107th Congress. The information in the system is organized into six Web pages: Home, Senate, House, Agencies, Media, and Can’t Find It. Each page is accessible by clicking on one of the navigation tabs near the top of the page. The Senate and House pages include multiple links under the category “Rules, precedents, and procedures.” The “Agencies” page includes a link to GPO Access (Legislative), where many documents related to parliamentary procedure are located.

CRS Guides to Congressional Processes

[<http://www.crs.gov/products/guides/guidehome.shtml>]

The latest version of this CRS electronic guide provides a wealth of information relating to House and Senate procedures. There are links to current versions of House and Senate rules and CRS reports on specific procedural topics. Electronic versions of *How Our Laws Are Made* and *Enactment of a Law* provide an overview of procedures in each chamber. Links within the fact sheets and procedural overviews take the user directly to pertinent House or Senate rules and to definitions in Congressional Quarterly’s *American Congressional Dictionary*.

GPO Access

[<http://www.access.gpo.gov>]

- [<http://www.access.gpo.gov/congress/senate/sclinks.html>]
Provides links to rules of Senate committees.
- [<http://www.access.gpo.gov/congress/cong007.html>]
This address allows users to search the full text of the *Senate Manual* (S.Doc. 106-1, 106th Congress, 1st session).
- [<http://www.access.gpo.gov/congress/senate/constitution/index.html>]
Searchable version of the 1992 edition of *The Constitution Annotated* (formally known as *Constitution of the United States of America: Analysis and Interpretation*), S.Doc. 103-6, 103rd Congress, 1st session, and its 1996 supplement (S.Doc. 104-14, 104th Congress, 1st session) and 1998 supplement (S.Doc. 106-8, 106th Congress, 1st session). This edition of the Constitution and its supplements are annotated by the Congressional Research Service with references to court decisions.

Other Library of Congress Sites

- [<http://lcweb.loc.gov/global/legislative/rules.html>]
Provides links to Senate rules at the Internet locations of the U.S. Senate, the Senate Committee on Rules and Administration, and the Library of Congress.
- [<http://thomas.loc.gov/home/enactment/enactlawtoc.html>]
Enactment of a Law, (online version, February 1997).
- [<http://thomas.loc.gov/home/lawsmade.toc.html>]
How Our Laws Are Made, version dated January 31, 2000.
- [<http://lcweb2.loc.gov/const/const.html>]
Constitution
- [<http://lcweb2.loc.gov/const/bor.html>]
Amendments 1-10 (Bill of Rights).
- [<http://lcweb2.loc.gov/const/amend.html>]
Amendments 11-27.

Other Senate Sites

– [<http://www.senate.gov/committees/index.cfm>]

Provides links to Internet locations of all Senate committees. Most committee Web sites include a link to “committee rules”. Links to the rules of most Senate committees are listed below:

Agriculture, Nutrition, and Forestry	[http://www.senate.gov/~agriculture/Rules/Rules.htm]
Appropriations	[http://www.access.gpo.gov/congress/senate/srules03.html]
Armed Services	[http://www.access.gpo.gov/congress/senate/srules04.html]
Banking, Housing, and Urban Affairs	[http://www.access.gpo.gov/congress/senate/srules05.html]
Budget	[http://www.access.gpo.gov/congress/senate/srules06.html]
Commerce, Science, and Transportation	[http://www.senate.gov/~commerce/rules.htm]
Energy and Natural Resources	[http://energy.senate.gov/about/about_frames.htm]
Environment and Public Works	[http://http://www.senate.gov/~epw/rule_107.htm]
Finance	[http://www.senate.gov/~finance/fin-pro.htm]
Foreign Relations	[http://www.senate.gov/~foreign/committee_rules.html]
Governmental Affairs	[http://www.access.gpo.gov/congress/senate/srules12.html]
Health, Education, Labor and Pensions	[http://www.access.gpo.gov/congress/senate/srules15.html]
Indian Affairs	[http://www.senate.gov/~scia/rules.htm]
Judiciary	[http://www.senate.gov/~judiciary/rules.htm]
Rules and Administration	[http://www.senate.gov/~rules/srules.htm] (Links to Senate rules, not Rules Committee rules)
Small Business	[http://www.senate.gov/~sbc/107rules.html]
Veterans Affairs	[http://www.access.gpo.gov/congress/senate/srules18.html]