Congressional Research Service

House and Senate Rules of Procedure: A Comparison

Judy Schneider
Specialist on the Congress

April 16, 2008

Congressional Research Service
7-5700
www.crs.gov
RL30945

CRS Report for Congress
Prepared for Members and Committees of Congress

Summary

More differences than similarities emerge when comparing selected House and Senate rules of procedure for referring legislation to committees, and for scheduling, raising and considering measures on the floor.

While the House uses four calendars (Union, House, Private, Discharge), the Senate only employs two calendars (Legislative and Executive). The House's system of special days for considering certain types of measures (e.g., "District Days") has no equivalent in the Senate.

In making scheduling decisions, the Speaker typically consults only with majority party leaders and selected Representatives whereas the Senate Majority Leader confers broadly with minority party leaders and interested Senators. The Speaker's dual position as leader of the majority party and the House's presiding officer gives him more authority to govern floor proceedings than the Senate's presiding officer. While debate time is always restricted in the House, individual Senators generally have the right to unlimited debate.

Most noncontroversial measures are approved by "suspension of the rules" in the House, and by unanimous consent in the Senate. Floor consideration of major bills is generally governed by "special rules" in the House, and by "complex unanimous consent agreements" in the Senate. The House typically meets in the Committee of the Whole to consider major legislation; no such committee exists in the Senate. The House considers and amends legislation in a more structured manner (e.g., by section or title) than the Senate. In addition, while germaneness of amendments is required in the House, it is mandated only in four instances in the Senate. Rollcall votes can be requested at almost any time in the Senate, but only after completing a voice or division vote in the House.

Because the Senate often recesses instead of adjourning at the end of the day, Senate legislative days can continue for several calendar days. By contrast, the House routinely adjourns at the end of each legislative day.

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Introduction

House and Senate rules of procedure are largely a function of the number of members comprising each chamber. In the House, a structured legislative process and strict adherence to the body's rules and precedents have resulted from the need to manage how 435 Representatives make decisions. By contrast, the Senate's smaller membership has brought about a less formal policy-making process and a more flexible approach to the chamber's standing rules. While individual Representatives must typically yield to the majority will of the House, the Senate usually accommodates the interests of individual Senators.

This report compares selected House and Senate rules of procedure for various stages of the legislative process: referral of legislation to committees; scheduling and calling up measures; and floor consideration. No attempt is made to present a comprehensive discussion of how both chambers operate.

Referral of Legislation

In both the House and Senate, the presiding officer (see "Presiding Officer and Recognition Practices" section) refers newly-introduced legislation and measures passed by the other chamber to the appropriate standing committee. Upon advice from the Parliamentarian, the presiding officer bases referral decisions on the chamber's rules and precedents for subject matter jurisdiction. Legislation passed by the other body usually receives floor consideration without reference to a committee if there already is a companion bill on a calendar (see discussion of "Calendars" in next section).

The House changed its referral rule (Rule XII, clause 2) at the beginning of the 104th Congress. This change was aimed at reducing the number of measures referred to more than one committee, commonly called "multiple referrals." The rules change eliminated joint referrals, a type of multiple referral where a measure is simultaneously referred to two or more committees. Under the new rule, the Speaker designates "a committee of primary jurisdiction" (based on the committee jurisdictions itemized in Rule X) when referring measures to more than one committee. In practice, two types of multiple referrals can take place if the Speaker first selects a primary committee: a *sequential referral* (the measure is referred to one committee, then to another, and so on; the Speaker can establish time limits for each committee's consideration); and a *split referral* (specifically designated portions of a measure are referred to one or more committees). In the 108th Congress, House rules were changed to allow the Speaker to not designate a primary committee "under exceptional circumstances."

House committees often develop "memorandums of understanding" (sometimes referred to as "letters of agreement") which explain an agreement between committees about how to divide jurisdiction over specific policy issues. These memorandums are sent to the Speaker in the form of letters from the involved committee chairmen, and are sometimes printed in the *Congressional Record*. The memorandums seek to advise the Speaker on referral decisions where committee jurisdictions are unclear or overlapping.

Under the Senate's referral rule (Rule XVII, paragraph 1), legislation is referred to "the committee which has jurisdiction over subject matter which predominates" in the measure (sometimes referred to as "predominant jurisdiction").[1] Senate Rule XXV lists the subjects for which the standing committees are responsible. Senate Rule XIV requires that measures be read twice on different legislative days (see "Adjournment and Legislative Days" section) before being referred to a committee. Most bills and joint resolutions, however, are considered as having been read twice and are referred to committee upon introduction. Under Rule XIV, when a Senator demands two readings and there is objection to the measure's second reading, the measure is placed directly on the Calendar of Business (see next section) without reference to committee.

Three types of multiple referrals—*joint*, *sequential* and *split*—are allowed in the Senate. In practice, measures are referred to multiple committees by unanimous consent. Under the Senate's standing rules (Rule XVII, paragraph 3), the Senate Majority and Minority Leaders can make a joint leadership motion to jointly or sequentially refer legislation to multiple committees. However, this rule has never been used since its adoption by the Senate in 1977. In general multiple referrals are more common in the House than in the Senate.

Scheduling and Raising Measures

Calendars

Measures reported from House committees (except for private measures) are referred to either the Union or House Calendar (Rule XIII, clause 1(a)). In general, the *Union Calendar* receives all measures which would be considered in the Committee of the Whole, such as tax, authorization, and appropriations measures. All other public bills and public resolutions are referred to the *House Calendar* (Rule XIII, clause 1(a)(2)). The House also maintains a *Private Calendar* (Rule XIII, clause 1(a)(3); and Rule XV, clause 5) for measures of a private character affecting individual persons or entities, and a *Calendar of Motions to Discharge Committees* (Rule XIII, clause 1(b); and Rule XV, clause 2) from further consideration of particular measures (see "Legislation Blocked in Committee" section for a discussion of the discharge motion).

The Senate only has two calendars: the Calendar of Business (commonly called the "Legislative Calendar"), and the Executive Calendar. Nominations and treaties are referred to the *Executive Calendar*. Legislation reported from committee are referred to the *Calendar of Business*, or placed on this calendar by unanimous consent. As discussed earlier, Rule XIV provides a procedure for placing measures on the Calendar of Business without reference to committee.

A measure commonly becomes eligible for floor consideration in both chambers once it has been placed on a calendar. The calendar number assigned to a measure indicates the chronological order the measure was placed on the calendar, not the order for floor consideration.

[1] Treaties and nominations submitted by the President also are referred to committees to be studied and reported. This report does not discuss procedures governing Senate consideration of treaties and nominations. See the discussion of these procedures in U.S. Congress, Senate, *Riddick's Senate Procedure*, S.Doc. No. 101-28, 101st Cong., 2nd sess. (Washington: GPO, 1992), 1608 p.

Calling Up Measures

The scheduling of legislation for House floor action is the fundamental prerogative of the Speaker. Individual Representatives cannot easily circumvent, influence, or reverse leadership decisions about which measures should come to the floor. The most significant and controversial measures are usually made in order for floor consideration by a "special rule" passed by a majority vote of the House (see next section). Less controversial measures are often raised under the "suspension of the rules" procedure (Rule XV, clause 1) every Monday, Tuesday, and Wednesday and during the last six days of a session. On these "suspension days"(and at other times by unanimous consent or by special rule), the Speaker may recognize a Member to move to suspend the rules and pass a measure. A suspension motion must be approved by two-thirds of those present and voting. The House may also agree to take up a measure by unanimous consent, but does so much less frequently than the Senate.

House rules set aside specific days of the month when bills from the *Private Calendar* (always the first Tuesday, Rule XV, clause 5(a); also, the third Tuesday, Rule XV, clause 5(b)(1), at the Speaker's discretion) can be brought up for floor consideration. Legislation involving the District of Columbia can be raised on the second and fourth Mondays of each month (Rule XV, clause 4) sometimes referred to as "*District Days*." The *Calendar Wednesday* procedure (Rule XV, clause 6) reserves Wednesdays for the "call of committees," during which time committees can raise reported bills that have not been granted a special rule or otherwise made privileged for floor action. In today's House, Calendar Wednesday is usually dispensed with by unanimous consent. All these procedures require a simple majority for passage, except for correction measures which require a three-fifths vote. Certain "privileged" measures reported by the committees on Appropriations, Budget, House Administration, Rules, and Standards of Official Conduct can be called up at any time under House Rule XIII, clause 5(a). Rules governing privileged reports by the Committee on Rules are detailed under Rule XIII, clause 6.

The Senate Majority Leader has the authority to raise measures for Senate floor consideration. Most measures reach the Senate floor either by a simple unanimous consent request, or under a complex unanimous consent agreement (described in next section). The Majority Leader also can offer a debatable motion to proceed to the consideration of a measure. Before scheduling measures for floor action, the Majority Leader consults with the Minority Leader, appropriate committee chairmen, and individual Senators who have notified him of their interest in specific measures. Consultation with individual Senators is necessary because most measures are raised by unanimous consent.

A Senator or group of Senators can place a "hold" on the bringing up of measures. "Holds" are an informal custom in the Senate. Early in the 106th Congress, Senate Majority Leader Lott and Minority Leader Tom Daschle announced that all Senators, who wished to place a hold on any measure, must notify the sponsor and the committee of jurisdiction of their intentions before providing such notice in writing to the respective party leader.

Special Rules vs. Complex Unanimous Consent Agreements

"Special rules" establish the parliamentary conditions governing House floor consideration of most major measures. The House Rules Committee reports a special rule (often referred to as a "rule") in the form of a simple resolution. The typical special rule provides a specific amount of time for general debate and determines whether or not amendments are in order. A rule may limit

debate on specific amendments and waive points of order against specific provisions or amendments. Because special rules are "privileged" for floor consideration under Rule XIII, clause 6, they can be called up, debated, and voted upon at any time. Special rules must be agreed to by a majority vote of the House.

According to House precedents, the Rules Committee can report a special rule for a bill that is pending before a committee. The effect of this rarely-used authority is to discharge the bill from the committee. Conversely, Representatives can move to discharge the Rules Committee from considering a special rule after it has been before the committee for seven legislative days (see "Legislation Blocked in Committee" section for a discussion of the discharge motion).[2] The Calendar Wednesday procedure (see previous section) allows committees to call up measures they have reported, but which have not been granted a special rule.

In the Senate, complex unanimous consent agreements specify the parliamentary conditions governing floor consideration of major measures.[3] These agreements (sometimes referred to as "time agreements") can limit debate time, structure the amendment process, and waive points of order against specific provisions or amendments. The agreements are negotiated by the Majority Leader, in consultation with the Minority Leader, committee chairmen, and interested Senators. These negotiations are conducted in private meetings or, less frequently, on the Senate floor. A unanimous consent agreement must be accepted by all Senators on the floor when the Majority Leader or his designee formally offers the agreement. The objection of one Senator prevents the agreement from taking effect. An individual Senator can then request the leadership to modify the unanimous consent agreement to accommodate his or her concerns. Complex unanimous consent agreements are printed in the Senate's daily "Calendar of Business," and in the *Congressional Record*.

Legislation Blocked in Committee

Both chambers have procedures for calling up measures that have not been reported by a committee. In deference to each committee's right to consider legislation, Representatives and Senators are generally reluctant to employ these procedures.

Members of the House may offer a motion to discharge a committee from considering a measure 30 days after the measure was referred to the committee (7 days for resolutions before the Rules Committee). If 218 Members then sign a discharge petition, the discharge motion is placed on the *Discharge Calendar* and can be called up on the second or fourth Mondays of each month. If the motion is adopted, a motion to call up the underlying measure for immediate consideration can then be offered. Most discharge motions do not attract the required 218 signatures, and few have been adopted since the discharge rule's (Rule XV, clause 2) inception. Nevertheless, the act of filing a discharge petition, or threatening to do so, is sometimes used to prompt committee action on measures. The motion to suspend the rules and pass a measure is another procedure for raising unreported measures, but is rarely done over the objection of the relevant committee chairman. As

[2] Special rules are usually reported as original measures by the Rules Committee. Therefore, to attempt to discharge a special rule from this committee, a Representative must first introduce a special rule in the form of a simple resolution (the resolution cannot provide for the consideration of more than one bill or resolution). The Representative can move to discharge this resolution from the Rules Committee after seven legislative days have passed.

[3] Simple unanimous consent agreements, which are offered orally, are used for noncontroversial measures and routine floor business (e.g., to "rescind" a quorum call).

discussed earlier, the two-thirds vote required for approving suspension motions means they are generally employed to call up noncontroversial measures.

It is easier to circumvent committees in the Senate than in the House, primarily because Senators generally have the right to offer non-germane amendments (commonly known as "riders") to measures being considered on the floor.[4] For example, a Senator could offer an amendment containing the text of a bill blocked in committee. A Senator also could use Rule XIV (discussed earlier) to bypass a committee that has not reported a particular measure. In this situation, the Senator would reintroduce the bill, demand two readings, and then object to the second reading. Under Rule XIV, the measure would be placed directly on the Calendar of Business. Other Senate procedures for bypassing committees, such as the motion to discharge a committee and the motion to suspend the rules, are employed so infrequently they are not discussed here. Senate committees are sometimes discharged by unanimous consent.

Table 1. Scheduling and Raising Measures: Comparison of House and Senate Procedures

House	Senate
Four calendars (Union, House, Private, Discharge)	Two calendars (Legislative and Executive)
Special days for raising measures[a]	No special days
Scheduling by Speaker and majority party leadership in consultation with only selected Representatives	Scheduling by majority party leadership in broad consultation with minority party leaders and interested Senators
No practice of "holds"	Individual Senators can place "holds" on the raising of measures, within limitations
Powerful role of Rules Committee	No committee with equivalent role
Special rules (approved by majority vote) govern floor consideration of most major legislation	*Complex unanimous consent agreements* (approved by unanimous consent) govern floor consideration of major measures
Non-controversial measures usually approved under *suspension of the rules* procedure	Non-controversial measures approved by *unanimous consent*
Difficult to circumvent committee consideration of measures	Easier to circumvent committee consideration of measures

a. There are special days for calling up bills under the suspension of the rules and Calendar Wednesday procedures, for raising measures from the Private Calendar, and for bringing up legislation involving the District of Columbia.

[4] There are four instances when germaneness of amendments is required in the Senate. See the "Amending Measures" section for more information.

Floor Consideration

Presiding Officer and Recognition Practices

The Speaker of the House is both the leader of the majority party and the chamber's presiding officer. In this dual position, the Speaker uses his parliamentary and political powers to govern House floor proceedings. He has the discretionary power to recognize, or not recognize, Members to speak. When a Representative seeks recognition, the Speaker will frequently ask: "For what purpose does the Gentleman (Gentlewoman) rise?" The Speaker does so in order to determine what business the Member wants to conduct. If the business does not have precedence (e.g., a special order speech), the Speaker can usually deny recognition. The Speaker does adhere to some established House practices of recognition, such as giving Members of the committee reporting a bill priority recognition for offering floor amendments.

A Speaker has the right to vote and to debate from the floor, if he wishes. The extent to which this right is exercised varies from Speaker to Speaker. The Speaker presides over House floor proceedings[5], but not over meetings of the Committee of the Whole (formally, the Committee of the Whole House on the State of the Union). He appoints a majority party Representative to preside as chairman of the Committee of the Whole. The House resolves into the Committee of the Whole, a committee to which all Members belong, to consider measures that will be amended (see "Amending Measures" section). A non-partisan Parliamentarian, an officer of the House, is always present to advise the presiding officer on rulings and precedents.

The Vice President of the United States is the Senate's official presiding officer (formally, "President of the Senate"), as provided in Article I of the Constitution. The Constitution also requires that a "President pro tempore" preside over the Senate in the Vice President's absence. The President pro tempore, in modern times the most senior Senator of the majority party, is elected by a majority vote of the Senate. In practice, the Vice President and the President pro tempore seldom preside over Senate proceedings. The Vice President typically presides when he might be required to break a tie vote on an important administration priority. Most of the time, the President *pro tempore* exercises his right under the Senate's standing rules (Rule 1) to appoint a Senator as "Acting President pro tempore." This senator, in turn, can appoint another Senator to serve as Acting President pro tempore. As a result, the duties of presiding officer are routinely filled by a rotation of junior and first-term Senators of the majority party who preside for approximately one hour at a time.

Since the Senate's official presiding officer is not a member of the body, the presiding officer position does not have the same powers to control floor proceedings as those held by the Speaker of the House. The Senate's presiding officer may speak only if granted permission to do so by the unanimous consent of the membership, and he may vote (as noted above) only to break a tie.[6] He also must recognize the first Senator standing and seeking recognition. When several Senators seek recognition at the same time, the Senate's precedents give preferential recognition to the Majority and Minority Leaders, and the majority and minority floor managers, in that order. The

[5] In his absence, the Speaker appoints a majority party Representative to preside over meetings of the House as "Speaker pro tempore."

[6] The Vice President may vote to break a tie; a Senator serving as presiding officer retains his right to vote in all cases.

Senate's presiding officer never interrogates Senators about their purpose for seeking recognition. A non-partisan Senate Parliamentarian is always present to advise on rulings and precedents.

Appealing Rulings of the Chair

By House tradition, the presiding officer's rulings on points of order raised by Members are seldom appealed. As a result, the House has a relatively large and consistent body of precedents based on rulings of the chair. If the chair's ruling is appealed, the full House decides by majority vote whether to sustain or overrule this ruling. Because this vote is viewed as a serious test of the chair's authority, it is typically settled along party lines, with the majority sustaining the chair. In contrast to the Senate, there are only a few situations when the House's presiding officer does not rule on points of order.[7]

In the Senate, the presiding officer's rulings on points of order raised by Senators are frequently appealed. The full Senate votes on whether to sustain or overrule the ruling. Under Rule XX, the presiding officer has the option of submitting any question of order to the full Senate for a majority vote decision. He is required to submit questions of order that raise constitutional issues, and those concerning the germaneness or relevancy of amendments to appropriations bills, to the full Senate. Senate votes on appealed rulings of the chair, and on points of order submitted to the full body, often turn on the political concerns of the moment rather than on established Senate practices and procedures. As a result, the Senate has a smaller and less consistent body of precedents than does the House. Yet, because the Senate usually operates informally, it is a more precedent- than rule-regulated institution.

Debate Time Restrictions

House debate nearly always takes place under some form of time restriction. There is the "one-hour" rule for debate in the House (Rule XVII, clause 2), and the "five-minute" rule during the amendment process in the Committee of the Whole (Rule XVIII, clause 5(a)). Debate is limited to forty minutes for bills considered under the suspension of the rules procedure. Special rules can impose time restrictions on debate, and rule-making provisions in statutes often limit debate on certain types of measures such as budget resolutions.

Time restrictions make it difficult for individual Representatives to get debate time on the floor. When Members are accorded debate time, they rarely receive more than two to five minutes. Representatives can be recognized to speak for up to five minutes during the "morning hour" debates before legislative business commences on Mondays and Tuesdays, for "one-minute" speeches (at the Speaker's discretion and usually at the beginning of the legislative session), and for "special order" speeches of a specified length (ordinarily at the end of the day).

In the Senate, individual Senators have the right to unlimited debate. Senators also can seek unanimous consent to speak out of turn on another subject, or to interrupt proceedings with an unrelated matter. Unanimous consent is usually granted. Senators may use their right to extended debate and employ other parliamentary maneuvers to delay floor action, a tactic known as a

[7] For example, the chair does not rule on points of order established under the Unfunded Mandates Reform Act of 1995 (P.L. 104-4).

"filibuster." The threat of a filibuster, particularly at the end of a session or near a scheduled recess, can be used to try to extract concessions from the Senate leadership.

To be sure, it would be impossible for the Senate to act on legislation in a timely fashion if Senators always exercised their right to extended debate. For this reason, the Senate often agrees to debate restrictions as set forth in complex unanimous consent agreements. Floor debate on certain types of measures, such as budget resolutions, is often limited by rule-making provisions in statutes, as is the case in the House.

Ending Debate

Representatives can offer a *motion for the previous question* to end debate *in the House* (Rule XIX, clause 1(a)). Adoption of this motion by a majority vote ends debate on the pending question, prevents the offering of any further motions and amendments, and brings about an immediate vote on approving the pending question. This motion cannot be offered when the House meets in the Committee of the Whole.

In the *Committee of the Whole*, Representatives may offer a *motion to close or limit debate* on the pending question (Rule XVIII, clause 8). The motion may propose to end debate immediately or when a specified time expires. Adoption of this motion by a majority vote only closes or limits debate on the pending question; it does not preclude Members from offering additional motions or amendments (although they may be precluded from debating them) and does not produce an immediate vote on the pending question. Members also may ask unanimous consent to end debate on pending amendments in Committee of the Whole. When a special rule establishes time limitations on general debate or on the debate of specific amendments, debate ends when these time limitations expire.

Senate debate usually ends when a Senator yields the floor and no other Senator seeks recognition, or when a previously-established time limitation (e.g., in a complex unanimous consent agreement or a rule-making statute) expires. The Senate's adoption of a *motion to table* by majority vote will end debate on a pending measure, motion, or amendment. The practical effect of adopting this motion, however, is to reject the pending question. The Senate can only resume consideration of the tabled matter by unanimous consent. Usage of the motion to table is generally reserved for cases when the Senate is prepared to reject the pending question.

A *cloture motion* signed by 16 Senators can be filed to end extended debate on a measure, motion, or amendment. This motion is filed when informal negotiations cannot end a filibuster (discussed in previous section). Once the cloture motion is adopted by three-fifths of the Senate, debate can only continue for a maximum of 30 more hours (called the "post-cloture" period). At the end of the post-cloture period, debate time expires or has been yielded back, and the Senate votes on the underlying matter.

Amending Measures

The House typically meets in the Committee of the Whole to consider legislation that will be amended. The House resolves itself into the Committee of the Whole by a motion of the majority floor manager, or pursuant to the provisions of a special rule. The rules of the Committee of the Whole expedite floor consideration of measures. Consideration begins with a designated period of time for general debate, followed by the offering of amendments. Legislation is amended in an

orderly fashion (i.e., by section or paragraph, or under the terms specified in a special rule). Members can only offer amendments to the part of the bill that has been read, or designated, for amendments. Any deviation from this orderly sequence requires unanimous consent or a provision in a special rule. Amendments must always be germane, unless a special rule permits the offering of specified, non-germane amendments.

The principles governing the order of voting on amendments in the Committee of the Whole are graphically displayed in one "basic amendment tree."[8] When the Committee of the Whole approves amendments, it does not actually amend the bill's text. The Committee of the Whole, similar to a House standing committee, reports the measure back to the House with the amendment[s] it adopted. Such amendment[s] must then be approved by the full House.

The Senate (the chamber does not have a Committee of the Whole) considers and amends legislation in a less structured manner than the House. As a result, the sequence and duration of floor consideration is less predictable in the Senate. When recognized, Senators can decide whether they wish to debate the bill in general or offer an amendment. Amendments to the bill may be proposed in any order. At times, the Senate agrees to a complex unanimous consent agreement that allows only specific amendments to be offered and limits the time for debate on each amendment. However, even under unanimous consent arrangements, it is rare for the Senate to impose a specific sequence for debate and amendment. Four amendment trees depict the principles of precedence for offering and voting upon amendments in the Senate.[9]

Germaneness of amendments is not required in the Senate, except in four specific instances: 1) if a unanimous consent agreement so requires; 2) in the post-cloture period (see previous section); 3) if a rule-making provision in a statute so requires (e.g., provisions of the Congressional Budget and Impoundment Act of 1974 governing consideration of budget resolutions and reconciliation bills); and 4) if the underlying measure is a general appropriations bill.

Quorum Calls

The Constitution requires that a quorum—a simple majority of the membership—be present for the House (218) and the Senate (51) to conduct business. When the House meets in the Committee of the Whole, a quorum of 100 Members is required. Both chambers typically assume that a quorum is present unless it can be demonstrated otherwise.

The rules of the House restrict when Members can make a point of order that a quorum is not present in the House or in the Committee of the Whole. This point of order is generally permitted only in connection with record votes. In recent years, House quorum calls have typically lasted 15-17 minutes.

Senate quorum calls are in order at almost any time. Quorum calls made for the purpose of obtaining the presence of a majority of Senators are called "live quorums." More commonly, however, a Senator will "suggest the absence of a quorum" for purposes of constructive delay. This type of quorum suspends action on the Senate floor without requiring the Senate to recess or adjourn. This pause in floor action provides time for informal negotiations to take place, and for

[8] See *House Practice: A Guide to Rules, Precedents and Procedures of the House*, 108th Cong., 1st sess. (Washington: GPO, 2003), pp. 27-31.

[9] See *Riddick's Senate Procedure*, pp. 72-95.

absent Senators to reach the floor. The Clerk slowly calls the roll until a Senator asks unanimous consent to "rescind," or dispense with, the quorum call. There is no time limit on this type of quorum call.

Voting Procedures

The House and Senate each have three main types of votes: *voice*, *division*, and *record*. Record votes include all those in which the names of Members voting on each side are individually recorded, and the cumulative totals of yeas and nays are compiled. The Senate refers to record votes as "yea and nay votes" or "rollcall votes;" in the House, record votes include both "yea and nay votes" and recorded votes."

In each house, most questions are first put to a voice vote. For voice votes, the chair first asks those in favor to respond "Aye," and then those in opposition to respond "No" (House Rule I, clause 6).[10] The chair then announces which side has prevailed. Before he or she does so, a Member may ask for a division or record vote. For division votes (also called "standing votes"), those in favor stand up and are counted by the chair, followed by those in opposition. The chair then announces the result (House Rule XX, clause 1(a)). Division votes in the Senate are rare, they are sometimes taken by Senators raising their hands instead of rising, and the chair does not announce the number voting on each side.

The two chambers differ in their conduct of record votes. After a voice or division vote has taken place in the House, but before the final result had been announced, Representatives can demand either a "yea and nay vote" or a "recorded vote," except that a yea and nay vote may not be demanded in Committee of the Whole. The demand for a yea and nay vote must be supported by one-fifth of those present, or the vote may be ordered automatically if a Member objects to a pending vote on the ground that a quorum is not present. The demand for a recorded vote must be supported by one-fifth of a quorum in the House (a minimum of 44 Members), or by 25 Members in Committee of the Whole (House Rule XX, clauses 1(b), 6(a); Constitution, Article I, section 5).

Record votes in the House normally take place by electronic device. Members vote with electronic voting cards and their votes are displayed on an electronic board in the chamber. While a vote is taking place, Members preparing to vote often look at the electronic board to see how other Members voted. The majority and minority party floor whips also use their board to carry out their vote-counting responsibilities. House rules (Rule XX, clauses 2(a), 9) require a minimum 15-minute voting period for record votes, except that in specified situations (e.g., when a record vote immediately follows a quorum call in the Committee of the Whole) the presiding officer may reduce the time to not less than five minutes. The voting period may also be extended at the discretion of the chair. The chair also has the authority to postpone and cluster certain votes, such as those ordered on motions to suspend the rules (Rule XX, clause 10).

The Senate does not use an electronic voting system to conduct rollcall votes. Under Rule XII, the Clerk calls the names of all Senators in alphabetical order (formally, "calls the roll"). Senators come to "the well" of the Senate to vote, and the Clerk announces how each Senator voted.[11] Senators can track how colleagues have voted by checking the tallies kept by majority and

[10] No Senate rule explicitly governs voice or division votes. Also counted as a voice vote is Senate action on which the chair declares a measure agreed to "without objection."

[11] Under a standing order (rarely enforced), any Senator may demand that Senators vote from their desks.

minority floor staff. A Senator's demand for a rollcall vote must be supported by a minimum of 11 senators, which is one-fifth of the minimal quorum for doing business (51). In general, this requirement is casually enforced. A 15-minute period for rollcall votes is usually established in a unanimous consent agreement adopted on the opening day of a new session of Congress. The party floor leaders can extend this voting time period at their discretion.

Senators can, and usually do, ask for a rollcall vote at any time a question is pending before the Senate. They do not have to wait for a voice or division vote to first take place. For example, a Senator offering an amendment can ask for a rollcall vote even before debate on the amendment begins. When this happens, the yeas and nays are ordered after the Clerk confirms that a sufficient second supports the request. The ordering of the yeas and nays does not bring about an immediate vote. In fact, most rollcall votes in the Senate do not take place immediately upon being ordered.

Adjournment and Legislative Days

The House routinely adjourns at the end of a day's proceedings. As a result, the House's calendar days and legislative days are almost always the same. The exceptions are when the House is in session past midnight and in a rare procedural situations.

The *motion to adjourn* in the Senate ends the day's proceedings and creates a new legislative day when the chamber next convenes. A *motion to recess*, however, keeps the Senate in the same legislative day. This means that a legislative day in the Senate can continue for many calendar days. At times, there are procedural advantages for the Majority Leader to keep the Senate operating in the same legislative day. In doing so, he avoids having to conduct some routine business required on new legislative days. Senators might otherwise use this routine business for purposes of delay. At other times, there may be procedural advantages for the Majority Leader to create a new legislative day by adjourning. At the beginning of a new legislative day the motion to proceed to consider a measure is non-debatable. This motion is fully debatable at any other time, thus creating an opportunity for a filibuster.

Table 2. Floor Consideration: Comparison of House and Senate Procedures

House	Senate
Presiding officer has *considerable* discretion in recognizing Members	Presiding officer has *little* discretion in recognizing Senators
Rulings of presiding officer	Rulings of presiding officer *frequently* challenged
seldom challenged	
Debate time always restricted	Unlimited debate;[a] individual Senators can filibuster
Debate ends by *majority vote* in the House and in the Committee of the Whole	*Super-majority* vote required to invoke cloture; up to 30 hours of post-cloture debate allowed[b]
Most major measures considered in Committee of the Whole	No Committee of the Whole
Number and type of amendments often limited by special rule; bills amended by section or title	Unlimited amendments; bills generally open to amendment at any point
Germaneness of amendments required (unless requirement is waived by special rule)	Germaneness of amendments *not* required (except in four instances)
Quorum calls usually permitted only in connection with	Quorum calls in order almost any time; often used for

House	Senate
record votes	purposes of constructive delay
Record votes by electronic device; can be requested only after voice or division vote is completed	No electronic voting system; rollcall votes can be requested almost any time
House routinely adjourns at end of each legislative day	Senate often *recesses* instead of adjourning; legislative days can continue for several calendar days

a. Except when complex unanimous consent agreements or rule-making provisions in statutes impose time restrictions.

b. Adoption of the motion to table by majority vote also ends Senate debate. Usage of this motion, however, is generally reserved for cases when the Senate is prepared to reject the pending question. See "Ending Debate" section.

Author Contact Information

(name redacted)
Specialist on the Congress
[redacted]@crs.loc.gov, 7-....

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Order Code 98-777
Updated May 19, 2008

CRS Report for Congress

The House Amendment Tree

Walter J. Oleszek
Government and Finance Division

The House amendment "tree" is a chart that depicts the maximum number and types of amendments that may be offered to a measure before any amendment is voted upon. This diagram is outlined in various sources, including the 2003 summary compilation of House precedents, titled *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*. The amendment tree generally indicates, for instance, the relationship of one amendment to another and the sequence of voting on amendments. For further detail about amendments, such as first degree or second degree, and the amending process in general, see CRS Report 98-613, *Amendments in the House: Types and Forms*, by Christopher M. Davis and CRS Report 98-439, *Amendment Process in the Committee of the Whole*, by Judy Schneider.

The amendment tree and its accompanying "limbs" grow from various parliamentary principles and precedents. House Rule XVI, clause 6, identifies the four amendments (or motions) that characterize the basic amendment tree; it is portrayed in the chart on the next page. Under Rule XVI, four amendments may be pending simultaneously to the text of a measure: (1) an amendment to the pending bill; (2) a perfecting amendment to that amendment; (3) a substitute amendment, which strikes all of amendment #1 and replaces it with different language; and (4) a perfecting amendment to the substitute.

Three other aspects of the amending process merit mention:

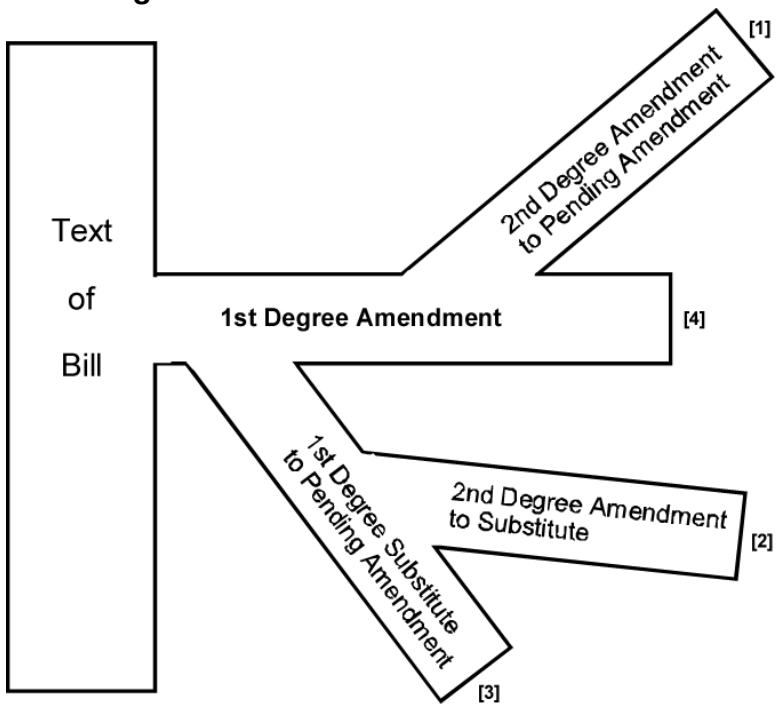
- The amendment to the original measure is offered first; thereafter, there is no rule that regulates what amendment is to come next. It could either be a perfecting amendment or a substitute amendment. The substitute, of course, must be proposed before an amendment to it is in order.

- As stated in Rule XVI, only one amendment to an amendment and one amendment to a substitute is in order at any one time. However, once an amendment to the original amendment or to the substitute is disposed of either by rejection or incorporation, both generally remain open to further perfecting amendments.

- Amendments are voted on in a definite order. Amendments to the original amendment are voted on first; amendments to the substitute are voted on next; then the substitute is voted on; and, finally, the original

amendment is voted on. If the substitute is agreed to, the last vote is on the amendment, as amended.

Figure 1. The Basic Amendment Tree



Note: Bracketed numbers indicate voting order.

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Invoking Cloture in the Senate

name redacted
Analyst on Congress and the Legislative Process

April 6, 2017

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CRS REPORT
Prepared for Members and
Committees of Congress

Cloture is the only procedure by which the Senate can vote to set an end to a debate without also rejecting the bill, amendment, conference report, motion, or other matter it has been debating. A Senator can make a nondebatable motion to table an amendment, and if a majority of the Senate votes for that motion, the effect is to reject the amendment. Thus, the motion to table cannot be used to conclude a debate when Senators still wish to speak and to enable the Senate to vote *for* the proposal it is considering. Only the cloture provisions of Rule XXII achieve this purpose.

There are several stages to the process of invoking cloture.

- First, at least 16 Senators sign a cloture motion (also called a cloture petition) that states: "We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon [the matter in question]."
- To present a cloture motion, a Senator may interrupt another Senator who is speaking. When the motion is presented, the clerk reads it.
- The cloture motion then lies over until the second calendar day on which the Senate is in session. For example, if the motion is filed on Monday, it lies over until Wednesday, assuming the Senate is in session daily. If the motion is filed on Friday, it lies over until Tuesday unless the Senate was in session on Saturday or Sunday.
- The Senate votes on the cloture motion one hour after it convenes on the second calendar day after the cloture motion was filed and after a quorum call has established the presence of a quorum. The time for the cloture vote may be changed by unanimous consent, and the required quorum call is routinely waived.
- The presiding officer presents the cloture motion to the Senate for a rollcall vote at the time required by Rule XXII, even if the Senate had been considering other business between the time the cloture motion was filed and the time for voting on the motion arrives.
- The majority required to invoke cloture for most business is three-fifths of the Senators duly chosen and sworn, or 60 votes if there are no vacancies in the Senate's membership. However, invoking cloture on a measure or motion to amend the Senate's standing rules requires the votes of two-thirds of the Senators present and voting, or 67 votes if all 100 Senators vote. Additionally, under precedents established on November 21, 2013, and April 6, 2017, invoking cloture on presidential nominations requires a vote of a majority of Senators present and voting, or 51 votes if all 100 Senators vote.[1]

Senators who wish to offer amendments to a bill or amendment on which cloture has been invoked must submit their amendments in writing before the cloture vote takes place. First-degree amendments (which propose to change the text of a bill or a committee amendment in the nature of a substitute) must be submitted in writing to the journal clerk when the Senate is in session but no later than 1:00 p.m. on the day after the cloture motion is filed. Second-degree amendments (which propose to amend first-degree amendments) must be submitted at least an hour before the Senate votes on cloture.

[1] *Congressional Record*, daily edition, vol. 159, November 21, 2013, p. S8418.

Cloture may be invoked only on a matter that is pending before the Senate or on the unfinished business. It is not in order, except by unanimous consent, to invoke cloture on a bill before the Senate has agreed to consider it. On the other hand, there is no limit on the number of times that the Senate can vote on motions to invoke cloture on a bill, amendment, or other matter it is considering.

Although not explicitly provided for in Senate rules, it has become common practice for the majority leader to make a motion to proceed to consider a measure, immediately file cloture on that motion, and then withdraw the motion to proceed. This allows the Senate to conduct other floor business while the cloture petition is "running" in the background. At the time appointed by Rule XXII, the cloture petition on the motion to proceed is automatically laid before the Senate for a vote.[2]

If an amendment has been offered to a bill, the Senate may invoke cloture either on the bill or on the amendment. Sometimes Senators prefer to invoke cloture on an amendment instead of a bill because after the Senate invokes cloture, it may consider only amendments that are *germane*. This germaneness requirement applies to amendments that are pending at the time that cloture is invoked as well as to amendments that Senators offer after the Senate has voted for cloture. Thus, if the Senate invokes cloture on a bill, the presiding officer immediately rules on whether any pending amendment is germane. If the amendment is not germane, it falls and is ineligible for further consideration.

If the Senators who wish to expedite passage of a bill also support a pending non-germane amendment to the bill, they cannot invoke cloture on the bill without also killing the amendment they favor. This is often the case with amendments in the nature of a substitute, which, because they propose to replace the entire text of a measure being considered, and may be hundreds of pages in length, often contain at least some non-germane provisions. The alternative is to ask the Senate to invoke cloture on the amendment, not on the bill. Doing so protects the amendment from becoming subject to the germaneness requirement. After the Senate agrees to the amendment, however, it may be necessary for the Senate to invoke cloture a second time—this time on the bill as amended.

Should a cloture motion be defeated, the majority leader may enter a motion to reconsider the cloture vote. This allows the majority leader to call up the motion at a subsequent time when he feels he has the votes and thereby obtain an immediate second vote on cloture.[3]

On January 24, 2013, the Senate amended Senate Rule XXII to establish an additional, optional process of invoking cloture on a motion to proceed that differs in some respects from the procedures described above.[4] Under this process, if a cloture motion filed on a motion to proceed to consider a measure or matter is signed by both floor leaders, seven additional Senators not affiliated with the majority party, and seven additional Senators not affiliated with the minority party, it will be eligible for a vote on the next session day (as opposed to the second day of session, as would otherwise be the case). If cloture is invoked, the vote will immediately be put on the motion to proceed without the usual 30 hours of post-cloture consideration.[5]

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[2] See Electronic Senate Precedent (ESP) Database, PRL19900427-004. *Congressional Record*, daily edition, vol. 136, April 27, 1990, p. S5200.

[3] For additional information, see Senate Rule XXII and *Riddick's Senate Procedure*, pp. 282-334, available online at http://www.gpoaccess.gov/riddick/282-334.pdf.

[4] See S.Res. 16.

[5] For more information, see CRS Report R42996, *Changes to Senate Procedures at the Start of the 113th Congress Affecting the Operation of Cloture (S.Res. 15 and S.Res. 16)*, by (name redacted) .

Author Contact Information

(name redacted)
Analyst on Congress and the Legislative Process
[redacted]@crs.loc.gov, 7-....

Acknowledgments

This report was written by (name redacted), formerly a senior specialist in the Legislative Process at CRS.

BASIC TRAINING » PARLIAMENTARY PROCESS, FACTS, AND STRATEGIES

Senate Procedure From a House Perspective

Intended by the Founders to serve as a "check" on the popularly elected House of Representatives, process and procedure in the Senate has a far different emphasis from in the House. While the House's institutional bias emphasizes efficiency, the Senate's encourages deliberation and debate. It can be said that the fundamental rule in the House is "Whoever has 218 votes wins," while the rule in the Senate differs: "There's nothing you can do without 60 votes." While the House is designed as a majoritarian institution, the Senate is structurally designed to protect the rights of the Minority by requiring super-majority votes for many procedural motions. This means that in any Senate where the majority party has less than a 10% margin, the ability of the Minority to demand concessions is greatly enhanced.

COMMITTEES IN THE SENATE

Introduction of Bills & Referral. While the process of introducing bills in both chambers is similar, there are differences in the referral process. First and foremost, while the House requires that an introduced bill be referred to a committee by the Speaker on the same day it is introduced, the Senate requires that a bill be "read" twice before referral. While an introduced bill is usually considered as read twice and referred by unanimous consent, if a Senator objects to the second reading, the bill is not referred to committee and placed on the Senate's **Calendar of Business**, known commonly as the "**Legislative Calendar**" and is eligible for floor action.

Committees and Reporting. Once a measure is referred to committee, the basic process is largely the same in both the House and Senate. The committee can hold hearings, mark up legislation, and report it to its repective chamber. In fact, with some minor exceptions, the basic rules for committees (clause 2 of rule XI of the Rules of the House and rule XXVI of the Standing Rules of the Senate) are largely the same.

Senate committees are by and large permitted to "originate" legislation (allowing committees to mark up and report unintroduced legislation), while in the House that power is largely restricted to the committees on Rules and Appropriations. Similarly, while a House committee reporting a measure must file a report with a significant amount of explanatory material, chairs of Senate committees can report a measure without a written report.

Committee Discharge Process. Procedures for bringing up legislation "stuck" in committee also differ. In the House, a committee's referral is automatically discharged when considered by the House under suspension of the rules or pursuant to a rule reported by the Rules Committee. Members also have the ability to file a **discharge petition**, which gives that Member the ability to call up a measure still in committee if successful in obtaining 218 signatures on the petition.

In contrast, a Senator can simply just reintroduce a bill still in committee and object to the second reading, placing the bill on the Senate legislative calendar. A Senator could also seek to add the text of the bill to another measure through the amendment process, discussed later. While the Senate also has motions to discharge committees or suspend the rules, they are used so very infrequently.

Senate Procedure *continued*

SENATE FLOOR CONSIDERATION

Calling Up Legislation and the Motion to Proceed. In the House, the scheduling and consideration of legislation usually falls under the sole purview of the Speaker and the Majority leadership. In the Senate, the Majority Leader is the individual who reserves these rights. Unlike the House, however, while the Majority Leader can move to consider a particular bill, the outcome of that effort is not guaranteed. The Majority Leader can offer a **motion to proceed** to the consideration of a particular measure, which is fully debatable in the Senate. As a result, in order to begin consideration of a bill, the Majority Leader must close debate on the motion to proceed, generally through the use of a **cloture motion**.

Figure 1. Under Senate rules, the Senate Majority Leader can move to proceed to legislation. This motion to proceed, however, is debatable and subject to filibuster, unlike a rule from the Rules Committee in the House.

Ending Debate: Cloture. While the House utilizes the **previous question motion** to cut off floor debate, the Senate invokes what is known as 'cloture' when the chamber's members are unable to come to an unanimous consent agreement for the consideration of a bill or amendments.

When the Senate invokes cloture, several rules come into play for the further consideration of a bill or amendment:

1. **30-Hour Debate Cap.** Once cloture is invoked, there is a 30-hour total time cap on debate. That debate can include roll call votes, amendments, and other activities, so the ultimate amount of debate time under the cap is often far less than 30 hours.
2. **1-Hour Per Senator Cap.** The cloture rule limits each Senator to no more than 1-hour of debate, on a "first-come, first-served" basis.
3. **Amendment pre-filing.** Only amendments that have been filed before the cloture vote may be considered once cloture is invoked. First-degree amendments must be filed by 1:00 p.m. on the day after the filing of the cloture petition; second-degree amendments may be filed until at least one hour prior to the start of the cloture vote.
4. **Germaneness.** The Senate does not have a general rule of germaneness for amendments. Once cloture is invoked, however, all amendments (and debate) are to be germane to the clotured proposal. Similarly, the Chair is given additional powers under cloture. For example, the chair has the authority to determine the presence of quorum, and can also rule out-of-order dilatory motions or amendments, including quorum calls. The chair also has the authority to determine the presence of a quorum.

Achieving Cloture. In order to begin the cloture process, at least 16 Senators must sign a **cloture motion** that states ,"*We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon [the matter in question].*" A cloture motion is of high enough privilege that a Senator may interrupt another Senator to present the cloture motion.

The Senate votes on the cloture motion one hour after it convenes on the second calendar day after the cloture motion was filed. This vote can only occur after a quorum call has established the presence of a quorum. The timimg of any cloture vote may be changed by unanimous consent, and the required quorum call often is waived the same way.

The cloture rule requires three-fifths of the Senators duly chosen and sworn to vote in favor of the motion, which equates to 60 votes when there are no vacancies in the Senate's

4 IMPORTANT DIFFERENCES BETWEEN HOUSE AND SENATE

1. **No Previous Question Motion** — The House has the ability to cut off debate by majority vote through the use of the previous question motion. The Senate does not have such a motion, and the only ways to restrict debate on a given question is through the cloture process or a unanimous consent agreement.

2. **No Time Limits on Debate** — Because the Senate is designed to be more deliberative than efficient, there are no time limits on debate on most questions, including procedural motions. A super majority is required to invoke cloture or all Senators must agree to a unanimous consent agreement, ultimately protecting the Senate minority.

membership. Invoking cloture on a measure or motion to amend the Senate's rules, however, requires the votes of two-thirds of the Senators present and voting, or 67 votes if all 100 Senators vote.

Holds. The filibustering of motions to proceed has led to the informal Senate practice known as a **hold**. Holds are essentially threats by a Senator to filibuster the motion to proceed. When a Senator indicates that they are placing a hold on a particular piece of legislation, they are not required to actually hold the floor by conducting a filibuster, but the leadership will not attempt to bring up the bill until the hold is cleared.

Under the so-called "gentleman's agreement" adopted at the beginning of the 112th Congress, Minority Leader McConnell agreed that the minority party would exercise "restraint" in filibusters of motions to proceed, which Majority Leader McConnell agreed to limit a practice to curtail amendments, known as "**filling the tree**".

"Filling the Tree." This practice, when combined with a cloture motion, is a mechanism that allows the Majority Leader to create an amendment process akin to a closed rule in the House.

(continued on the next page)

THE OPERATION OF UNANIMOUS CONSENT

Due to the super-majority thresholds for many procedural motions, the Senate operates largely by **unanimous consent** agreements for day-to-day business. While making an agreement is difficult (and has become more so in recent years), once it is in place the institution can sometimes operate more efficiently.

For instance, on non-controversial bills, once there is an unanimous consent agreement for passage, the Majority Leader of the Senate will often pass many bills at once at the end of the day in a matter of minutes. Similarly, if the Senate is waiting on a House bill, they can deem the bill as passed, without taking any further action on the bill when it arrives in the Senate.

Because it is so important, the Senate has largely institutionalized its unanimous consent process. On major pieces of legislation, the Majority or Minority leader may force a Senator from the other party to object to a bill's consideration in the absence of a unanimous consent agreement to begin consideration. Similarly, the Senate will "**hotline**" a bill when it is ready to be considered under an unanimous consent agreement. Under the hotline process, the Senate cloakrooms notify Senators of upcoming bills that may be considered under unanimous consent to provide them with a final opportunity to object.

Unanimous consent agreements for the consideration of legislation can take any number of forms. Sometimes the agreement can provide for passage of a measure, while other times the agreement provides for overall time limits, a "universe" of amendments for consideration, and other limits on the kinds of dilatory tactics readily available on the Senate floor. In fact, a sufficiently robust unanimous consent agreement may strongly resemble a rule reported by the House Rules Committee.

3. **No Consistent Germaneness Rule** — The House has a germaneness rule which requires any amendment to be of the "same subject" as the matter being amended. During its regular practice, the Senate has no such standard, and even when germaneness is required under Senate rules — such as during the post-cloture debate time or during reconciliation — the Senate's rule is far less stringent than the one employed by the House.

4. **Senate Rules Committee is Administrative** — Unlike the House Rules Committee, whose function is largely to structure floor debate, the Senate Rules Committee, while having jurisdiction over the Standing rules of the Senate, deals largely with administrative matters, such as office space, parking, and other matters which are addressed by the Committee on House Administration in the House.

FEATURES OF THE SENATE CHAMBER

Having only 100 members, the Senate chamber is smaller than the House chamber, but also has other differences:

- Senators have individual desks. Senators' desks and their positions are matters of seniority and tradition. A full discussion of the history of Senate desks, seating arrangements, and a current map showing Senators' desks is available at http://www.senate.gov/artandhistory/art/special/Desks/default.cfm.
- The Senate does not employ electronic voting. When a Senator requests a recorded vote, the Clerk calls the roll of senators first alphabetically, and then reads the names of senators voting in the affirmative, and those voting in the negative. After that point a senator casts his or her vote in the well, and the Clerk repeats the vote.

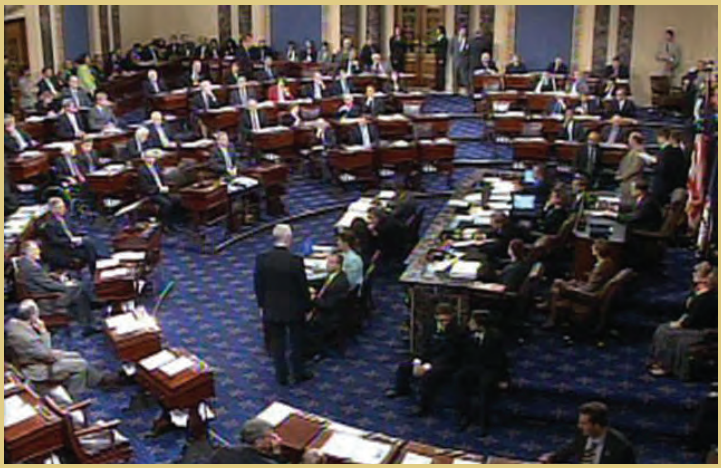

Figure 4. The Senate floor is different than the House floor in many respects. The most noticeable feature are individual desks for Senators.

Senate Procedure *continued*

Figure 2 shows the basic amendment tree that functions in both the House and the Senate. By offering an amendment of each type, the Majority Leader ensures that there is a pending amendment at each "branch" of the "tree". Any Senator attempting to offer a further other amendment would be ruled out of order because it would be an amendment in the third-degree, something prohibited by both House and Senate rules.

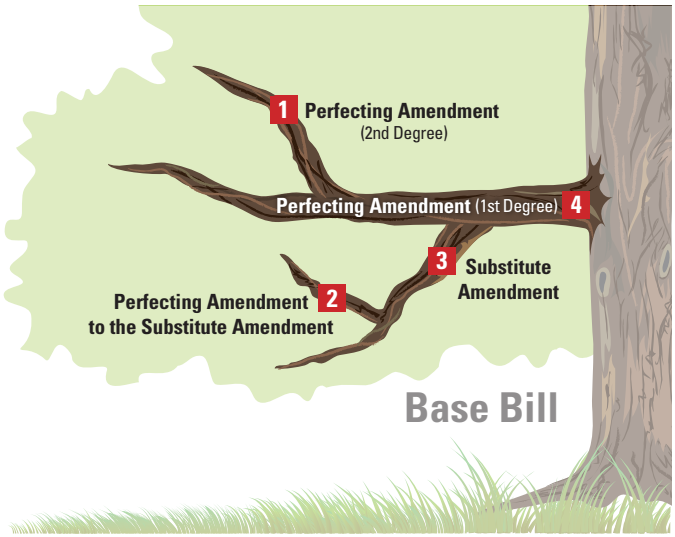

Figure 2. The Amendment Tree. One tactic sometime used in the Senate is "filling the tree," meaning that the Majority Leader sets up a cloture vote while all types of amendments are pending, limiting the ability of Senators to offer amendments.

OTHER NOTABLE PROCEDURAL DIFFERENCES IN THE SENATE

The myriad differences between House and Senate floor procedures also include:

- The Senate does not have a "committee of the whole," so a full quorum (51 Senators) is necessary for any action, as opposed to the comparatively smaller quorum of 100 House members, which constitutes the Committee of the Whole in the House. The rules of the Senate, however, require that the presiding officer assume the presence of a quorum, unless directly challenged by a Senator from the floor.
- The nature of the Senate is such that they cannot schedule debate as tightly as in the House. When no other Senator is on the floor seeking recognition, a Senator will "suggest the absence of a quorum," allowing the Senate to temporarily suspend formal proceedings while the Clerk calls the roll. The quorum call is then usually dispensed with by unanimous consent.
- Unlike the Speaker, the Senate's presiding officer (the Vice-President) may only speak on the Senate floor by unanimous consent and may only vote to break a tie.

Things They Don't Teach in Parliamentarian's School

1. What to do when a freshman Senator asks you to come to his/her office and implores you to be that Senator's personal parliamentarian. What if it's not a freshman Senator, but the Minority Leader.

2. Not to have the Senate's Presiding Officer seek public "clarification" of the ambiguous terms of a proposed unanimous consent agreement that was years in the making, when the ambiguous language was the key element in reaching that agreement.

3. How to respond to a Senator who accuses you of having taken away his right to the floor just as "your people stole [insert your favorite piece of disputed geography here] from my people."

4. How to respond when a first Senator has demanded that a second Senator be taken off his feet and made to sit down (Rule 19, our favorite "shut up and sit down" rule) and when the two Senators approach you at the desk one says to the other "how would you like a fist through your face?"

5. How to tell a Senator who presents complete credentials for a seat in the Senate that the provision of his state's statute under which he believes he had qualified for the seat in the Senate was invalid, in your opinion as the most junior assistant parliamentarian.

6. That the instrument panel gyroscope in the T-39 Trainer jet you are flying is fixed to the horizon, and that it is the plane that is spinning, so making corrections to keep the plane flying level is counter-intuitive, and that air traffic control has a limited amount of patience while you figure out this little fact.

7. How to respond to a Senator who compliments you on your great set of .... when you as the most junior assistant parliamentarian have just advised the Chair to rule for the Minority Leader instead of the Majority Leader (and universally acknowledged expert on Senate procedure), and the Majority Leader promptly adjourns the Senate.

8. What to do when the Vice President of the United States, presiding over the Senate, ignores your advice, triggering 7 hours of procedural chaos, after which he declines a request from the Senate Majority Leader to explain why he didn't follow your advice by saying "I just want to get out of here."

9. What to do when a powerful Senate committee chairman greets you with "I'm looking for a fight," and then proceeds to ask how you can defend the "idiotic" answers coming out of your office.

10. Whether a port-a-john is permitted on the floor of the Senate. If not, how about an empty tennis ball can.

11. How to respond to a Senator who, having taken great issue with procedural advice you have just given, calls you a "smart young man," suggests that he knows you believe that you're right, but you're wrong, just like those [people who hold views anathema to that Senator] and who returns the next day to tell you that "my nose isn't out of joint."

12. What to do when the Presiding Officer of the Senate has turned his back to the proceedings ignoring the parliamentarian as all hell is breaking loose, so he could make a date with a well known actress (telephone from the dais removed soon thereafter).

13. What to do when the Minority Leader of the Senate physically restrains you - then the assistant parliamentarian - on the floor of the Senate as he informs you that he will no longer rely on your boss, but will rely on you for procedural advice.

14. What to do when the Minority Leader of the Senate apologizes to you after his decision to rely on you leads him to have a screaming match with your then boss.

15. That the War Powers Resolution grants the parliamentarian the authority to declare war (sort of).

16. What to do when two contenders for their party's presidential nomination engage in name calling into the open microphone of the Senate's presiding officer, and it is physically possible but publicly awkward for you to mute that microphone.

17. Whether it matters that the presentation for Presidential signature of the joint resolution authorizing the use of American Armed Forces is delayed (1) so that a the measure can carry a luckier number, or (2) to permit the Vice President of the United States to attend a Johnny Depp movie, or (3) to have some staffer (who shall go unnamed) watch an NFL playoff game.

18. How to explain to a hard of hearing Presiding Officer that the motion just made by senior Senator is barred by the Constitution as being beyond the authority of the Senate (and therefore not subject to the unanimous consent of the Senate), but the precedents of the Senate require that "Under the uniform practices of the Senate, whenever a question of constitutionality is raised, the Chair submits the question to the Senate for decision."

19. What to do when on the floor of the Senate you open up an envelope hand delivered by a messenger from the President of the United States containing a formal message from the President under the Presidential Seal, and discover inside a letter to the grandmother of someone on the White House staff?

20. What to do when the Vice President of the United States attempts to "pocket veto" an enrolled bill?

21. That you will be personally responsible for removing hundreds of provisions from the one bill carrying the entire economic agenda of the newly elected President, prompting an angry House committee chairman to refer to you as the guy that "they've made more powerful than the Speaker of the House."

22. What to do when you have (1) convinced your superior that his promise to a senior member of the minority that he could subpoena witnesses to appear at a committee hearing is not supported by the language of the Standing Rules, and (2) you believe that you have succeeded in giving the corrected answer to that Senator, only to (3) watch on television as that Senator is publicly corrected (and humiliated) at the next committee hearing by a junior Senator (who did receive the corrected answer) for whom he had great contempt (having once referred to him on the floor of the Senate as a pygmy).

23. What to do during an impeachment trial of the President of the United States where the Senate leadership has implored all Senators not to "rock the boat" in order to maintain the dignity of the proceedings, when a Senator goes rogue, makes a point of order without any advance consultation, and the Chief Justice of the United States presiding over the trial rules on his own initiative in a manner that infuriates the Majority Leader of the Senate who assumed that the Chief Justice had simply followed your advice.

24. What to do when the Majority Leader of the Senate bans you from further floor duties during the impeachment trial of the President of the United States, for permitting the "boat to be rocked?" (Hint - don't charge up to the Majority Leader's Office to confront him in the heat of the moment.)

25. How to convince the Chief Justice of the United States to change his mind after he accepted a Senator's argument regarding a key aspect of the Senate's Rules for Impeachment during the President's trial, contrary to the advice of the Parliamentarian.

26. How to counsel the Vice President of the United States on his role in conducting the joint session of Congress to count the electoral ballots declaring that he had lost his election to be President of the United States, despite his having won the popular vote.

27. How to hide under a desk in the office of a Senator who doesn't want other Senators to know that he is consulting with you.

28. How to respond to the Minority Leader of the Senate who has said that only you can prevent the nation from plunging into incalculable debt if you would change your publicly stated position of a procedural matter, on which both Houses of Congress had relied.

29. What to say to that disappointed Minority Leader who tells you that "we will soon be in the majority and we won't forget this."

30. What to do when that Minority Leader's last prediction (that he would be Majority Leader) comes true within a month, and his first prediction regarding the debt has been borne out over the last decade.

31. That the signature tax cuts of a President would have to sunset because, in essence, you said so.

32. What to do when the President *pro tempore* of the Senate makes salacious remarks to one of your assistants into an open C-Span microphone.

33. What to do after a terrorist attack on Washington when the Senate leadership wants to convene at a specified time without authority to do so.

34. How to diplomatically tell the Senate's Presiding Officer that her blouse is buttoned in such a way that her ..... is showing.

35. How to tell the President *pro tempore* of the Senate that he may not use a gavel given to him by his home state constituents while presiding over the Senate.

36. How to tell the state of New York that if they wanted their electoral votes to count they would have to correct the spelling of the name of the candidate they thought they had certified as having won in their state.

37. How to tell a Senator holding a certificate of appointment signed by the governor of his state that his credentials were incomplete, thereby turning him away in the rain (for benefit of TV).

38. What to do when the President *pro tempore* of the Senate signs an enrolled bill in such a flamboyant manner that there is no room for the signature of the President of the United States, and the White House is not amused.

39. Whether the President must first sign the major portion of his signature policy initiative before the two Houses could consider under expedited procedures another measure making corrections in that first measure.

40. What to do when the Senate Sergeant-at-Arms implores you to let him know if you receive any threatening e-mails, phone calls, etc.

41. What to do when your wife receives a phone call at home from a reporter telling her that he has it on good authority that you and she have been receiving death threats but just wants to confirm this with her, and the Senate Sergeant-at-Arms tells you that he is not aware of any such death threats.

42. How to notify your neighbors that those suspicious looking men in unmarked cars parked both up and down the block are your security detail, assigned to you by the Sergeant-at-Arms because of those death threats about which he has heard nothing.

43. What to do when an impeachment trial of a federal judge ends with the presiding officer declaring that the Senate has decided that the convicted judge is "forever disqualified to hold and enjoy any office of honor, trust or profit under the United States," when the Senate made no such determination.

44. What to do when an earthquake hits just before your first solo *pro forma* session.