

## PREFACE TO RIDDICK'S SENATE PROCEDURE

*Riddick's Senate Procedure—Precedents and Practices* is the revised edition of *Senate Procedure—Precedents and Practices*, which was last published in 1981. More than one thousand precedents have been researched, analyzed, and incorporated into the previous edition to produce this volume. This edition contains all current precedents, and related Standing Rules and statutory provisions, through the end of the 101st Congress. In addition to this material, changes which were made at the end of the first session of the 102nd Congress to the following Standing Rules of the Senate have been included: Rule XXXV (Gifts); Rule XXXVII (Conflict of Interest); Rule XXXVIII (Prohibition of Unofficial Office Accounts); Rule XLI (Political Fund Activity; Definitions); and Rule XLII (Employment Practices). Also at that time, a new Rule XXXVI (Outside Earned Income) was added to replace an earlier version of that rule, which had been repealed in 1983. The new rule is included in this edition. Note however, that a new Rule XLIII (Representation by Members) was adopted in July, 1992, too late to be included in the text of this volume.

This edition retains the organizational scheme of the earlier editions. Subject matter is presented in chapters arranged alphabetically by subject matter. These chapters in turn are divided alphabetically into sections, subsections and in some instances sub-subsections. As in the earlier editions, most chapters begin with a brief summary of the material to be covered by that chapter. Many of these chapter summaries have been revised to provide additional information and to reflect current Senate practice. The summaries are followed by excerpts from the Constitution, the Standing Rules of the Senate, or provisions of public law, when such are relevant to the precedents in the ensuing text. The precedents are then set forth with corresponding citations to the *Congressional Record* or the *Senate Journal*, as well as to the sources mentioned above. The citations from the 100th and 101st Congresses are to the daily pages of the *Congressional Record*, and are preceded by the letter "S".

Numerous precedents contained in the 1981 edition were corrected as the necessity for such corrections became apparent. In some cases presentation of earlier precedents was modified to more readily incorporate new material into the existing text. Otherwise, precedents from the 1981 edition have been retained except in those infrequent cases where the relevant rule or practice has been so substantially changed as to render a precedent meaningless. Most notable in this category are precedents involving consideration of treaties in the committee of the whole, the authority for which was stricken from Rule XXX in 1986. Note also that the

chapter on "Congressional Disapprovals" has been given the new title of "Congressional Approvals and Disapprovals" as Senate practices have conformed to relevant Supreme Court rulings.

In the chapter on "Amendments," the four charts that illustrate the amendment process have undergone slight visual and stylistic modifications. The fourth chart has been redesigned to reflect the complexity of the amendment process when a motion to strike is proposed to a complete substitute for a measure.

Substantial revisions have been made in the chapter on "Appropriations," particularly in the section on "Germaneness of Amendments." These changes reflect current precedents and set out previously unpublished precedents of historical significance. Likewise, substantial revisions have occurred in the chapter on "Cloture Procedure," to provide a more detailed historical context, and to set forth previously unpublished precedents. Some reorganization of that chapter has also occurred, although the basic outline from the 1981 edition remains in place.

The greatest changes can be found in the chapter on "Congressional Budget." These reflect the numerous amendments that have been enacted to the Congressional Budget Act through November, 1990, as well as the promulgation of the Balanced Budget and Emergency Deficit Control Acts (known as the Gramm-Rudman-Hollings Acts), and the Budget Enforcement Act of 1990. Over 150 new precedents have been added to the 1981 edition, and many of the precedents set out in that edition have been modified for clarity.

Finally, a new chapter on "Germaneness of Amendments" has been added to set forth previously unpublished material reflecting the range of precedents in this area.

ALAN S. FRUMIN

## PREFACE TO 1981 EDITION

*Senate Procedure—Precedents and Practices*—is a compilation of the rules of the Senate, portions of laws affecting Senate procedure, rulings by the Presiding Officer, and established practices of the Senate. This information has been organized into chapters and arranged alphabetically; likewise, each chapter has been broken down under sideheads and some under subsideheads, according to the nature of the subject matter, which have also been arranged alphabetically—the purpose being, with the use of the index, to make any sought-for information on Senate procedure available with the least possible effort and with the greatest dispatch.

Each chapter, with certain exceptions, is introduced by a capsule explanation of the subject or procedure to which that section is devoted. Each explanation is followed by: (1) Any provisions of the Constitution specifically authorizing the same, (2) any law on that specific question, and, (3) any rules and orders of the Senate defining that subject or regulating that procedure. Lastly, each chapter sets forth all of the significant practices and precedents of the Senate covering that aspect of Senate operations.

The sources of information to which most of the footnotes refer are the *Journal* and the *Congressional Record*. The information for the formulation of Senate Procedure, in addition to the Standing Rules and orders adopted by the Senate, is based on rulings by the Presiding Officer on points of order made by Senators, or on his own initiative that the procedure was in conflict with the Rules; decisions by vote of the Senate; or responses by the Presiding Officer to parliamentary inquiries. Such responses to inquiries selected for use here include only those which are in keeping with the long-established practices of the Senate.

It will be observed that the footnotes divide themselves into two classes: those without, and those with the word “See” and “See also.” Those without are rulings by the Presiding Officer or decisions by the Senate, and those with “See” are responses by the Chair to parliamentary inquiries in cases where the opinions expressed are in keeping with the practices of the Senate, even though in such cases an appeal from an opinion expressed by the Presiding Officer in reply to a parliamentary inquiry is not in order.

These rulings and opinions extend over a long period of time and were made by many different Presiding Officers—some going back almost to the very first session of the Senate. The Senate portions of the *Congressional Record* and the *Senate Journal*, for the period from December 3, 1883, to date, have been perused for rulings by Presiding Officers and practices which relate to Senate procedure. This span of time was selected because it covers the period during which most of the currently used precedents were established and

these precedents were based principally on procedures defined by the standing rules of the Senate still in use.

Any precedents set forth in this volume making references to specific rules by number have been renumbered or corrected so as to cite the appropriate language of the present rule or rules to which the Chair directed his ruling. This change in the number of the rule has not been noted in each instance or in each appropriate footnote. Thus this caution is necessary because the precedents were established mostly under a set of rules adopted in 1884, as amended in various specifics, and under the appropriate provisions of the Legislative Reorganization Acts of 1946 and 1970.

In 1979, however, a general revision of the rules was accomplished by the adoption of Senate Resolution 274 on November 14, 1979, a resolution submitted by Mr. Robert C. Byrd for himself and Mr. Howard Baker. The general revision of the rules set forth in Senate Resolution 274 was somewhat altered, with numerous changes in the rule numbers but no alteration in the contents of the rules themselves, by the adoption of Senate Resolution 389 on March 25, 1980, to consolidate and renumber certain standing rules of the Senate.

Thus the contents of the rules have been greatly shifted around to different rule numbers from where they were previously to be found. To accommodate one in locating any or all of these changes, a table is set forth below, giving the old and new rule numbers, and by showing where the language of the old rules are now to be found in the new rules as presently numbered. The second part of the table discloses in which of the present rules the provisions of the Legislative Reorganization Acts of 1946 and 1970 are to be found:

PART I	
<i>Old rule</i>	<i>New rule</i>
I .....	I.
II .....	III.
III, 1 .....	IV, 1(a) and (b).
III, 2 .....	VI, 1 and IV, 2.
IV .....	IV, 1(c) and (d).
V .....	VI, 2, 3, 4.
VI .....	II.
VII .....	VII.
VIII, 1, 2 .....	VIII, 1, 2.
VIII, 3 .....	XIX, 1(b).
IX .....	Struck.
X .....	X, 1, 2, (first part of 2 struck).
XI .....	XI, 3.
XII, 1, 2, 3 .....	XII, 1, 2, 4.
XIII .....	XIII.
XIV .....	XIV, 1-6.
XV, 1, 2 .....	XIV, 7, 9.
XVI .....	XVI, 1-7.
XVII .....	XV, 4.
XVIII .....	XV, 3.
XIX .....	XIX, 1(a), 2-8.
XX .....	XX.
XXI .....	XV, 1, 2.
XXII .....	XXII.

PREFACE

XVII

XXII, 3.....	VIII, 2.
XXIII.....	XIV, 8.
XXIV, 1.....	XXIV, 1, 2, 3.
XXIV, 2.....	XXIV, 4.
XXV, 1-3.....	XXV, 1-3.
XXV, 4.....	XXV, 1.
XXV, 5 (a) and (b).....	XXVI, 7(a) (1) and (2).
XXV, 6.....	XXV, 4.
XXV, 7.....	XXVI, 5.
XXV, 8.....	Repealed.
XXV, 9.....	XXVI, 6.
XXVI, 1 (partial strike).....	XVII, 2.
XXVI, 2.....	XVII, 4(a).
XXVI, 3(a).....	XVII, 1.
XXVI, 3(b).....	XVII, 3(a)-(e).
XXVII, 1 and 2.....	XXVIII, 1 and 2.
XXVII, 3.....	XXVIII, 6.
XXVIII.....	IX.
XXIX, 1, 2, 3.....	XI, 4, 5, 6.
XXIX, 4.....	XXVI, 12.
XXIX, 5 (a) and (b).....	XXVI, 11(b) and (c).
XXX, 1.....	XI, 1.
XXX, 2.....	Struck.
XXXI.....	Struck.
XXXII, 1 (partial strike).....	XVIII.
XXXII, 2.....	V, 2.
XXXIII.....	XXIII.
XXXIV.....	XXXIII.
XXXV.....	XXI, 1.
XXXVI.....	XXIX.
XXXVII, 1 and 2.....	XXX, 1 and 2.
XXXVII, 3.....	Struck.
XXXVIII.....	XXXI.
XXXIX.....	XXXII.
XL.....	V, 1.
XLI.....	XV, 5.
XLII.....	XXXIV.
XLIII.....	XXXV.
XLIV.....	XXXVI.
XLV.....	XXXVII.
XLV.....	XII, 3.
XLVI.....	XXXVIII.
XLVII.....	XXXIX.
XLVIII.....	XL.
XLIX.....	XLI.
L.....	XLII.

PART 2

LRA 1946:	
Section:	<i>New rule</i>
131.....	XIV, 10.
133(a).....	XXVI, 3.
133(b).....	XXVI, 7(b).
133(c).....	XXVI, 10(b).
133(d).....	XXVI, 7(a) (3) and 7(c).
133(e).....	XXVI, 10(c).
133(f).....	XVII, 5.
133(g).....	XXVI, 9.
133(h).....	XXVI, last 2 lines of 9 and 10(b).

133A(a) .....	XXVI, 4(a).
133A(b) .....	Repealed 1975.
133A(c) .....	XXVI, 4(b).
133A(d) .....	XXVI, 4(c).
133A(e) .....	XXVI, 4(d).
133A(f) .....	XVII, 4(b).
133B .....	XXVI, 2.
134(a) .....	XXVI, 1.
135(a)-(d) .....	XXVIII, 3-6.
136(a) and (b) .....	XXVI, 8(a) and (b).
136(c) .....	XXVI, 8(a).
139 .....	XVI, 8.
202(a)-(c) .....	XXVII, 1(a)-(c).
202(d) .....	XXVI, 10(a).
202(e) .....	Repealed.
202(f) .....	XXVII, 2(d).
202(g) .....	XXVII, 1(d).
202(h) .....	XXVII, 2(a).
202(i), (j) .....	Omitted.
LRA 1970:	
Section:	
243 .....	XXVI, 7(a) (3) and (7)(c).
252(a) (1) .....	XXVI, 11(a).
252(a) (2) .....	XXVI, 11(c).
253(a) and (b) .....	XXVI, 13(a) and (b).

It should also be noted that certain language in some precedents has been modified in various instances to make the rulings of the Chair jibe with the rules as presently written. To illustrate: the use of "1 o'clock" and "2 o'clock" as stated in previous years by the Chair will now read "one hour after the Senate convenes" or "two hours after the Senate convenes." These changes in the standing rules of the Senate have been necessary in order to make the daily procedure of the Senate literally accurate in the definition of morning business and Morning Hour. Likewise, the language of the precedents cited in Senate Procedure have been so corrected.

FLOYD M. RIDDICK