

## DEBATE

The Standing Rules of the Senate impose few restrictions on the rights of Senators to debate or on the debatability of most matters. There are, however, a number of questions that are by rule or precedent not subject to debate. Note the following examples of nondebateable matters: motions and resolutions to adjourn or recess, motions to approve the *Journal*, motions to table, motions made during the Morning Hour to proceed to the consideration of matters which have been on the Calendar of General Orders for a legislative day (except those that amend the Standing Rules of the Senate), points of order (unless submitted to the Senate), motions to close the doors of the Senate, motions to proceed to an item on the Executive Calendar, and motions to return to legislative session.

Debate is greatly restricted by the invocation of cloture, which limits the time for overall consideration of a measure to 30 hours, and limits each Senator to no more than 1 hour of debate on the clotured item. Debate may also be restricted by unanimous consent agreements or by the provisions of a statute (such as the Congressional Budget Act of 1974).

A Senator who wishes to debate must first be recognized by the Presiding Officer, as no Senator may yield the floor to another. When there is a debateable matter before the Senate and debate is not limited, a Senator who has been recognized may proceed without interruption. Under these circumstances, a Senator may keep the floor as long as he or she remains standing and continues to debate, and the Senator may decline to yield to other Senators. Although as a general rule, a Senator may speak on any subject, for the first three hours of session on any calendar day after the Senate first conducts any business, debate must be germane to the question pending before the Senate. A Senator may not speak more than twice on the same question in debate on the same legislative day.

As long as a Senator has the floor, the Presiding Officer may not put the pending question to a vote. But when a Senator yields the floor and no other Senator seeks recognition, and there is no order of the Senate to the contrary, the Presiding Officer must put the pending question to a vote.

A Senator's right to the floor may be terminated by operation of a rule (such as the cloture rule) or by a previous unanimous consent order of the Senate, which may (for example) grant the floor to another Senator, change the question before the Senate, or bring a matter to a vote. In addition, a Senator loses the floor when he or she calls up an amendment, makes a motion, makes a point of order, suggests the absence of a quorum, or asks for the yeas and nays. A Senator may also lose the floor by violating the rules or precedents of the Senate. Specifically, a Senator may not impute to another Senator or Senators any conduct or motive unworthy or unbecoming a Senator, nor may a Senator refer offensively to any State of the Union. Such Senator could be called to order by the Presiding Officer (on his own initiative or at the request of any other Senator) for

violating the rules of the Senate, would have to be seated, and could not resume debate unless granted permission by a majority vote of the Senate on a nondebatable motion.

A Senator who has the floor may yield to other Senators for questions only, and may not yield for any other purpose without the unanimous consent of the Senate. Senators in debate should address each other indirectly through the Chair, and in the third person. Although the rights of the Senator who has the floor are liberally construed, if the Presiding Officer gives notice that the rules and precedents will be applied strictly, a Senator who violates them will lose the floor upon being called to order.

There is no motion in the Senate to bring a matter to a vote. In the absence of either cloture or a statutory limitation of debate or a unanimous consent agreement, debate may continue indefinitely if there is a Senator or group of Senators who wish to exercise the right of debate.

Debate is the prerogative of Senators on the floor. The Presiding Officer may not engage in debate, and a Senator who is presiding must relinquish the Chair in order to participate in debate. The Vice President may not participate in debate. Under the Senate's rules former Presidents of the United States may address the Senate upon proper notice to the body.

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## Rule XIX

### [Recognition of Senators and Conduct of Debate; Decorum in Galleries; Persons in Galleries Cannot Be Acknowledged; and Former President; May Address Senate]

1. (a) When a Senator desires to speak, he shall rise and address the Presiding Officer, and shall not proceed until he is recognized, and the Presiding Officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the Presiding Officer, and no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate, which shall be determined without debate.

(b) At the conclusion of the morning hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day, and until after the duration of three hours of actual session after such business is laid down except as determined to the contrary by unanimous consent or on motion without debate, all debate shall be germane and confined to the specific question then pending before the Senate.

2. No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

3. No Senator in debate shall refer offensively to any State of the Union.

4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other

Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

6. Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

7. No Senator shall introduce to or bring to the attention of the Senate during its sessions any occupant in the galleries of the Senate. No motion to suspend this rule shall be in order, nor may the Presiding Officer entertain any request to suspend it by unanimous consent.

8. Former Presidents of the United States shall be entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.

## Rule VI

### [Quorum, Suggestion and Procedure To Obtain Same]

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.

## Rule VII, Paragraphs 2, 3 and 4

### [Morning Business—No Debate, Motions, Petitions and Memorials, and Chair Lays Matters Before Senate]

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2. Until the morning business shall have been concluded, and so announced from the Chair, or until one hour after the Senate convenes at the beginning of a new legislative day, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the Calendar shall be entertained by the Presiding Officer, unless by unanimous consent: *Provided, however,* That on Mondays which are the beginning of a legislative day the Calendar shall be called under rule VIII, and until two hours after the Senate convenes no motion shall be entertained to proceed to the consideration of any bill, resolution, or other subject upon the Calendar except the motion to continue the consideration of a bill, resolution, or other subject against objection as provided in rule VIII, or until the call of the Calendar has been completed.

3. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives for appropriate action allowed under the rules and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

4. Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

## Rule VIII

### [Call of Calendar and Debate]

1. At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

2. All motions made during the first two hours of a new legislative day to proceed to the consideration of any matter shall be determined without debate, except motions to proceed to the consideration of any motion, resolution, or proposal to change any of the Standing Rules of the Senate shall be debatable. Motions made after the first two hours of a new legislative day to proceed to the consideration of bills and resolutions are debatable.

## **Rule X**

### **[Special Order—Changes Made Without Debate]**

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order of business for consideration and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there is unfinished business in which case it takes its place on the Calendar of Special Orders in the order of time at which it was made special, to be considered in that order when there is no unfinished business.

2. All motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

## **Rule XI, Paragraph 3**

### **[Reading of Papers Decided Without Debate]**

When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

## **Rule XII, Paragraph 2**

### **[Senator Required To Vote—Determined Without Debate]**

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

## **Rule XIII, Paragraph 2**

### **[Reconsideration—Return of Papers Decided Without Debate]**

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider shall be accompanied by a motion to request the House to return the same; which last motion shall be acted upon immediately, and without debate, and if determined in the negative shall be a final disposition of the motion to reconsider.

### **Rule XIV, Paragraph 3**

#### **[Reference of Bills and Resolutions After Second Reading—Debate on]**

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, if not objected to, on the same day for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

### **Rule XV, Paragraph 1**

#### **[Motions Reduced to Writing and Read Before Debatable]**

All motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

### **Rule XVI, Paragraph 4**

#### **[Germaneness of Amendments to Appropriation Bills—Decided Without Debate]**

On a point of order made by any Senator, no amendment offered by any other Senator which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; nor shall any restriction on the expenditure of the funds appropriated which proposes a limitation not authorized by law be received if such restriction is to take effect or cease to be effective upon the happening of a contingency; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any such amendment or restriction to a general appropriation bill may be laid on the table without prejudice to the bill.

### **Rule XVII, Paragraph 1**

#### **[Questions of Reference Decided by Chair—Without Debate But Appealable]**

Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in

such proposed legislation; but such decision shall be subject to an appeal.

### **Rule XX, Paragraph 1**

#### **[Points of Order Decided by Chair Without Debate— Decisions by Senate and Appeals Debatable]**

A question of order may be raised at any stage of the proceedings, except when the Senate is voting or ascertaining the presence of a quorum, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate. When an appeal is taken, any subsequent question of order which may arise before the decision of such appeal shall be decided by the Presiding Officer without debate; and every appeal therefrom shall be decided at once, and without debate; and any appeal may be laid on the table without prejudice to the pending proposition, and thereupon shall be held as affirming the decision of the Presiding Officer.

### **Rule XXII, Paragraph 1**

#### **[Certain Motions Not Debatable]**

\* \* \* and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

For cloture provisions, see "Cloture Procedure," pp. 282-334.

### **Rule XXVIII, Paragraph 1**

#### **[Motions To Consider Conference Report Not Debatable]**

The presentation of reports of committees of conference shall always be in order, except when the *Journal* is being read or a question of order or a motion to adjourn is pending, or while the Senate is voting or ascertaining the presence of a quorum; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

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### **Adjourn, Motion To, Not Debatable:**

*See also* "Debate of, Out of Order," pp. 3, 14.

A motion to adjourn is not debatable,<sup>1</sup> nor are any questions pertaining to adjournment,<sup>2</sup> including appeals from the decision of the Chair relative to adjournment.<sup>3</sup>

## Amendments Between Houses

### Debatable Motions:

The following motions are debatable: (1) to concur in or agree to House amendments to a Senate bill or Senate joint resolution;<sup>4</sup> or to an amendment of the House to an amendment of the Senate to a House Joint Resolution;<sup>5</sup> (2) to disagree to House amendments to a Senate amendment to a House bill;<sup>6</sup> (3) and to refer House amendments to a Senate bill to a standing committee.<sup>7</sup>

An amendment of the House to a Senate bill, laid before the Senate during a call of the Calendar, is not subject to the 5-minute limitation on debate on bills considered during such Calendar call.<sup>8</sup>

When the Senate is operating under a unanimous consent agreement limiting debate on a motion to concur in a House amendment with an amendment or amendments, if one motion to concur with an amendment is offered, the prescribed debate thereon must be used or yielded back before another amendment thereto is in order.<sup>9</sup>

### Motions Not Debatable:

The following motions are not debatable: (1) to lay before the Senate a matter coming from the House;<sup>10</sup> and (2) a motion made 1 hour after the Senate meets to proceed to the consideration of a motion relating to Senate amendments to a House bill or to proceed to the consideration of House amendments or amendments to a Senate

<sup>1</sup> Apr. 26, 1935, 74-1, *Journal*, p. 299, *Record*, p. 6468; see Feb. 28, 1889, 50-2, *Record*, pp. 2444-46.

<sup>2</sup> Dec. 22, 1914, 63-3, *Record*, p. 493.

<sup>3</sup> Aug. 24, 1949, 81-1, *Record*, pp. 12137-39, 12147; Jan. 29, 1915, 63-3, *Record*, pp. 2576-77; Jan. 16, 1891, 51-2, *Journal*, p. 80, *Record*, pp. 1432-33.

<sup>4</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863; Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; see also Nov. 19, 1940, 76-3, *Record*, p. 13656.

<sup>5</sup> Dec. 15, 1980, 96-2, *Record*, p. 34266.

<sup>6</sup> See Aug. 18, 1921, 67-1, *Journal*, p. 238, *Record*, pp. 5149-51.

<sup>7</sup> Dec. 19, 1928, 70-2, *Journal*, p. 51, *Record*, p. 863.

<sup>8</sup> Apr. 13, 1928, 70-1, *Record*, p. 6359.

<sup>9</sup> See July 17, 1967, 90-1, *Record*, p. 18994.

<sup>10</sup> Mar. 1, 1929, 70-2, *Journal*, p. 255, *Record*, p. 4881; see also Aug. 18, 1921, 67-1, *Journal*, p. 238, *Record*, pp. 5149-51; see Feb. 4, 1944, 78-1, *Record*, p. 1265; Feb. 7, 1944, 78-1, *Record*, p. 1281.



bill,<sup>11</sup> and it is not in order to rise to a question of personal privilege in connection with such a matter.<sup>12</sup>

### Amendments, Debate of:

*See also* "Senator Loses Floor," pp. 775-778.

All amendments, under Rule XV, shall be read from the desk before they shall be debated and the question of agreeing to an amendment is debatable.<sup>13</sup>

There is no general prohibition against a Senator debating an amendment which has not yet been offered.<sup>14</sup>

A Senator who has spoken twice the same day on an amendment is entitled to make two additional speeches on an amendment proposed to the amendment.<sup>15</sup>

The ordering of the yeas and nays on an amendment does not preclude further debate thereon.<sup>16</sup>

A unanimous consent agreement limiting debate on a bill or amendments applies to an amendment to an amendment,<sup>17</sup> and would give the proposer thereof the time for debate provided for in the agreement on amendments.<sup>18</sup>

Under a unanimous consent agreement prohibiting debate after a certain hour, and providing for a vote on a bill and all amendments, it is in order to vote upon an amendment prior to such hour. It is in order by unanimous consent after adoption of the agreement to provide that no vote shall be taken prior to such hour on amendments. An amendment might be offered after such hour, but it would not be subject to debate.<sup>19</sup>

When a Senator offers an amendment, another may be recognized.<sup>20</sup>

### Appeals, Debate of:

*See also* "Appeals," pp. 145-149.

<sup>11</sup> Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4766-67; Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>12</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>13</sup> See Jan. 15, 1947, 80-1, *Record*, p. 339.

<sup>14</sup> May 20, 1982, 97-2, *Record*, pp. 11024, 11030.

<sup>15</sup> See Jan. 24, 1988, 75-3, *Record*, p. 1001.

<sup>16</sup> Jan. 29, 1915, 63-3, *Record*, p. 2590.

<sup>17</sup> June 11, 1945, 79-1, *Record*, pp. 5867, 5872-73; see Feb. 26, 1947, 80-1, *Record*, p. 1439; Aug. 19, 1949, 81-1, *Record*, pp. 11830, 11832.

<sup>18</sup> See June 27, 1951, 82-1, *Record*, p. 7211.

<sup>19</sup> See Sept. 26, 1949, 81-1, *Record*, pp. 13250-51.

<sup>20</sup> Aug. 3, 1937, 75-1, *Record*, pp. 8099-8100.

An appeal from the ruling of the Chair is debatable;<sup>21</sup> but an appeal arising in connection with a non-debatable motion is not debatable.<sup>22</sup>

#### Debatable Questions:

Generally, an appeal from a decision of the Chair is debatable,<sup>23</sup> including an appeal relative to the reference of a bill;<sup>24</sup> from decisions in cases involving recognition;<sup>25</sup> from a decision that certain objectionable language was not contrary to the spirit of Rule XIX when a Senator was called to order thereunder;<sup>26</sup> and from a decision of the Chair as to a point of order that conferees had exceeded their authority.<sup>27</sup>

An appeal from a ruling of the Chair as to the germaneness of an amendment under a unanimous consent agreement was held to be debatable,<sup>28</sup> but would be subject to the limitation of debate provided in the unanimous consent agreement.<sup>29</sup>

#### Questions Not Debatable:

Debate is not in order: (1) on appeals from a ruling of the Chair in connection with cloture proceedings,<sup>30</sup> (2) on appeals on a point of order arising during a yea and nay vote;<sup>31</sup> (3) on appeals relative to an adjournment resolution;<sup>32</sup> (4) on appeals relative to the motion to table;<sup>33</sup> (5) on secondary appeals arising in connection with any sub-

<sup>21</sup> June 5, 1986, 99-2, *Record*, pp. 12725-27; Mar. 31, 1982, 97-2, *Record*, pp. 6167-70.

<sup>22</sup> Nov. 25, 1980, 96-2, *Record*, pp. 31037-39.

<sup>23</sup> Rule XX; Nov. 22, 1937, 75-2, *Record*, p. 210; Feb. 8, 1915, 63-3, *Journal*, pp. 95-96, *Record*, pp. 3274-75, 3280; July 3, 1947, 80-1, *Record*, p. 8255; June 20, 1947, 80-1, *Record*, p. 7379; May 21, 1929, 71-1, *Journal*, p. 70; June 11, 1926, 69-1, *Journal*, p. 485; Aug. 11 and 15, 1917, 65-1, *Record*, pp. 5978, 6042-44; Feb. 25, 1964, 88-2, *Record*, pp. 3497-3500; Feb. 26, 1964, 88-2, *Record*, pp. 3693-97, 3719; May 13, 1964, 88-2, *Record*, pp. 10783-94; May 14, 1964, 88-2, *Record*, pp. 10926-31, 10936-37; see also May 26, 1919, 66-1, *Journal*, p. 30, *Record*, pp. 326-31; Mar. 18, 1959, 86-1, *Record*, pp. 4471-84; Oct. 1, 1951, 82-1, *Record*, p. 12430; Feb. 7, 1949, 81-1, *Record*, p. 839; Sept. 18, 1961, 87-1, *Record*, pp. 20018-20; May 15, 1964, 88-2, *Record*, pp. 10990-91.

<sup>24</sup> *Ibid.*; see also May 27, 1948, 80-2, *Record*, p. 6552; May 3, 1948, 80-2, *Record*, p. 5190.

<sup>25</sup> Nov. 22, 1921, 67-1, *Journal*, p. 348, *Record*, pp. 8090-91.

<sup>26</sup> May 13, 1964, 82-2, *Record*, pp. 10783-94; May 14, 1964, 88-2, *Record*, pp. 10926-31, 10936-37.

<sup>27</sup> See Oct. 1 and 2, 1951, 82-1, *Record*, pp. 12427-30, 12469-83.

<sup>28</sup> July 22, 1946, 79-2, *Record*, pp. 9634-35, 9640-41.

<sup>29</sup> See June 12, 1952, 82-2, *Record*, pp. 7100-01.

<sup>30</sup> Rule XXII; Feb. 28, 1927, 69-2, *Journal*, p. 247, *Record*, p. 4985; Mar. 1, 1927, 69-2, *Journal*, p. 253.

<sup>31</sup> See July 29, 1954, 83-2, *Record*, p. 12549.

<sup>32</sup> Aug. 24, 1949, 81-1, *Record*, pp. 12137-39, 12147.

<sup>33</sup> Jan. 16, 1891, 51-2, *Journal*, p. 80, *Record*, pp. 1431-32; Sept. 12, 1969, 91-1, *Record*, p. 25326.

sequent question of order which may arise before a decision on the initial appeal; <sup>34</sup> (6) and on appeals arising in connection with a non-debatable motion, <sup>35</sup> or if the original motion is nondebatable. <sup>36</sup>

An appeal from a decision of the Chair in connection with a motion to proceed to the consideration of a bill in the Morning Hour is not debatable. <sup>37</sup>

A resolution providing for the payment of money out of the contingent fund of the Senate, upon being reported from a committee having jurisdiction of the subject matter, should be referred to the Committee To Audit and Control the Contingent Expenses of the Senate (now Committee on Rules and Administration); <sup>38</sup> and an appeal from a decision of the Chair on such question is debatable. <sup>39</sup>

Under a unanimous consent agreement to limit debate on a particular amendment, an appeal from the decision of the Chair, in connection with a ruling relating to whether amendments were in order to the said amendment, would be in order but would not be debatable since "there would be no point in such unanimous consent if you are going to open it again without limitation." <sup>40</sup>

#### **Relevancy or Germaneness of Debate Not Required:**

*See also* "Germaneness of Debate," pp. 742-745, 862-863.

Debate on an appeal generally is not required to be germane or relevant; <sup>41</sup> and the Presiding Officer has no means of requiring a Senator to confine himself to a discussion of the same, <sup>42</sup> unless during the 3-hour period of debate each day when debate is required to be germane to the pending question as provided for under Rule XIX, paragraph 1(b).

#### **Appropriations Bills, Consideration of:**

*See also* "Consideration, Question of," pp. 655-682.

<sup>34</sup> Rule XX; *see also* Aug. 2, 1948, 80-2, *Record*, p. 9605.

<sup>35</sup> Feb. 15, 1897, 54-2, *Record*, p. 1826; May 29, 1897, 55-1, *Record*, p. 1345.

<sup>36</sup> Jan. 16, 1891, 51-2, *Journal*, p. 80, *Record*, pp. 1432-33; Jan. 29, 1915, 63-3, *Record*, pp. 2576-77; Dec. 20, 1928, 70-2, *Journal*, p. 53; July 9 and 10, 1886, 49-1, *Record*, pp. 6678, 6723.

<sup>37</sup> Dec. 20, 1928, 70-2, *Journal*, p. 53, *Record*, pp. 915-16.

<sup>38</sup> Jan. 27, 1919, 65-3, *Journal*, p. 96, *Record*, pp. 2118-21.

<sup>39</sup> *Ibid.*

<sup>40</sup> Dec. 10, 1969, 91-1, *Record*, pp. 38285-91.

<sup>41</sup> Nov. 22, 1937, 75-2, *Journal*, p. 16, *Record*, pp. 209-11.

<sup>42</sup> June 7, 1888, 50-1, *Journal*, p. 940, *Record*, pp. 4978-88.

Motions to proceed to the consideration of an appropriation bill prior to the expiration of 2 hours in a new legislative day are determined without debate but motions to consider made after that time are debatable.<sup>43</sup>

### **Appropriations Bills, Relevancy of Amendments:**

*See also* "Points of Order, Debate of," pp. 765-766, 989-990.

Under Rule XVI, all questions of germaneness or relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.<sup>44</sup>

### **Arrests of Senators, Order for Determined Without Debate:**

*See also* "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Debate of Order To Require Attendance," pp. 218-219.

Motions to request or compel the attendance of absent Senators in the absence of a quorum are not debatable,<sup>45</sup> nor are orders to authorize the issuance of warrants for their arrest.<sup>46</sup>

A quorum having been obtained, notwithstanding the fact that the Sergeant at Arms had made no report pursuant to an order to request or compel attendance, debate may proceed.<sup>47</sup>

An order agreed to by less than a quorum, authorizing the issuance of warrants of arrest for absent Senators not sick or excused, to be executed without delay, is in pursuance of the rule of the Senate and not debatable.<sup>48</sup>

<sup>43</sup> Rule VIII; *see also* Mar. 11, 1940, 76-3, *Record*, p. 2631; Feb. 28, 1921, 66-3, *Record*, p. 4043.

<sup>44</sup> Rule XVI, par. 4; Mar. 31, 1982, 97-2, *Record*, pp. 6167-70; May 29, 1936, 74-2, *Journal*, p. 333; Apr. 17, 1952, 82-2, *Record*, p. 4081; June 6, 1952, 82-2, *Record*, pp. 6718-20; June 27, 1952, 82-2, *Record*, p. 8283; July 27, 1949, 81-1, *Record*, pp. 10263-65; Apr. 1, 1941, 77-1, *Record*, pp. 2788-91; Feb. 3, 1933, 72-2, *Journal*, p. 160; Mar. 11, 1932, 72-1, *Journal*, pp. 319-20, *Record*, pp. 5752-54; Feb. 24, 1913, 63-1, *Journal*, pp. 214-15, *Record*, pp. 3772-76; *see also* Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020.

<sup>45</sup> Jan. 21, 1946, 79-2, *Record*, p. 163; June 9, 1950, 81-2, *Record*, pp. 8407-08; Feb. 22, 1927, 69-2, *Journal*, p. 206, *Record*, pp. 4453, 4456; Feb. 23, 1927, 69-2, *Journal*, p. 206; Mar. 11, 1964, 88-2, *Record*, pp. 5015-16; May 11, 1964, 88-2, *Record*, p. 10579.

<sup>46</sup> Jan. 29, 1915, 63-3, *Record*, pp. 2586-87; Feb. 22, 1927, 69-2, *Journal*, p. 206, *Record*, pp. 4453, 4456; Feb. 23, 1927, 69-2, *Journal*, p. 206.

<sup>47</sup> May 29, 1908, 60-1, *Journal*, p. 513, *Record*, p. 7194.

<sup>48</sup> Jan. 29, 1915, 63-3, *Record*, pp. 2586-87.

### Attendance of Senators in Absence of Quorum, Debate of:

See "Debate of Order to Require Attendance," pp. 218-219.

### Business Must Be Pending for Debate:

Debate or discussion under a ruling in 1918 was held not in order when no business is pending before the Senate,<sup>49</sup> except by unanimous consent;<sup>50</sup> thus, it is not in order for a Senator to speak upon objection being made,<sup>51</sup> but in 1942 when a Senator had proceeded for several minutes with an address, while no business was pending, and no objection had been made, it was held that consent was impliedly given, and "that if a Senator obtains the floor while no business is before the Senate he retains the floor until he yields it."<sup>52</sup>

Under practices of recent years, a Senator obtaining the floor while no business is pending cannot be taken therefrom upon objection.<sup>53</sup>

Under a unanimous consent agreement providing for a limitation of debate and control of time it is not in order for a Senator to deliver an address unless there is an amendment pending before the Senate, against which time may be charged.<sup>54</sup>

A Senator during the Morning Hour is not entitled to the floor, upon objection, when there is no debatable matter before the Senate.<sup>55</sup>

If no business is pending before the Senate it is not in order for Senators to debate.<sup>56</sup>

### Calendar, Debate Under Call of:

Under Rule VIII, each Senator shall be entitled to speak once and for 5 minutes only on any question on a bill or resolution that arises.<sup>57</sup> It has been held that a

<sup>49</sup> July 2, 1918, 65-2, *Record*, p. 8610; Dec. 16, 1975, 94-1, *Record*, p. 41006.

<sup>50</sup> Jan. 9, 1939, 76-1, *Record*, p. 139; Mar. 31, 1939, 76-1, *Record*, p. 3624.

<sup>51</sup> See June 17, 1932, 72-1, *Record*, pp. 13275-76; June 27, 1932, 72-1, *Record*, p. 14044.

<sup>52</sup> July 15, 1921, 67-1, *Journal*, p. 197, *Record*, pp. 3875-80.

<sup>53</sup> See Dec. 8, 1942, 77-2, *Record*, pp. 9388-89.

<sup>54</sup> May 22, 1952, 82-2, *Record*, pp. 5758-59.

<sup>55</sup> Oct. 2, 1945, 79-1, *Record*, p. 9226.

<sup>56</sup> Apr. 27, 1983, 98-1, *Record*, p. 9911.

<sup>57</sup> June 21, 1952, 82-2, *Record*, p. 7789; Mar. 2, 1954, 83-2, *Record*, pp. 2457-58, 2462; May 6, 1949, 81-1, *Record*, pp. 5830-31; Jan. 12, 1948, 80-1, *Record*, p. 73; Nov. 23, 1942, 77-2, *Record*, pp. 9074, 9078; Apr. 15, 1941, 77-1, *Record*, p. 3105; Feb. 20, 1884, 48-1, *Record*, p. 1254; see also Apr. 2, 1943, 78-1, *Record*, p. 2839; Dec. 20, 1945, 79-1, *Record*, pp. 12429-30.

unanimous consent request to reconsider a question during a call of the Calendar came within the 5-minute limitation of debate.<sup>58</sup>

During a call of the Calendar under Rule VIII for the consideration of unobjected-to bills, a Senator is entitled to speak only for 5 minutes on each question. This is true when the call is pursuant to a unanimous consent agreement.<sup>59</sup> Except for the duration of the first 3 hours of "business" on any calendar day, as set forth in paragraph 1(b) of Rule XIX, debate during the call of the Calendar is not required to be germane.<sup>60</sup>

When a bill is taken up on motion over an objection, the 5-minute limitation of debate is not applicable,<sup>61</sup> and a Senator may make two speeches on any question connected therewith in the same legislative day.<sup>62</sup>

A Senator, rising to a question of personal privilege, during a Calendar call, is not confined to the 5-minute limitation permitted in debate,<sup>63</sup> but must confine himself to such question.

A motion to proceed to the consideration of a bill or resolution, or one to which objection is made during a call of the Calendar, is not debatable.<sup>64</sup>

The same is true when the Calendar is being called during an evening session, under Rule VIII, and a motion is made to proceed to the consideration of a bill notwithstanding an objection.<sup>65</sup>

Where the vote disagreeing to a motion to proceed to the consideration of a bill over an objection is reconsidered such motion is not subject to debate.<sup>66</sup>

Pending a motion to proceed to the consideration of a bill, which is not debatable, the Presiding Officer held that the reading of the report of a committee at that stage was in the nature of debate and not in order upon objection.<sup>67</sup>

<sup>58</sup> See Feb. 12, 1935, 74-1, *Record*, p. 1844.

<sup>59</sup> Feb. 17, 1967, 90-1, *Record*, pp. 3782-83; Mar. 15, 1968, 90-2, *Record*, p. 6696.

<sup>60</sup> Mar. 14, 1958, 85-2, *Record*, p. 4531.

<sup>61</sup> June 15, 1936, 74-2, *Record*, p. 9341.

<sup>62</sup> Feb. 26, 1923, 67-4, *Record*, p. 4640; Mar. 2, 1923, 67-4, *Record*, p. 5072; see also Apr. 29, 1932, 72-1, *Record*, p. 9204; Jan. 31, 1925, 68-2, *Record*, pp. 2753-54, 2849; Feb. 1, 1926, 69-1, *Record*, p. 3086; June 15, 1936, 74-2, *Record*, p. 9341.

<sup>63</sup> Apr. 11, 1951, 82-1, *Record*, p. 3619; Feb. 16, 1925, 68-2, *Record*, p. 3792.

<sup>64</sup> Apr. 29, 1932, 72-1, *Record*, p. 9204; Nov. 16, 1942, 77-2, *Record*, p. 8857; Mar. 26, 1914, 63-2, *Record*, p. 5517; Dec. 8, 1884, 48-2, *Record*, p. 68; see also May 10, 1926, 69-1, *Journal*, p. 387; Mar. 24, 1947, 80-1, *Record*, pp. 2432-33; Aug. 22, 1921, 67-1, *Record*, p. 5385.

<sup>65</sup> May 10, 1928, 70-1, *Record*, p. 8312.

<sup>66</sup> July 2, 1926, 69-1, *Record*, pp. 12644-45.

<sup>67</sup> See Dec. 17, 1886, 49-2, *Record*, p. 244.

Where the Senate has previously adopted an order providing for a call of the Calendar following the conclusion of memorial addresses on deceased Senators, unanimous consent is required for a Senator to speak after the memorial addresses but prior to the Calendar call.<sup>68</sup>

### **Call for Regular Order:**

See "Yield for Question Only," pp. 794-797.

### **Call to Order Under Rule XIX:**

See "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738-742.

### **Censure Proceedings:**

See "Debate by Senators Censured," p. 271.

### **Chair Does Not Participate in:**

The Presiding Officer has no right to engage in conversation with Senators on the floor; <sup>69</sup> he should not participate in debate. <sup>70</sup> Nevertheless, the Presiding Officer on a few occasions has taken the liberty of making certain remarks in the nature of debate in the absence of a point of order being made. <sup>71</sup>

On one occasion, the Chair interrupted a speaking Senator to make an observation about House rules when the Senator informed him that he did "not remember requesting a ruling from the Chair." <sup>72</sup>

### **Chair Recognizes:**

See "Chair Recognizes," pp. 1092-1097.

### **Cloture—Debate Under:**

See "Debate," pp. 305-308.

### **Communications, Debate of:**

See "Messages, Debates of," p. 758.

<sup>68</sup> Aug. 4, 1958, 85-2, *Record*, p. 15956.

<sup>69</sup> Apr. 7, 1949, 81-1, *Record*, p. 4070.

<sup>70</sup> July 25, 1950, 81-2, *Record*, p. 10936; see Sept. 15, 1978, 95-2, *Record*, p. 29631-32.

<sup>71</sup> Aug. 21, 1951, 82-1, *Record*, p. 10463.

<sup>72</sup> Oct. 14, 1978, 95-2, *Record*, pp. 37429-30.

## Conference Reports, Debate of

### Consideration of

#### Motion To Consider Not Debatable:

A motion to proceed to the consideration of a conference report, during or after the Morning Hour, is not debatable,<sup>73</sup> even if ordered to lie on the table when presented, and later brought up on motion,<sup>74</sup> or if displaced on motion and a subsequent motion is made to proceed to its consideration.<sup>75</sup>

#### To Adopt, Debatable:

The question of agreeing to a conference report is debatable, the Senate having agreed to proceed to its consideration.<sup>76</sup>

Likewise, if a report is taken up during the consideration of a bill under a unanimous consent agreement limiting debate it is not subject to the agreement but is debatable.<sup>77</sup>

Under Rule XXVIII, paragraph 5, "if time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and the minority party."

### Germaneness of Debate:

See "Germaneness of Debate," pp. 742-745, 862-863.

<sup>73</sup> June 7, 1924, 68-1, *Record*, pp. 11188-89; Oct. 11, 1978, 95-2, *Record*, p. 35552; June 4, 1924, 68-1, *Record*, p. 10449; Aug. 1, 1957, 85-1, *Record*, p. 13256; July 19, 1954, 83-2, *Record*, p. 10832; Apr. 6, 1946, 79-2, *Record*, p. 3240; June 19, 1936, 74-2, *Record*, pp. 10079-80; June 18, 1934, 73-2, *Record*, p. 12355; May 10, 1933, 73-1, *Record*, p. 3116; Feb. 28, 1933, 72-2, *Record*, p. 5231; Feb. 17, 1931, 71-3, *Record*, p. 5128; June 9, 1930, 71-2, *Record*, p. 10252; Feb. 26, 1929, 70-2, *Record*, pp. 4409-10; May 24, 1928, 70-1, *Journal*, pp. 533-34, *Record*, p. 9693; Feb. 27, 1929, 70-2, *Journal*, p. 233; May 24, 1928, 70-1, *Journal*, p. 534; Feb. 26, 1925, 68-2, *Record*, pp. 4711-12; June 6, 1924, 68-1, *Record*, pp. 10927-28; June 5, 1924, 68-1, *Record*, p. 10650; Feb. 21, 1923, 67-4, *Record*, p. 4189; Aug. 23, 1921, 67-1, *Record*, p. 5537; Feb. 22, 1919, 65-3, *Record*, pp. 4038-39; Jan. 8, 1917, 64-2, *Record*, pp. 994-95; July 22, 1914, 63-2, *Record*, pp. 12466-67; Feb. 26, 1909, 60-2, *Record*, pp. 3217-20; Dec. 8, 1967, 90-1, *Record*, p. 35602; see also July 9, 1937, 75-1, *Journal*, p. 406; Feb. 10, 1938, 75-3, *Record*, p. 1747; Oct. 15, 1949, 81-1, *Record*, p. 14703; Dec. 4, 1942, 77-2, *Record*, p. 9332; Sept. 25, 1941, 77-1, *Record*, p. 7530.

<sup>74</sup> Feb. 24, 1917, 64-2, *Record*, p. 4098.

<sup>75</sup> See Mar. 2, 1909, 60-2, *Record*, pp. 3613, 3621.

<sup>76</sup> July 19, 1954, 83-2, *Record*, p. 10832; Oct. 15, 1949, 81-1, *Record*, p. 14703; May 10, 1933, 73-1, *Record*, p. 3116; June 7, 1924, 68-1, *Record*, pp. 11188-89; June 6, 1924, 68-1, *Record*, pp. 10927-28; see also Apr. 10, 1950, 81-2, *Record*, p. 4969; Sept. 25, 1941, 77-1, *Record*, p. 7530; July 22, 1947, 80-1, *Record*, p. 9673; Mar. 28, 1949, 81-1, *Record*, p. 3277; Feb. 10, 1938, 75-3, *Record*, p. 1747.

<sup>77</sup> See Mar. 31, 1950, 81-2, *Record*, p. 4452.



**Germaneness of Debate Not Required:**

The debate on a conference report is not required to be relevant or germane to the subject matter,<sup>78</sup> unless it comes into conflict with the new rule on germaneness as set forth in Rule XIX, paragraph 1(b).<sup>79</sup>

**Morning Business—Under Three-Minute Limitation:**

When a conference report is taken up during the consideration of morning business under an agreement providing for a 3-minute limitation of debate thereon, the limitation does not apply to remarks made by a Senator on the report.<sup>80</sup>

**Point of Order Not Debatable:**

A point of order against a conference report is not debatable under the rule, and any debate relating to such a point of order is in the discretion of the Chair,<sup>81</sup> but an appeal from a ruling of the Chair thereon is debatable without any limit.<sup>82</sup>

**Reading of, Not Interrupted by Debate:**

During the reading of a conference report, debate is not in order,<sup>83</sup> and the report must be read.

*See also* "Reading of Report," pp. 476, 1192-1193.

**Sending Bill to Conference Debatable:**

A motion that the Senate disagree to a House amendment, agree to a conference asked by the House and that conferees be named by the Senate is debatable.<sup>84</sup>

**Speeches on, Allowed in Same Legislative Day:**

A Senator is entitled to speak only twice in the same legislative day on a conference report.<sup>85</sup> Where a report, taken up on motion, is displaced by another, and is subsequently taken up again, a Senator who spoke on the

<sup>78</sup> *See* Feb. 10, 1938, 75-3, *Record*, p. 1747.

<sup>79</sup> *See* June 22, 1959, 86-1, *Record*, p. 11423; *see also* "Germaneness of Debate," pp. 742-745.

<sup>80</sup> *See* "Germaneness of Debate," pp. 742-745.

<sup>81</sup> Mar. 21, 1950, 81-2, *Record*, pp. 3705-07.

<sup>82</sup> *See* Oct. 2, 1951, 82-1, *Record*, pp. 12430, 12469-83.

<sup>83</sup> Jan. 30, 1901, 56-2, *Record*, p. 1664; *see also* Oct. 2, 1913, 63-1, *Record*, pp. 5307-09.

<sup>84</sup> *See* June 18, 1948, 80-2, *Record*, p. 8741.

<sup>85</sup> Feb. 18, 1927, 69-2, *Journal*, p. 189, *Record*, p. 4148.

report when first under consideration will have two speeches on the report when taken up the second time.<sup>86</sup>

### Consideration of Bills or Resolutions, Debate of:

When a motion to proceed to the consideration of a measure or proposition has been agreed to, the measure or proposition and amendments thereto are debatable,<sup>87</sup> even if taken up on motion during the Morning Hour.<sup>88</sup>

Debate on a bill taken up by unanimous consent immediately following the conclusion of morning business is not limited.<sup>89</sup>

A joint resolution, the consideration of which is taken up during the Morning Hour by unanimous consent, is not subject to the 5-minute limitation on debate under Rule VIII.<sup>90</sup>

A motion to proceed to the consideration of a bill having been agreed to, debate is in order on the assumption that the reading of the bill was waived.<sup>91</sup>

### Consideration, Question of:

*See also* "Consideration, Question of," pp. 655-682.

After the Morning Hour, 2 hours after the Senate meets, a motion to proceed to the consideration of a bill, resolution, or other matter, including appropriation bills<sup>92</sup> is debatable,<sup>93</sup> including a motion made after the expiration of 2 hours on a new legislative day to take up a measure while unfinished business is pending.<sup>94</sup>

A motion to proceed to the consideration of a House bill on the Calendar made outside the Morning Hour is debatable.<sup>95</sup>

<sup>86</sup> See Sept. 20, 1950, 81-2, *Record*, p. 15184.

<sup>87</sup> See Aug. 13, 1942, 77-2, *Record*, p. 6829; Feb. 7, 1949, 81-1, *Record*, pp. 847-48; Mar. 11, 1940, 76-3, *Record*, p. 2631.

<sup>88</sup> See Feb. 10, 1949, 81-1, *Record*, p. 1115.

<sup>89</sup> Jan. 29, 1920, 66-2, *Record*, p. 2185.

<sup>90</sup> See June 7, 1924, 68-1, *Record*, pp. 11136-37.

<sup>91</sup> Feb. 20, 1895, 53-3, *Record*, p. 2430.

<sup>92</sup> See Mar. 11, 1940, 76-3, *Record*, p. 2631; Feb. 28, 1921, 66-3, *Record*, p. 4043.

<sup>93</sup> Feb. 4, 1938, 75-3, *Record*, pp. 1498-99; May 30, 1940, 76-3, *Record*, p. 7170; Feb. 14, 1919, 65-3, *Record*, p. 3334; Mar. 2, 1917, 64-2, *Record*, p. 4744; Mar. 8, 1916, 64-1, *Record*, p. 3758; June 2, 1916, 64-1, *Record*, pp. 9168-69; Jan. 29, 1915, 63-3, *Record*, pp. 2584-85; May 2, 1914, 63-2, *Record*, p. 7614, *see also* Nov. 18, 1942, 77-2, *Record*, p. 8924; Apr. 8, 1947, 80-1, *Record*, p. 3199; Feb. 7, 1949, 81-1, *Record*, pp. 847-48; Jan. 21, 1915, 63-3, *Record*, p. 2030; Feb. 4, 1938, 75-3, *Record*, p. 1499; Jan. 26, 1966, 89-2, *Record*, p. 1169.

<sup>94</sup> See Jan. 19, 1915, 63-3, *Record*, p. 1815; Dec. 11, 1919, 66-2, *Record*, pp. 396-97; Feb. 4, 1938, 75-3, *Record*, p. 1499.

<sup>95</sup> Dec. 10, 1982, 97-2, *Record*, p. 29910; Nov. 23, 1985, 99-1, *Record*, p. 33363.

A motion to proceed to the consideration of a measure or matter during the Morning Hour or before the expiration of 2 hours, including appropriation bills,<sup>96</sup> is not debatable,<sup>97</sup> even if the measure had been ordered to lie on the table pursuant to a previous order;<sup>98</sup> nor would an appeal from the decision of the Chair in connection therewith be debatable.<sup>99</sup>

The same is true of a motion to consider a bill over an objection during the call of the Calendar.<sup>100</sup>

A motion made at the expiration of 1 hour on a new legislative day to proceed to the consideration of a motion relating to Senate amendments to a House bill is not debatable, and it is not in order to rise to a question of personal privilege in connection with such a matter.<sup>101</sup>

A motion to proceed to the consideration of executive business is not debatable.<sup>102</sup>

A motion made prior to the expiration of 2 hours or during the Morning Hour to proceed to the consideration of a bill, but not acted upon, does not become debatable after the 2 hours or after the expiration of the Morning Hour.<sup>103</sup>

During a call of the Calendar, where the vote disagreeing to a motion to proceed to the consideration of a bill over an objection is reconsidered such motion is not subject to debate.<sup>104</sup>

<sup>96</sup> Rule VIII.

<sup>97</sup> Oct. 4, 1913, 63-1, *Record*, p. 5443; Dec. 6, 1913, 63-2, *Record*, p. 338; Feb. 8, 1888, 50-1, *Record*, p. 1044; Dec. 9, 1926, 69-2, *Journal*, p. 27; Jan. 17, 1927, 69-2, *Journal*, p. 90; Feb. 12, 1927, 69-2, *Journal*, p. 170; Feb. 26, 1927, 69-2, *Record*, p. 4901; July 6, 1937, 75-1, *Journal*, p. 398, *Record*, p. 6787; Jan. 29, 1941, 77-1, *Record*, p. 337; Jan. 16, 1942, 77-2, *Record*, p. 423; June 18, 1942, 77-2, *Record*, p. 5321; July 21, 1942, 77-2, *Record*, p. 6427; Feb. 4, 1943, 78-1, *Record*, p. 588; Feb. 25, 1943, 78-1, *Record*, p. 1299; Mar. 9, 1943, 78-1, *Record*, p. 1695; May 24, 1943, 78-1, *Record*, p. 4784; May 9, 1944, 78-2, *Record*, p. 4172; Nov. 16, 1944, 78-2, *Record*, p. 8184; Jan. 17, 1946, 79-1, *Record*, p. 81; Mar. 24, 1947, 80-1, *Record*, p. 2440; Apr. 21, 1947, 80-1, *Record*, p. 3715; Apr. 1, 1953, 83-1, *Record*, p. 2611; May 12, 1953, 83-1, *Record*, p. 4761; Feb. 20, 1956, 84-2, *Record*, p. 2854; see also Nov. 16, 1937, 75-3, *Record*, p. 27; Nov. 19, 1940, 76-3, *Record*, p. 13661; Nov. 13, 1942, 77-2, *Record*, p. 8814; Mar. 27, 1939, 76-1, *Record*, p. 3325; Jan. 13, 1949, 81-1, *Record*, p. 185; June 12, 1959, 86-1, *Record*, p. 10616; Apr. 13, 1961, 87-1, *Record*, p. 5750; Sept. 19, 1961, 87-1, *Record*, p. 20148; Apr. 25, 1962, 87-2, *Record*, p. 7167.

<sup>98</sup> Apr. 12, 1886, 49-1, *Record*, p. 3378.

<sup>99</sup> Dec. 20, 1928, 70-2, *Journal*, p. 53, *Record*, pp. 915-16.

<sup>100</sup> Mar. 26, 1914, 63-2, *Record*, p. 5517; Apr. 29, 1932, 72-1, *Record*, p. 9204; Nov. 16, 1942, 77-2, *Record*, p. 8857; Dec. 8, 1884, 48-2, *Record*, p. 68; see also Aug. 22, 1921, 67-1, *Record*, p. 5385.

<sup>101</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>102</sup> July 23, 1947, 80-1, *Record*, pp. 9840-41; see also June 29, 1950, 81-2, *Record*, pp. 9428-29.

<sup>103</sup> Apr. 22, 1940, 76-3, *Record*, pp. 4829-31, 4835; Mar. 3, 1923, 67-4, *Record*, pp. 5273-74; see also Nov. 13, 1942, 77-2, *Record*, p. 8814; Oct. 12, 1943, 78-1, *Record*, pp. 8246-47; decision to the contrary found at Mar. 23, 1939, 76-1, *Record*, pp. 3161-65.

<sup>104</sup> July 2, 1926, 69-1, *Record*, pp. 12644-45.

### Constitutional Motions Held Debatable:

A constitutional motion that the Chair submit a motion to the Senate "to determine debate at the beginning of a session of Congress and proceed to an immediate vote on a rules change" was submitted by the Vice President to the Senate for decision and the Senate after some debate by rollcall vote held the question to be debatable when it tabled the question by vote of 53 yeas to 42 nays.<sup>105</sup> The motion to close debate, submitted to the Senate, was tabled by a majority vote<sup>106</sup> and the Vice President announced that the question reverted to the original motion to consider the resolution (S. Res. 9) to amend Rule XXII.<sup>107</sup>

The Chair in 1963 advised the Senate that under both the Senate rules and the precedents the Vice President was within his rights to submit constitutional questions to the Senate for its action thereon, but denial was made of any right by the Vice President to foreclose further debate at any time.<sup>108</sup>

### Debatable Matters:

The following matters have been held by the Chair to be debatable:

1. The question of agreeing to an amendment, or concurring in a House amendment;<sup>109</sup>
2. Appeals from a decision of the Chair;<sup>110</sup>
3. Bills, resolutions, or other propositions, after agreeing to a motion to proceed to their consideration,<sup>111</sup> including bills or resolutions taken up on motion during the Morning Hour,<sup>112</sup> by unanimous consent immediately following conclusion of the morning business,<sup>113</sup> and on motion over an objection during the call of the Calendar;<sup>114</sup>

<sup>105</sup> Jan. 28, 1963, 88-1, *Record*, pp. 1218-19, 1232-33, *Journal*, p. 102.

<sup>106</sup> Jan. 31, 1963, 88-1, *Record*, pp. 1506-16.

<sup>107</sup> *Ibid.*

<sup>108</sup> Jan. 30, 1963, 88-1, *Record*, pp. 1407-14.

<sup>109</sup> See "Amendments, Debate of," p. 724; "Amendments Between Houses," pp. 723-724; "Appeals, Debate of," pp. 725-726; "Consideration of Bills or Resolutions, Debate of," p. 733.

<sup>110</sup> See "Appeals, Debate of," pp. 725-726.

<sup>111</sup> See "Consideration of Bills or Resolutions, Debate of," p. 733.

<sup>112</sup> *Ibid.*, and see "Morning Hour: Debate During, After Morning Business," pp. 759-761.

<sup>113</sup> *Ibid.*, and see "Morning Business, Debate During," pp. 758-759.

<sup>114</sup> *Ibid.*, and see "Morning Hour: Debate During, After Morning Business," pp. 759-761.

4. A motion to proceed to the consideration of a bill or resolution on the Calendar after the expiration of 2 hours on a new legislative day; <sup>115</sup>

5. Question on adoption of an order providing for the assignment of committee members; <sup>116</sup>

6. The election of a committee chairman, which not having been determined in the first day of its consideration, is regarded as unfinished business; <sup>117</sup>

7. A motion to grant leave to a committee to sit while the Senate is in session; <sup>118</sup>

8. A motion to concur in House amendments to a Senate bill; <sup>119</sup>

9. A motion that the Senate disagree to a House amendment, <sup>120</sup> agree to a conference asked by the House, and that the conferees be named by the Senate; <sup>121</sup>

10. A motion after the expiration of 2 hours on a new legislative day to consider a motion to discharge a committee from further consideration of some proposal; <sup>122</sup>

11. A motion to amend or correct the *Journal*; <sup>123</sup>

12. A point of order, under the precedents of the Senate, at the discretion of the Presiding Officer, who stops the debate at any time he desires; if submitted to the Senate it is always debatable; <sup>124</sup>

13. A motion to postpone, including a motion to postpone the consideration of a veto message to a day certain; <sup>125</sup>

14. A question of order when submitted to the Senate; <sup>126</sup>

15. A question of personal privilege; <sup>127</sup>

16. A motion to recommit or recommit with instructions; <sup>128</sup>

<sup>115</sup> See "Consideration, Question of," pp. 733-734.

<sup>116</sup> Jan. 13, 1953, 83-1, *Record*, p. 328.

<sup>117</sup> Dec. 11, 1923, 68-1, *Journal*, p. 46, *Record*, p. 234; Dec. 19, 1923, 68-1, *Journal*, p. 70, *Record*, p. 428.

<sup>118</sup> See Apr. 6, 1949, 81-1, *Record*, p. 3964; Apr. 10, 1953, 83-1, *Record*, p. 2945.

<sup>119</sup> See "Amendments Between Houses," pp. 723-724.

<sup>120</sup> Aug. 18, 1921, 67-1, *Journal*, p. 238, *Record*, pp. 5149-51; Aug. 8, 1921, 67-1, *Journal*, p. 223, *Record*, p. 4742.

<sup>121</sup> See June 18, 1948, 80-2, *Record*, p. 8741.

<sup>122</sup> Mar. 2, 1931, 71-3, *Record*, p. 6627; see "Discharge a Committee," p. 738.

<sup>123</sup> Nov. 28, 1922, 67-3, *Record*, pp. 326-27; see also Nov. 17, 1942, 77-2, *Record*, p. 8921.

<sup>124</sup> See "Points of Order, Debate of," pp. 765-766.

<sup>125</sup> See "Postpone, Debate of Motion To," p. 766; see also Feb. 28, 1913, 62-3, *Record*, p. 4298.

<sup>126</sup> Sept. 22, 1921, 67-1, *Journal*, p. 260, *Record*, pp. 5733-36.

<sup>127</sup> See "Personal Privilege, Debate of," pp. 764-765.

<sup>128</sup> See "Recommit, Debate of," pp. 769-770.

17. A motion to reconsider, even after a motion to table it has been rejected;<sup>129</sup>

18. A motion to refer a bill, even in the Morning Hour;<sup>130</sup>

19. A motion to refer to a standing committee a House amendment to a Senate bill;<sup>131</sup>

20. A motion to refer to a committee a motion to reconsider a vote requesting the House to return a bill to the Senate;<sup>132</sup>

21. A motion to make a bill a special order, offered after the expiration of 2 hours in a new legislative day;<sup>133</sup>

22. A motion to suspend rules;<sup>134</sup>

23. A vetoed bill having been laid before the Senate, the question of its passage over the veto;<sup>135</sup> and

24. A bill brought up under unanimous consent while another measure is pending.<sup>136</sup>

Where a *viva voce* vote is inconclusive, and the yeas and nays are demanded, further debate is in order,<sup>137</sup> or where a quorum call is had during the process of action by *viva voce* vote on an amendment, debate would be in order thereafter,<sup>138</sup> but in 1949, Vice President Barkley held that where a *viva voce* vote was had and a division demanded thereon, debate was not in order pending the result of the division vote.<sup>139</sup>

### Desk—Speak From:

*See also* "Recognition," pp. 1091-1105.

There is no requirement in the Senate rules that a Senator speak from any certain desk,<sup>140</sup> nor is there any precedent as far as the Chair knows.<sup>141</sup> A Senator is not required to speak from his own desk.<sup>142</sup> Nor will a point

<sup>129</sup> See "Reconsideration, Debate of," pp. 770-771.

<sup>130</sup> See "References and Motion To Refer, Debate of," pp. 771-772.

<sup>131</sup> See "Amendments Between Houses," pp. 723-724.

<sup>132</sup> See "References and Motion To Refer, Debate of," pp. 771-772.

<sup>133</sup> See "Special Orders, Debate To Make or Change," p. 780.

<sup>134</sup> See "Suspension of the Rules, Debate of Motion for," p. 785.

<sup>135</sup> See "Veto, Debate of," pp. 786-787.

<sup>136</sup> Nov. 6, 1969, 91-1, *Record*, p. 33397.

<sup>137</sup> Aug. 25, 1944, 78-2, *Record*, p. 7320.

<sup>138</sup> July 18, 1953, 83-1, *Record*, p. 9140; *see also* July 17, 1953, 83-1, *Record*, p. 9045.

<sup>139</sup> Oct. 12, 1949, 81-1, *Record*, p. 14300.

<sup>140</sup> Aug. 11, 1962, 87-2, *Record*, p. 16192; July 12, 1965, 89-1, *Record*, p. 16477.

<sup>141</sup> See Oct. 17, 1967, 90-1, *Record*, p. 29194.

<sup>142</sup> See June 5, 1958, 85-2, *Record*, p. 10284; Sept. 7, 1959, 86-1, *Record*, p. 18316; Sept. 1, 1959, 86-1, *Record*, p. 17536; Aug. 11, 1962, 87-2, *Record*, p. 16192; Oct. 17, 1967, 90-1, *Record*, p. 29194.

of order lie against a decision of the Chair that a Senator not in his seat might be accorded recognition over a Senator addressing the Chair from his seat.<sup>143</sup>

### **Discharge a Committee, Debate on Motion or Resolution to:**

A motion or resolution to discharge a committee from the further consideration of a matter referred to it, after it has gone over under the rule one legislative day, when laid before the Senate in the Morning Hour immediately following the introduction of other resolutions, can be debated until disposed of or until the end of the Morning Hour, at which time it would be placed on the Calendar.<sup>144</sup> A motion to proceed to its consideration, made after 2 hours of session, would be debatable;<sup>145</sup> and the resolution when before the Senate, is debatable.<sup>146</sup>

### **Disorderly Language, Use of, in Debate, and Restrictions on:**

A Senator in debate, who "in the opinion of the Presiding Officer" refers offensively to any State of the Union, or who impugns the motives or integrity of a Senator, or reflects on other Senators,<sup>147</sup> may be called to order under Rule XIX.<sup>148</sup> Rule XIX, paragraphs 4 and 5 provide:

4. If any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rules of the Senate the Presiding Officer shall, either on his own motion or at the request of any other

<sup>143</sup> May 30, 1908, 60-1, *Record*, p. 7260; see also June 17, 1958, 85-2, *Record*, pp. 11437-38.

<sup>144</sup> Aug. 1 and 2, 1917, 65-1, *Journal*, p. 213, *Record*, pp. 5667, 5701; see also Dec. 19, 1945, 79-1, *Record*, p. 12311.

<sup>145</sup> See "Discharge of Committees," pp. 802-806.

<sup>146</sup> See Aug. 26, 1959, 86-1, *Record*, pp. 16974, 16988-91.

<sup>147</sup> Nov. 19, 1937, 75-2, *Journal*, p. 14, *Record*, p. 156; June 12, 1935, 74-1, *Journal*, p. 435, *Record*, p. 9170; see also Aug. 6, 1940, 76-3, *Journal*, p. 541, *Record*, p. 9924; Oct. 27, 1939, 76-2, *Journal*, p. 41, *Record*, p. 990; Aug. 5, 1939, 76-1, *Record*, p. 11165; July 29, 1939, 76-1, *Journal*, p. 554, *Record*, pp. 10416-17; Aug. 21, 1937, 75-1, *Record*, p. 9559.

<sup>148</sup> Rule XIX; see also the following precedents on this point which were made prior to the amendment of Rule XIX, par. 4, in 1962: Oct. 13, 1949, 81-1, *Record*, pp. 14403-04; Aug. 21, 1937, 75-1, *Journal*, p. 561; May 17, 1961, 87-1, *Record*, p. 8220; June 28, 1960, 86-2, *Record*, pp. 14705-06; Apr. 1, 1960, 86-2, *Record*, p. 7161; Sept. 7, 1959, 86-1, *Record*, pp. 18384-85; Sept. 7, 1959, 86-1, *Journal*, p. 688, *Record*, p. 18398; Sept. 2, 1959, 86-1, *Record*, pp. 17690-91; June 9, 1959, 86-1, *Record*, pp. 10316-17; Aug. 23, 1958, 85-2, *Record*, p. 19525; Nov. 19, 1937, 75-2, *Record*, pp. 155-56; July 8, 1937, 75-1, *Record*, pp. 6898, 6900-01; May 23, 1946, 79-2, *Record*, pp. 5521, 5523; June 19, 1948, 80-2, *Record*, p. 8995; Sept. 22, 1950, 81-2, *Record*, pp. 15539-40, 15544-45; see also July 8 and 9, 1937, 75-1, *Journal*, p. 403, *Record*, pp. 6896-97, 6969; Aug. 25, 26, 1960, 86-2, *Record*, pp. 17612, 17771. The citations of footnote 161 are also applicable.

Senator, call him to order; and when a Senator shall be called to order he shall take his seat, and may not proceed without leave of the Senate, which, if granted, shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate. Any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate.

5. If a Senator be called to order for words spoken in debate, upon the demand of the Senator or of any other Senator, the exceptionable words shall be taken down in writing, and read at the table for the information of the Senate.

A Senator may be called to order if he impugns the motives of another Senator or refers offensively to another Senator,<sup>149</sup> and, under Rule XIX, as amended, the Chair decides if the Senator has transgressed the rules, subject to appeal.<sup>150</sup>

When a Senator is called to order, it is within the discretion of the Chair to direct the Senator to take his seat or to rule that he may proceed in order.<sup>151</sup>

A Senator may be called to order under Rule XIX, either by the Presiding Officer or by a Senator, for a transgression of the rules by the use of objectionable language,<sup>152</sup> and he has a right to call another Senator to order under Rule XIX without the latter yielding for that purpose.<sup>153</sup>

A Senator, under Rule XIX, may call another Senator, who is addressing the Senate, to order at any time.<sup>154</sup>

A Senator, in 1964, having been called to order under Rule XIX, for the use of alleged objectionable language, the Presiding Officer ruled that, in his opinion, he had not violated any rule of the Senate by stating: "I say to all Senators, 'Let us have done with the sly innuendo, the intemperate inference . . . the thinly veiled implication, the vague hints in which some have indulged . . .'"<sup>155</sup>

In 1917, on one occasion, the Vice President during the proceedings of the day stated that Senators must stop "abusing each other" in the Senate.<sup>156</sup>

<sup>149</sup> Dec. 15, 1979, 96-1, *Record*, p. 36251; June 25, 1979, 96-1, *Record*, pp. 16295-96.

<sup>150</sup> Mar. 20, 1968, 90-2, *Record*, p. 7153; Feb. 26, 1970, 91-2, *Record*, pp. 5039-40.

<sup>151</sup> Feb. 26, 1970, 91-2, *Record*, pp. 5039-40.

<sup>152</sup> See May 15, 1964, 88-2, *Record*, pp. 10990-91.

<sup>153</sup> Dec. 16, 1970, 91-2, *Record*, pp. 41747-49.

<sup>154</sup> July 22, 1965, 89-1, *Record*, p. 17848.

<sup>155</sup> May 13, 1964, 88-2, *Record*, pp. 10783-94; May 14, 1964, 88-2, *Record*, pp. 10926-31, 10936-37.

<sup>156</sup> July 20, 1917, 65-1, *Record*, p. 5296.



A Senator called to order by the Chair must take his seat unless he takes an appeal from the ruling of the Chair,<sup>157</sup> and cannot proceed unless permitted to do so, in order, on motion approved by the Senate,<sup>158</sup> unless, as the amendment to the rule, adopted on June 14, 1962, provides: "any Senator directed by the Presiding Officer to take his seat, and any Senator requesting the Presiding Officer to require a Senator to take his seat, may appeal from the ruling of the Chair, which appeal shall be open to debate."

The penalty, under Rule XIX, is that the speaking Senator take his seat.<sup>159</sup>

A Senator would be entitled to recognition to speak on another matter subsequently taken up by the Senate.<sup>160</sup> The rule can be invoked at any time upon its violation,<sup>161</sup> and the Chair has taken the initiative in calling a Senator to order.<sup>162</sup>

If a Senator is permitted on motion to proceed with his address, he must proceed in order under the rules of the Senate.<sup>163</sup> Such a motion, if another Senator has the floor

<sup>157</sup> Feb. 26, 1970, 91-2, *Record*, pp. 5039-40.

<sup>158</sup> See footnote 148; see also Aug. 20, 1960, 86-2, *Record*, p. 16909.

<sup>159</sup> Mar. 21, 1967, 90-1, *Record*, pp. 7518-19.

<sup>160</sup> June 19, 1948, 80-2, *Record*, pp. 8998-99; Feb. 11, 1926, 69-1, *Journal*, p. 144, *Record*, pp. 3769-70.

<sup>161</sup> Feb. 11, 1926, 69-1, *Journal*, p. 144, *Record*, pp. 3769-70; July 5, 1884, 48-1, *Record*, p. 6082; June 4, 1956, 84-2, *Record*, p. 9413; Jan. 14, 1955, 84-1, *Record*, p. 373; June 22, 1955, 84-1, *Record*, p. 8956; Aug. 2, 1954, 83-2, *Record*, p. 12979; Nov. 29, 1954, 83-2, *Record*, p. 16155; Mar. 10, 1952, 82-2, *Record*, p. 2038; Mar. 18, 1952, 82-2, *Record*, pp. 2442-43; Apr. 21, 1952, 82-2, *Record*, pp. 4136-38; Feb. 1, 1951, 82-1, *Record*, pp. 865-66; June 28, 1951, 82-1, *Record*, pp. 7327-28; May 3, 1951, 82-1, *Record*, pp. 4772, 4781-82, 4790; Aug. 9, 1951, 82-1, *Record*, p. 9712; Mar. 7, 1950, 81-2, *Record*, pp. 2911-12, 2916; Mar. 20, 1950, 81-2, *Record*, pp. 3606-08; May 3, 1950, 81-2, *Record*, pp. 6246-47; May 17, 1950, 81-2, *Record*, pp. 7145-47; May 18, 1950, 81-2, *Record*, pp. 7200-01; May 23, 1950, 81-2, *Record*, p. 7478; July 20, 1950, 81-2, *Record*, p. 10714; July 21, 1950, 81-2, *Record*, p. 10791; Aug. 18, 1950, 81-2, *Record*, pp. 12781-84; June 20, 1947, 80-1, *Record*, pp. 7415-16; July 26, 1947, 80-1, *Record*, p. 10405; May 27, 1946, 79-2, *Record*, p. 5819; Aug. 6, 1940, 76-3, *Record*, p. 9924; July 8, 1937, 75-1, *Journal*, pp. 403-04; Nov. 19, 1937, 75-2, *Record*, pp. 155-56; June 12, 1935, 74-1, *Journal*, p. 435, *Record*, p. 9170; Apr. 5, 1934, 73-2, *Journal*, pp. 265-66, *Record*, p. 6093; June 16, 1934, 73-2, *Journal*, p. 608, *Record*, p. 12086; May 12, 1932, 72-1, *Journal*, p. 466, *Record*, p. 10064; Jan. 6, 1930, 71-2, *Journal*, p. 63, *Record*, p. 1116; Feb. 8, 1926, 69-1, *Journal*, p. 131, *Record*, p. 3526; Mar. 14, 1925, 69 Special Session, *Record*, p. 226; Feb. 1, 1923, 67-4, *Journal*, pp. 126-27, *Record*, pp. 2831-33; Feb. 2, 1923, 67-4, *Journal*, p. 127, *Record*, pp. 2864-67; Feb. 2, 1923, 67-4, *Journal*, p. 128, *Record*, pp. 2871-74; May 13, 1922, 67-2, *Record*, pp. 6883-85; June 22, 1922, 67-2, *Journal*, p. 306, *Record*, pp. 9145-46; Nov. 22, 1921, 67-1, *Journal*, p. 348, *Record*, p. 8091; Oct. 14, 1919, 66-1, *Record*, p. 6882; Nov. 5, 1919, 66-1, *Record*, pp. 7959-60; Feb. 24, 1917, 64-2, *Record*, pp. 4087-88; Jan. 31, 1914, 63-2, *Journal*, p. 100, *Record*, pp. 2646-47; May 29, 1908, 60-1, *Journal*, p. 512, *Record*, pp. 7168-69; June 25, 1890, 51-1, *Record*, p. 6468; see also June 11, 1909, 61-1, *Journal*, p. 103, *Record*, p. 3127; Apr. 17, 1896, 54-1, *Record*, p. 4091; June 16, 1884, 48-1, *Record*, p. 5173; Mar. 5, 1935, 74-1, *Record*, p. 2954.

<sup>162</sup> Jan. 14, 1955, 84-1, *Record*, p. 373; Mar. 20, 1950, 81-2, *Record*, pp. 3606-08; see also Aug. 6, 1937, 75-1, *Record*, p. 8358.

<sup>163</sup> See May 12, 1932, 72-1, *Journal*, p. 466, *Record*, p. 10064.

is not in order unless the Senator having the floor yields for that purpose.<sup>164</sup>

Where a Senator has been required to take his seat, and no motion was made to permit him to proceed in order, such motion is not in order after other business has been taken up,<sup>165</sup> but on one occasion in 1950, after other matters had been taken up, a motion was agreed to, permitting the Senator who had been called to order to proceed in order.<sup>166</sup>

The application of Rule XIX is limited and does not extend to the President of the United States, the Vice President, or Administration officials, and a Senator cannot be called to order under Rule XIX for comments or remarks about them;<sup>167</sup> nor is a criticism by a Senator of the action of a committee in general a violation of the rule as to motives.<sup>168</sup>

Any Senator may move that a Senator who has been seated be permitted to proceed in order, which is not debatable.<sup>169</sup>

In one instance, in 1950, a Senator to whom another had yielded, in reading a newspaper article, was called to order for violation of the rule impugning the integrity of another Senator.<sup>170</sup>

On one occasion a Senator who had been yielded to for a question began to criticize the Senator who had so yielded, prompting the assistant majority leader to invoke Rule XIX, paragraph 2.<sup>171</sup> On another occasion, the Chair directed a Senator who had asserted that documents from another Senator's office did no credit to the Senate, to confine his remarks to the subject matter of the pending amendment.<sup>172</sup>

<sup>164</sup> Sept. 22, 1950, 81-2, *Record*, pp. 15539-40.

<sup>165</sup> Feb. 2, 1923, 67-4, *Journal*, p. 127, *Record*, pp. 2864-67.

<sup>166</sup> Sept. 22, 1950, 81-2, *Record*, pp. 15539-40, 15544-45; Feb. 11, 1926, 69-1, *Journal*, p. 144, *Record*, pp. 3769-70; see also May 8, 1950, 81-2, *Record*, pp. 6600-04; May 7, 1959, 86-1, *Record*, pp. 7673-75; May 9, 1946, 79-2, *Record*, pp. 4727, 4737. Under the old rule, prior to June 14, 1962, when it was amended, the Presiding Officer, when a Senator was called to order under Rule XIX, Clause 4, had no authority or province to rule upon the question; he merely told the Senator to take his seat. Under the amended rule the Chair has discretion.

<sup>167</sup> See May 8, 1950, 81-2, *Record*, pp. 6600-04; May 28, 1957, 85-1, *Record*, pp. 7878-79, 7883.

<sup>168</sup> See Oct. 13, 1949, 81-1, *Record*, pp. 14403-04.

<sup>169</sup> *Ibid.*; Rule XIX, clause 4; Apr. 5, 1934, 73-2, *Journal*, p. 266, Aug. 9, 1951, 82-1, *Record*, p. 9712; Feb. 26, 1970, 91-2, *Record*, pp. 5039-40.

<sup>170</sup> Sept. 22, 1950, 81-2, *Record*, pp. 15539-40, 15544-45.

<sup>171</sup> Dec. 18, 1982, 97-2, *Record*, p. 32337.

<sup>172</sup> Sept. 30, 1987, 100-1, *Record*, pp. S 13172-73.

Objectionable words may be stricken from the *Record* on motion. See “Congressional Record,” “Expunging Matters From the Record,” pp. 645–646.

The speech of a Senator who is called to order for a violation of Rule XIX, reflecting upon Senators, if he is permitted to proceed in order, is not terminated.<sup>173</sup>

In 1930, a committee was appointed to investigate whether or not certain language violated the rule prohibiting offensive reference to a State of the Union.<sup>174</sup>

### **Executive—Legislative Business:**

See “Legislative—Executive Business,” p. 756.

### **Executive Session, Debate of Motion for:**

A motion to go into executive session, or to proceed to the consideration of executive business is not debatable.<sup>175</sup>

### **Floor Cannot Be Held by a Senator Indefinitely:**

See “Recognition,” pp. 1091–1105; “Senator Loses Floor,” pp. 775–778; “Yielding,” pp. 788–797.

### **Floor Cannot Be Taken Away From Senator:**

See “Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent,” pp. 749–753.

### **Gentlemen’s Agreement on Debate:**

A so-called “gentlemen’s agreement” concerning debate is not legally enforceable.<sup>176</sup>

### **Germaneness of Debate:**

See also “Germaneness of Debate,” pp. 862–863.

Until paragraph 1(b) of Rule XIX was adopted in 1964, there was no rule requiring the germaneness of debate. To

<sup>173</sup> June 12, 1935, 74–1, *Record*, p. 9170.

<sup>174</sup> Feb. 7, 1930, 71–2, *Journal*, p. 131.

<sup>175</sup> Rule XXII; Sept. 24, 1968, 90–2, *Record*, p. 27961; Oct. 13, 1978, 95–2, *Record*, pp. 36820–21; July 23, 1947, 80–1, *Record*, pp. 9840–41; Feb. 29, 1960, 86–2, *Record*, p. 3708; see also June 29, 1950, 81–2, *Record*, pp. 9428–29; Feb. 1, 1945, 79–1, *Record*, p. 678; Mar. 13, 1922, 67–2, *Record*, p. 4065; June 20, 1962, 87–2, *Record*, p. 11085; Sept. 7, 1962, 87–2, *Record*, p. 18826.

<sup>176</sup> Nov. 20, 1942, 77–2, *Record*, pp. 9023–29; see also Apr. 23, 1936, 74–2, *Journal*, p. 238.

the contrary, the Chair had ruled on various occasions that there was no requirement that debate be germane.

Rule XIX, paragraph 1(b), which is now in effect, requires that debate be germane during the first 3 hours of each calendar day after the "conclusion of the Morning Hour at the beginning of a new legislative day or after the unfinished business or any pending business has first been laid before the Senate on any calendar day".<sup>177</sup> Under this provision, during that time, all debate shall be germane and confined to the specified question then pending before the Senate. As to whether debate must be germane to the bill or the pending amendment, there is no question but that the debate "would have to pertain to the specific question before the Senate which would be the amendment." But as to whether a specific question might arise dividing the bill from the amendment, the Chair in effect informed the Senate in response to a parliamentary inquiry that it would be difficult to separate the bill from the amendment or vice versa in the determination of germaneness of debate.<sup>178</sup> In fact, the Chair has stated that a Senator could debate the subject matter of a bill, despite the fact that an unrelated amendment was pending.<sup>179</sup>

The term "pending business," as used in the so-called germaneness of debate rule, was interpreted by the Chair to mean any business which the Senate had proceeded to consider, either by motion or by unanimous consent, exclusive of morning hour business under Rule VII.<sup>180</sup>

Under Rule XIX, paragraph 1(b), debate on a pending question (after the unfinished or pending business has been laid down) must be germane "and confined to the specific question then pending for the duration of 3 hours,<sup>181</sup> a Senator having been called to order."<sup>182</sup>

Under Rule XIX, paragraph 1(b), germaneness of debate is required for the first 3 hours of each calendar day following the beginning of the consideration of unfinished or pending business.<sup>183</sup>

<sup>177</sup> June 26, 1975, 94-1, *Record*, p. 21050; Oct. 12, 1978, 95-2, *Record*, p. 35966; Sept. 24, 1977, 95-1, *Record*, p. 30733; see Sept. 7, 1978, 95-2, *Record*, p. 28254; Dec. 6, 1979, 96-1, *Record*, p. 34907.

<sup>178</sup> See July 27, 1971, 92-1, *Record*, p. 27424.

<sup>179</sup> Jan. 29, 1987, 100-1, *Record*, pp. S 1353-54.

<sup>180</sup> See Jan. 28, 1964, 88-2, *Record*, pp. 1267-68.

<sup>181</sup> Sept. 29, 1969, 91-1, *Record*, p. 27512.

<sup>182</sup> See Oct. 8, 1968, 90-2, *Record*, p. 30005.

<sup>183</sup> See July 22, 1965, 89-1, *Record*, pp. 17847-48.

During the first 3 hours of a daily session of the Senate, debate must be confined to the specific question before the Senate, and a Senator need not be recognized by the Chair to call another Senator to order under this rule.<sup>184</sup>

In determining the 3-hour daily period of the operation of the Senate under the rule of germaneness of debate, the time that the Senate is temporarily in recess during such period is not counted.<sup>185</sup>

After the expiration of the 3-hour period of germaneness of debate, a Senator may speak on any matter at any time during the remainder of the day's proceedings.<sup>186</sup>

The Presiding Officer, in 1964, stating that while he would have the right to call a Senator to order, expressed the opinion that, following the customary procedure under Rule XIX, paragraph 1(b), a question of the germaneness of the debate should arise by reason of the regular order being raised from the floor, and that the rule was not self-enforcing;<sup>187</sup> and later in the same day, he expressed the opinion that the rule was not self-enforcing and that if no objections were made, nongermane debate would be permitted;<sup>188</sup> but that the consent of the Senator speaking would not be required for another Senator to call for the regular order. The speaking Senator would have to suspend until the question of germaneness was determined.<sup>189</sup>

Except as provided in Rule XIX, paragraph 1(b), and the cloture rule, germaneness or relevancy of debate to a pending question in the Senate is not required by its rules or precedents,<sup>190</sup> which is true in the case of debate of a conference report, the preamble of a bill, or an appeal from the decision of the Chair,<sup>191</sup> debate incidental to the

<sup>184</sup> Oct. 24, 1985, 99-1, *Record*, p. 28901.

<sup>185</sup> Feb. 18, 1988, 100-2, *Record*, p. S 929; Jan. 28, 1964, 88-2, *Record*, pp. 1312-13.

<sup>186</sup> See Jan. 30, 1964, 88-2, *Record*, pp. 1426, 1435; June 25, 1987, 100-1, *Record*, p. S 8704.

<sup>187</sup> See Jan. 27, 1964, 88-2, *Record*, p. 1121.

<sup>188</sup> See Jan. 27, 1964, 88-2, *Record*, pp. 1123, 1126.

<sup>189</sup> See Jan. 27, 1964, 88-2, *Record*, p. 1121.

<sup>190</sup> Mar. 3, 1887, 49-2, *Record*, p. 2613; May 21, 1900, 56-1, *Record*, p. 5787; May 2, 1950, 81-2, *Record*, p. 6146; Jan. 19, 1938, 75-3, *Record*, pp. 751-52; Nov. 22, 1937, 75-2, *Record*, p. 210; Feb. 27, 1915, 63-3, *Journal*, p. 156, *Record*, pp. 4812-14; Apr. 1, 1914, 63-2, *Record*, p. 6104; Apr. 21, 1913, 63-1, *Record*, p. 278; see also Sept. 27, 1949, 81-1, *Record*, p. 13340; Jan. 19, 1938, 75-3, *Record*, p. 752; Feb. 4, 1938, 75-3, *Record*, pp. 1497-98; June 28, 1921, 67-1, *Record*, p. 3146; Mar. 4, 1960, 86-2, *Record*, pp. 4472-73; July 14, 1870, 41-2, *Record*, p. 5566; Dec. 16, 1924, 68-2, *Record*, p. 648; Feb. 26, 1925, 68-2, *Record*, pp. 4687-88; June 2, 1916, 64-1, *Record*, p. 9169; Feb. 29, 1872, 42-2, *Record*, pp. 1292-94; Jan. 12, 1916, 64-1, *Record*, p. 946; see "Cloture Procedure", pp. 282-334.

<sup>191</sup> See Feb. 10, 1938, 75-3, *Record*, p. 1747; Aug. 14, 1848, 30-1, *Journal*, pp. 591-92; Feb. 29, 1872, 42-2, *Journal*, p. 303; July 14, 1870, 41-2, *Journal*, pp. 1072-73.

reconsideration of a vetoed bill,<sup>192</sup> and the discussion of an appeal from a ruling on a point of order.<sup>193</sup>

Where an appeal from a ruling on the point of order is pending, the Presiding Officer has no means of requiring a Senator to confine himself to a discussion of the point of order.<sup>194</sup>

An amendment proposed by a Senator to a committee substitute does not have to be disposed of prior to a discussion of any other part of the bill.<sup>195</sup>

A Senator who obtains recognition on a question of personal privilege must confine his discussion to the question.<sup>196</sup> The same requirement would apply when a Senator is recognized for a question of personal privilege during the consideration of morning business.<sup>197</sup>

There are instances of unanimous consent agreements providing that debate on a certain measure be germane or confined to that subject.<sup>198</sup>

Where a unanimous consent agreement contains no provision for relevancy of debate, a Senator may speak on an irrelevant subject, and an appeal from a decision of the Chair is debatable.<sup>199</sup>

### Hold Floor Indefinitely:

See "Recognition," pp. 1091-1105; "Senator Loses Floor," pp. 775-778; "Yielding," pp. 788-797.

### House of Representatives, Reference in Debate to Representatives and the House Itself:

There is no standing rule of the Senate relating to comments upon proceedings of the House of Representatives,<sup>200</sup> although such a provision is contained in Jefferson's Manual.

The rule in Jefferson's Manual is not actually regarded by the Senate as a question of order, but rather as a ques-

<sup>192</sup> Mar. 4, 1913, 62-3, *Journal*, p. 304, *Record*, pp. 4838-39.

<sup>193</sup> June 7, 1888, 50-1, *Journal*, p. 940, *Record*, pp. 4978-88; Nov. 22, 1937, 75-2, *Record*, p. 210.

<sup>194</sup> June 7, 1888, 50-1, *Journal*, p. 940, *Record*, pp. 4978-88.

<sup>195</sup> See May 28, 1956, 84-2, *Record*, pp. 9068-69.

<sup>196</sup> Mar. 24, 1926, 69-1, *Record*, pp. 6163-64; Apr. 5, 1934, 73-2, *Journal*, p. 264, *Record*, p. 6083; see also Apr. 11, 1951, 82-1, *Record*, p. 3619.

<sup>197</sup> Feb. 16, 1925, 68-2, *Record*, p. 3792.

<sup>198</sup> May 4, 1926, 69-1, *Record*, p. 8680; July 24, 1950, 81-2, *Record*, pp. 10836, 10850.

<sup>199</sup> June 11, 1926, 69-1, *Journal*, p. 485.

<sup>200</sup> See July 10, 1913, 63-1, *Record*, pp. 2363-64; Jan. 15, 1914, 63-2, *Record*, pp. 1692-94.

tion of propriety or impropriety, and the Presiding Officer on one occasion expressed a reluctance to call a Senator to order for that alone where there was no breach of a positive rule of the Senate.<sup>201</sup>

The Presiding Officer (in 1913) expressed the opinion that as a self-governing body it was for the Senate to determine how far Senators might go in commenting upon language used in the other body.<sup>202</sup>

Jefferson's Manual not having been adopted as a part of the Rules of the Senate,<sup>203</sup> a Senator may refer to proceedings in the House of Representatives, provided it is done in parliamentary language,<sup>204</sup> but under Senate precedents it has been held not in order in debate for a Senator to make reference to action by the House of Representatives,<sup>205</sup> to read an extract from the proceedings of the House relating to a matter under discussion,<sup>206</sup> to read from a speech made by a Member of the House during that particular Congress on the pending subject,<sup>207</sup> to refer to or to make any allusion to or comment upon the proceedings of the House of Representatives,<sup>208</sup> or to make reference to the proceedings in the House on the matter under consideration for the purpose of influencing the action of the Senate.<sup>209</sup>

It is out of order, as interfering with the independence of the two Houses, to allude to what has been done in the other House as a means of influencing the judgment of the one in which a question is pending.<sup>210</sup>

It has been held that "it was not competent for a Senator to make reference" to the House of Representatives,<sup>211</sup> or to criticize that body.<sup>212</sup>

References in debate to the proceedings of the House of Representatives on one occasion were ruled out of order,

<sup>201</sup> June 7, 1886, 49-1, *Record*, p. 5343.

<sup>202</sup> July 10, 1913, 63-1, *Record*, pp. 2363-64.

<sup>203</sup> June 5, 1929, 71-1, *Journal*, p. 95, *Record*, pp. 2400-01; Apr. 21, 1930, 71-2, *Record*, p. 7313; Mar. 21, 1967, 90-1, pp. 7518-19.

<sup>204</sup> June 7, 1886, 49-1, *Record*, p. 5343; see also June 25, 1930, 71-2, *Record*, p. 11677; Jan. 15, 1914, 63-2, *Record*, pp. 1692-94.

<sup>205</sup> Aug. 12, 1935, 74-1, *Record*, p. 12892.

<sup>206</sup> Aug. 26, 1912, 62-2, *Record*, pp. 11878-79.

<sup>207</sup> Apr. 25, 1894, 53-2, *Journal*, p. 166, *Record*, p. 4081.

<sup>208</sup> June 21, 1884, 48-1, *Record*, p. 5431; May 8, 1884, 48-1, *Record*, p. 3976.

<sup>209</sup> Apr. 6, 1916, 64-1, *Record*, p. 5572; June 4, 1914, 63-2, *Record*, pp. 9781-83; Aug. 12, 1935, 74-4, *Record*, p. 12892; see Feb. 28, 1966, 89-2, *Record*, p. 4300.

<sup>210</sup> June 30, 1890, 51-1, *Record*, p. 6748; see Aug. 4, 1890, 51-1, *Record*, p. 8077.

<sup>211</sup> July 3, 1935, 74-1, *Record*, p. 10691; see also July 24, 1954, 83-2, *Record*, p. 11893.

<sup>212</sup> May 29, 1897, 55-1, *Record*, pp. 1345, 1348.

and the Senator was called to order for a violation of the rules.<sup>213</sup>

It has been held out of order in debate for a Senator to refer to the proceedings in the House,<sup>214</sup> to read from the House proceedings as published in the *Record*, as ruled in 1923,<sup>215</sup> or to refer to proceedings relating to action on a bill.<sup>216</sup>

It has also been held a violation of the privilege of the membership to refer to the individual character or to the acts or conduct of Members of the House.<sup>217</sup>

It has also been held improper for a Senator to make references to or reflect on Members of the House,<sup>218</sup> to refer to a Member of the House by name,<sup>219</sup> to criticize the action of the Speaker,<sup>220</sup> or to refer in debate to a Member of the House in opprobrious terms or to impute to him unworthy motives.<sup>221</sup>

Under the precedents of the Senate, a Senator should not reflect unfairly on Members of the other body.<sup>222</sup>

The reading of a telegram being interrupted by a point of order that it reflected upon a Member of the House of Representatives, the objectionable language by unanimous consent was stricken from the *Record*.<sup>223</sup>

In connection with the consideration of a resolution authorizing an inquiry into the failure of the Speaker of the House of Representatives to take prompt action on a Senate joint resolution passed by the Senate, the Vice President held that it was in the discretion of Senators as to what they might or might not say about proceedings in the House,<sup>224</sup> provided they do not speak disrespectfully.<sup>225</sup>

The House of Representatives, in a message to the Senate, characterized certain language by a Senator in debate as being improper, unparliamentary, and a reflec-

<sup>213</sup> July 5, 1884, 48-1, *Record*, p. 6082.

<sup>214</sup> May 13, 1884, 48-1, *Record*, p. 4104; Apr. 8, 1884, 48-1, *Record*, p. 2749.

<sup>215</sup> Mar. 3, 1923, 67-4, *Journal*, p. 231, *Record*, pp. 5349-51.

<sup>216</sup> Aug. 6, 1894, 53-2, *Record*, p. 8232.

<sup>217</sup> Sept. 4, 1888, 50-1, *Record*, p. 8255.

<sup>218</sup> Aug. 5, 1948, 80-2, *Record*, p. 9872; see Feb. 28, 1966, 89-2, *Record*, pp. 4244-45.

<sup>219</sup> Aug. 26, 1935, 74-1, *Journal*, p. 735, *Record*, p. 14736; see also Jan. 15, 1914, 63-2, *Record*, pp. 1692-94.

<sup>220</sup> Aug. 12, 1935, 74-1, *Journal*, p. 593, *Record*, p. 12892.

<sup>221</sup> July 31, 1917, 65-1, *Record*, pp. 5595-96; Mar. 21, 1967, 90-1, *Record*, pp. 7518-19.

<sup>222</sup> See Sept. 17, 1970, 91-2, *Record*, p. 32512.

<sup>223</sup> Jan. 15, 1914, 63-2, *Record*, pp. 1692-94.

<sup>224</sup> Apr. 21, 1930, 71-2, *Record*, p. 7313; see also July 10, 1913, 63-1, *Record*, pp. 2363-64.

<sup>225</sup> Jan. 8, 1915, 63-3, *Record*, p. 1162.



tion on the character of one of its Members; the Senate, subsequently, upon the request of that Senator, ordered the language expunged from the permanent *Record*.<sup>226</sup>

On another occasion, the Senate never took any action on such a House-passed resolution—the resolution alleged that certain language used by a Senator concerning a Member of the House was a reflection on him, and requested that the Senate take appropriate action in connection therewith.<sup>227</sup>

A resolution of the Senate declaring that certain language used by a Member of the House in debate concerning a Senator was unwarranted, unjust, and untrue, thus constituting a breach of privilege, was returned by the House on the ground that the resolution itself was a breach of privilege; the House, however, subsequently expunged from the permanent *Record* the remarks to which the Senate took exception.<sup>228</sup>

### **Impeachment Proceedings, Debate in:**

Under the rules governing impeachment trials, Senators are not permitted to engage in colloquies,<sup>229</sup> or to participate in any argument.<sup>230</sup>

A request to abrogate the rule requiring questions by Members of the Senate during an impeachment trial to be in writing,<sup>231</sup> or that a member of the San Francisco bar be permitted to sit with the House managers to assist them in the development of the facts in an impeachment trial,<sup>232</sup> were held not to be debatable.

### **Interrogation by Senators in Possession of the Floor:**

A Senator who has the floor may yield to receive a question, but may not ask a question of another Senator.<sup>233</sup> A Senator who has the floor has no right to inter-

<sup>226</sup> Aug. 23, 1921, 67-1, *Journal*, pp. 248, 250, *Record*, p. 5528; Nov. 23, 1921, 67-1, *Journal*, p. 352, *Record*, p. 8157.

<sup>227</sup> Sept. 26 and 27, 1951, 82-1, *Record*, pp. 12096-97, 12269-70.

<sup>228</sup> June 26, 1919, 66-1, *Journal*, p. 96, *Record*, pp. 1785-87; June 28, 1919, 66-1, *Record*, pp. 2016-18.

<sup>229</sup> Apr. 11, 1933, 73-1, *Record*, p. 1470.

<sup>230</sup> May 16, 1933, 73-1, *Journal*, p. 329, *Record*, p. 3467.

<sup>231</sup> See Apr. 8, 1936, 74-2, *Record*, p. 5164.

<sup>232</sup> May 15, 1933, 73-1, *Journal*, p. 326, *Record*, p. 3395.

<sup>233</sup> Feb. 23, 1988, 100-2, *Record*, p. S 1149.

rogate or propound an inquiry of another Senator,<sup>234</sup> except by unanimous consent,<sup>235</sup> in which case the latter Senator may be allowed to answer such questions, with the right of the Senator having the floor being reserved in the meantime.<sup>236</sup>

A Senator occupying the floor is precluded from interrogating a Senator as to the meaning of an amendment offered by him.<sup>237</sup> Under a unanimous consent agreement limiting debate a Senator obtaining the floor cannot yield to a Senator for the purpose of making an inquiry of another Senator.<sup>238</sup> A Senator having the floor cannot yield to a second Senator to ask a third Senator a question.<sup>239</sup>

#### Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent:

A Senator who has been recognized holds the floor until relinquished, until called to order, or he proposes an action by the Senate by which he loses the floor as set forth in this section on interruption of Senator.<sup>240</sup>

A Senator who has the floor may decline to yield to another Senator.<sup>241</sup> A Senator who has the floor in his own right may decline to yield to another Senator who requests that the first Senator yield to him.<sup>242</sup> When a Senator has the floor he need not yield to another Senator for that latter Senator to make a parliamentary inquiry.<sup>243</sup> A Senator who has the floor can decline to yield for any purpose.<sup>244</sup>

Permission to interrupt a Senator who is in possession of the floor must be acquired through the Chair, by addressing him and inquiring if the Senator will yield.<sup>245</sup>

<sup>234</sup> Aug. 16 and 17, 1962, 87-2, *Record*, pp. 16705, 16852; Mar. 25, 1949, 81-1, *Record*, p. 3185; Apr. 1, 1949, 81-1, *Record*, p. 3657; June 20, 1947, 80-1, *Record*, pp. 7383, 7392; Aug. 28, 1940, 76-3, *Record*, p. 11109; Oct. 6, 1939, 76-2, *Record*, p. 168; June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9124; Feb. 16, 1931, 71-3, *Record*, p. 5006; see also Apr. 6, 1916, 64-1, *Record*, pp. 5579-83.

<sup>235</sup> Mar. 22, 1949, 81-1, *Record*, pp. 2897-98.

<sup>236</sup> *Ibid.*

<sup>237</sup> See June 3, 1938, 75-3, *Record*, p. 8066.

<sup>238</sup> Mar. 15, 1935, 74-1, *Record*, pp. 3696-97.

<sup>239</sup> See June 20, 1947, 80-1, *Record*, p. 7370.

<sup>240</sup> See Sept. 7, 1978, 95-2, *Record*, pp. 28316-17.

<sup>241</sup> June 14, 1984, 98-2, *Record*, pp. 16544-45.

<sup>242</sup> Nov. 25, 1980, 96-2, *Record*, p. 31071.

<sup>243</sup> June 15, 1982, 97-2, *Record*, p. 13688; Sept. 25, 1986, 99-2, *Record*, p. 26137.

<sup>244</sup> Feb. 23, 1985, 99-1, *Record*, p. 3279.

<sup>245</sup> June 9, 1914, 63-2, *Record*, pp. 10044-45; July 26, 1947, 80-1, *Record*, p. 10371; Aug. 23, 1958, 85-2, *Record*, p. 19457; June 19, 1957, 85-1, *Record*, p. 9640; July 24, 1954,

A Senator in debate should address the Presiding Officer first, and not the individual Member of the Senate.<sup>246</sup>

A Senator in possession of the floor, or who has been recognized does not have to yield or may not be interrupted against his will in the middle of a speech or without his consent,<sup>247</sup> unless he is called to order under Rule XIX;<sup>248</sup> no other Senator has a right to question him or to make remarks against his will during the course of his speech;<sup>249</sup> if he declines to yield, he may not be interrupted by another Senator,<sup>250</sup> and it is the duty of the Chair to enforce the rule on his own initiative.<sup>251</sup>

A Senator who declines to yield to another Senator is not required to take his seat under Rule XIX upon a demand by the latter Senator while he makes a point of order that the rule governing morning business had not been complied with.<sup>252</sup>

During the consideration of a resolution under a unanimous consent agreement providing for a limitation of debate and control of time, the Presiding Officer held that a Senator who had the floor could not be interrupted against his consent, and that he was not required to yield for a question of personal privilege or a parliamentary inquiry.<sup>253</sup>

Subsequently, in reply to parliamentary inquiries having for their purpose a clarification of the rulings made, the Presiding Officer expressed opinions that—

1. A Senator who had the floor could not be interrupted against his consent for the purpose of raising a question of personal privilege;

2. A Senator could be called to order under Rule XIX for the use of objectionable language, and if sustained by the Presiding Officer, he must take his seat; but if not sustained, he could continue with his remarks, the ruling in either case to be subject to an appeal, which would be

83-2, *Record*, p. 11890; July 21, 1941, 77-1, *Record*, p. 6170; Mar. 3, 1949, 81-1, *Record*, pp. 1795-96.

<sup>246</sup> July 21, 1941, 77-1, *Record*, p. 6170; Mar. 3, 1949, 81-1, *Record*, pp. 1795-96.  
<sup>247</sup> Nov. 25, 1980, 96-2, *Record*, p. 31071; July 26, 1947, 80-1, *Record*, p. 10371; Mar. 28, 1949, 81-1, *Record*, p. 3274; Apr. 4, 1949, 81-1, *Record*, pp. 3781-82; June 9, 1914, 63-2, *Record*, pp. 10044-45; Feb. 22, 1913, 62-3, *Record*, p. 3662.

<sup>248</sup> Jan. 25, 1938, 75-3, *Record*, pp. 1056-57; July 26, 1947, 80-1, *Record*, pp. 10405-06.

<sup>249</sup> May 19, 1950, 81-2, *Record*, p. 7301.

<sup>250</sup> Apr. 24, 1956, 84-2, *Record*, p. 6868.

<sup>251</sup> Aug. 6, 1937, 75-1, *Record*, p. 8358.

<sup>252</sup> Dec. 13, 1888, 50-2, *Record*, pp. 216-17.

<sup>253</sup> May 13, 1964, 88-2, *Record*, pp. 10783-94; May 14, 1964, 88-2, *Record*, pp. 10926-31, 10936-37.

debatable, if not operating under a unanimous consent agreement to the contrary;

3. Debate on this resolution under the unanimous consent agreement having terminated and the Senate having adopted a non-debatable motion to lay it on the table, the appeal was carried with it.<sup>254</sup>

Under Rule XXI, relative to a session with closed doors, a Senator may move to close the doors of the Senate for a discussion of business which may in his opinion, require secrecy, over the objection of the Senator in possession of the floor.<sup>255</sup>

A Senator who has been recognized or who has the floor may not be interrupted or taken off the floor without his consent for the purpose of (1) taking an appeal from a ruling by the Chair;<sup>256</sup> (2) suggesting the absence of a quorum;<sup>257</sup> (3) introducing a bill;<sup>258</sup> (4) presenting a conference report;<sup>259</sup> (5) transacting business;<sup>260</sup> (6) submitting a committee report;<sup>261</sup> (7) making a motion for an executive session;<sup>262</sup> (8) acting on a message from the President or the House of Representatives;<sup>263</sup> (9) introducing a matter of morning business;<sup>264</sup> (10) making a parliamentary inquiry;<sup>265</sup> (11) raising a question of per-

<sup>254</sup> See May 13, 1964, 88-2, *Record*, pp. 10783-94; May 14, 1964, 88-2, *Record*, pp. 10926-31, 10936-37.

<sup>255</sup> Feb. 6, 1903, 57-2, *Record*, p. 1780; Jan. 15, 1912, 62-2, *Journal*, p. 79, *Record*, pp. 942-43; Feb. 6, 1917, 64-2, *Record*, p. 2667.

<sup>256</sup> Feb. 22, 1923, 67-4, *Record*, p. 4254.

<sup>257</sup> Aug. 27, 1940, 76-3, *Journal*, p. 577, *Record*, p. 11036; May 3, 1954, 83-2, *Record*, p. 5840; see also "Yield for Suggestion of Absence of Quorum," pp. 1077-1078; Jan. 26, 1921, 66-3, *Record*, p. 2070; July 24, 1947, 80-1, *Record*, pp. 9994, 9996-97, 10000; Mar. 3, 1931, 71-3, *Record*, p. 7133; Aug. 14, 1914, 63-2, *Record*, pp. 13727-28; Mar. 22, 1922, 67-2, *Record*, p. 4226; June 5, 1920, 66-2, *Record*, p. 8637; June 6, 1913, 63-1, *Record*, p. 1907; July 16, 1897, 55-1, *Record*, p. 2632.

<sup>258</sup> Aug. 18, 1914, 63-2, *Record*, p. 13902.

<sup>259</sup> Mar. 21, 1950, 81-2, *Record*, p. 3705.

<sup>260</sup> Feb. 28, 1949, 81-1, *Record*, pp. 1585-86; July 6, 1917, 65-1, *Record*, p. 4718.

<sup>261</sup> May 4, 1917, 65-1, *Record*, p. 1782; July 6, 1917, 65-1, *Record*, p. 4718; Aug. 18, 1914, 63-2, *Record*, p. 13902.

<sup>262</sup> July 15, 1921, 67-1, *Journal*, p. 197, *Record*, pp. 3875-80.

<sup>263</sup> July 13, 1937, 75-1, *Journal*, p. 411, *Record*, pp. 7109-12.

<sup>264</sup> Dec. 15, 1908, 60-2, *Record*, p. 271.

<sup>265</sup> Mar. 21, 1972, 92-2, *Record*, pp. 9316-17; Mar. 1, 1967, 90-1, *Record*, p. 4943; Mar. 29, 1950, 81-2, *Record*, p. 4300; Mar. 30, 1950, 81-2, *Record*, pp. 4364-65; Dec. 19, 1910, 61-3, *Record*, p. 485; July 27, 1914, 63-2, *Record*, p. 12793; Feb. 22, 1923, 67-4, *Record*, p. 4254; July 24, 1947, 80-1, *Record*, p. 10007, 10128-29; July 24, 1947, 80-1, *Record*, pp. 9994, 9996-97, 10000; June 18, 1948, 80-2, *Record*, p. 8822; June 19, 1948, 80-2, *Record*, pp. 8966-67; Feb. 28, 1949, 81-1, *Record*, pp. 1585-86; Mar. 28, 1949, 81-1, *Record*, p. 3274; Apr. 4, 1949, 81-1, *Record*, pp. 3781-82; Oct. 13, 1949, 81-1, *Record*, pp. 14403-04; Mar. 12, 1949, 81-1, *Record*, pp. 2350-51; Apr. 4, 1949, 81-1, *Record*, p. 3782; Apr. 5, 1949, 81-1, *Record*, p. 3875; Sept. 7, 1959, 86-1, *Record*, pp. 18303, 18305; see also Feb. 27, 1960, 86-2, *Record*, p. 3631; Aug. 20, 1959, 86-1, *Record*, pp. 16528-29; July 24, 1954, 83-2, *Record*, p. 11807; Dec. 16, 1937, 75-2, *Record*, p. 1612; Mar. 13, 1945, 79-1, *Record*, p. 2107.

sonal privilege;<sup>266</sup> (12) presenting a petition to the Senate;<sup>267</sup> (13) considering a privileged matter;<sup>268</sup> (14) making a point of order;<sup>269</sup> or raising a point of order against the consideration of a pending amendment;<sup>270</sup> (15) introducing a resolution or other matter;<sup>271</sup> (16) making a motion to lay a pending motion on the table;<sup>272</sup> (17) laying a veto message before the Senate,<sup>273</sup> or the reconsideration of a vetoed bill;<sup>274</sup> (18) or to order the yeas and nays.<sup>275</sup>

If a Senator yields for any such purpose, he yields the floor (except by unanimous consent).<sup>276</sup>

When a Senator has been recognized to debate an amendment and the Chair interrupts the proceedings to inform the Senate that the amendment is not in order, that Senator nonetheless retains the floor.<sup>277</sup>

A Senator who desires to withdraw a motion to reconsider previously made by him has no prior right of recognition over a Senator who has been recognized.<sup>278</sup>

During the consideration of morning business under a unanimous consent agreement providing for a 3-minute limitation of debate, a Senator is not required to yield against his consent for a point of order.<sup>279</sup>

A Senator who has been recognized and is addressing the Senate, deserves the attention of the Senators and

<sup>266</sup> Mar. 13, 1933, 73-1, *Record*, p. 267; Sept. 21, 1922, 67-2, *Record*, p. 13079; Feb. 17, 1915, 63-3, *Record*, pp. 3941-42; Apr. 16, 1940, 76-3, *Record*, pp. 4575, 4577; May 14, 1940, 76-3, *Record*, p. 6061; Mar. 27, 1947, 80-1, *Record*, p. 2702; June 19, 1948, 80-2, *Record*, pp. 8966, 8968; Oct. 13, 1949, 81-1, *Record*, pp. 14412-13; July 5, 1952, 82-2, *Record*, p. 9540; June 12, 1952, 82-2, *Record*, p. 7090; June 3, 1953, 83-1, *Record*, p. 5957; May 4, 1961, 87-1, *Record*, p. 7319.

<sup>267</sup> July 13, 1921, 67-1, *Record*, p. 3654; Aug. 24, 1921, 67-1, *Record*, p. 5603; Aug. 6, 1937, 75-1, *Record*, p. 8358.

<sup>268</sup> Dec. 8, 1942, 77-2, *Record*, pp. 9387-88.

<sup>269</sup> June 5, 1934, 73-2, *Record*, p. 10479; Apr. 27, 1935, 74-1, *Record*, p. 6500; June 22, 1976, 94-2, *Record*, pp. 19609-10; Feb. 22, 1913, 62-3, *Record*, p. 3662; Apr. 2, 1937, 75-1, *Record*, p. 3065; Jan. 23, 1946, 79-2, *Record*, p. 234; July 24, 1947, 80-1, *Record*, pp. 9994, 9996-97, 10000; July 24, 1947, 80-1, *Record*, pp. 10007, 10128-29; July 26, 1947, 80-1, *Record*, pp. 10405-06; June 19, 1948, 80-2, *Record*, pp. 8966-67; Feb. 23, 1949, 81-1, *Record*, pp. 1585-86; Apr. 21, 1949, 81-1, *Record*, p. 4889; Oct. 13, 1949, 81-1, *Record*, pp. 14403-04; see also Sept. 1, 1959, 86-1, *Record*, p. 17502; Apr. 24, 1959, 86-1, *Record*, pp. 6694-99; May 3, 1954, 83-2, *Record*, p. 5840; Mar. 13, 1945, 79-1, *Record*, p. 2107; Dec. 16, 1937, 75-2, *Record*, p. 1612; July 27, 1914, 63-2, *Record*, p. 12793.

<sup>270</sup> Dec. 16, 1937, 75-2, *Record*, p. 1612.

<sup>271</sup> Dec. 27, 1920, 66-3, *Record*, p. 742.

<sup>272</sup> Sept. 18, 1914, 63-2, *Record*, p. 15258; June 12, 1935, 74-1, *Journal*, p. 435, *Record*, p. 9186.

<sup>273</sup> May 22, 1935, 74-1, *Record*, p. 7979.

<sup>274</sup> July 13, 1937, 75-1, *Journal*, pp. 411-12, *Record*, pp. 7110-12.

<sup>275</sup> June 22, 1976, 94-2, *Record*, pp. 19609-10.

<sup>276</sup> July 13, 1937, 75-1, *Journal*, pp. 411-12, *Record*, pp. 7110-12.

<sup>277</sup> July 9, 1985, 99-1, *Record*, pp. 16983, 18168-69.

<sup>278</sup> See Mar. 21, 1939, 76-1, *Record*, p. 3051.

<sup>279</sup> See May 15, 1964, 88-2, *Record*, pp. 10990-91.

interruptions are out of order except with his consent and under the rules it is the duty of the Chair to preserve order and the Chair would be empowered to call upon the Sergeant at Arms to preserve order; <sup>280</sup> but there is nothing in the rules requiring or permitting the Chair to order a Senator to take his seat; <sup>281</sup> he may require Senators to be seated under Rule XIX. <sup>282</sup>

A Senator addressing the Senate, who is interrupted when the Morning Hour expires, for the unfinished business to be laid before the Senate does not lose his right to the floor. <sup>283</sup>

When the consideration of a bill is interrupted by the laying before the Senate at a specified hour of another bill pursuant to a unanimous consent agreement, a Senator having the floor at the time if not in effect excluded by the agreement is not deprived of that right and may continue with his address. <sup>284</sup>

Under precedents of recent years, a Senator obtaining the floor while no business is pending would not likely be taken therefrom on objection by a Senator that there was no pending business before the Senate. <sup>285</sup>

Where a Senator had proceeded with an address for several minutes while no business was pending, it was decided by the Senate on appeal, that the Senator could not, against his consent, be taken from the floor by another Senator for the purpose of making a motion for an executive session. <sup>286</sup>

A request by one Senator of another who has the floor if he will yield for the submission of a unanimous consent request for a recess at a certain time is not included in the inhibition of Rule VII against interruptions for the presentation of certain matters of morning business. <sup>287</sup>

<sup>280</sup> See June 5, 1958, 85-2, *Record*, pp. 10281-84.

<sup>281</sup> See Sept. 7, 1959, 86-1, *Record*, p. 18316.

<sup>282</sup> *Ibid.*

<sup>283</sup> May 24, 1912, 62-2, *Record*, pp. 7083-84; Feb. 24, 1927, 69-2, *Record*, pp. 4643, 4650; Feb. 17, 1915, 63-3, *Record*, p. 3936; Aug. 4, 1917, 67-2, *Record*, p. 5794; Jan. 10, 1921, 66-3, *Record*, p. 1193; Jan. 23, 1928, 70-1, *Record*, p. 1858; Jan. 28, 1929, 70-2, *Record*, p. 2336; Feb. 15, 1929, 70-2, *Record*, p. 3507; Sept. 9, 1929, 71-1, *Record*, p. 3468; Sept. 30, 1929, 71-1, *Record*, p. 4058.

<sup>284</sup> Feb. 24, 1927, 69-2, *Journal*, p. 216, *Record*, pp. 4656-57.

<sup>285</sup> Dec. 8, 1942, 77-2, *Record*, pp. 9388-89.

<sup>286</sup> July 15, 1921, 67-1, *Journal*, p. 197, *Record*, pp. 3875-80.

<sup>287</sup> Aug. 14, 1912, 62-2, *Record*, p. 10912.

### Jefferson's Manual Does Not Control Senate Debate:

See also "House of Representatives, Reference in Debate to Representatives and the House Itself," pp. 745-748.

*Jefferson's Manual* is not a direct authority on parliamentary procedure in the Senate;<sup>288</sup> nor is his *Manual* a part of the Senate rules.<sup>289</sup>

### Journal, Debate of:

Debate is not in order during the reading of the *Journal*.<sup>290</sup>

A motion to amend the *Journal* is debatable,<sup>291</sup> and on one occasion after Rule XIX, paragraph 1(b) had been amended to require germaneness of debate during the first 3 hours of each day's session after it proceeded to the consideration of its "business," the Vice President, in response to a parliamentary inquiry, held that the rule applied to amendments to the *Journal* and that debate thereon must be germane for the first 3 hours.<sup>292</sup>

### Leaders—Leader Time Under Standing Order:

The Chair has indicated in response to various inquiries, that if a leader's time under the standing order had been reserved by unanimous consent for use later in the day, it could be used in the following instances: after debate on that leader's side had expired under an order that provided that a vote occur at the end of 90 minutes of controlled debate on an amendment;<sup>293</sup> after time had expired under the Budget Act of 1974 for the consideration of a conference report on a reconciliation bill;<sup>294</sup> and on an amendment that was to be disposed of without debate.<sup>295</sup>

On one occasion, the Majority Leader used the balance of his leadership time (which he had reserved earlier that day) during debate on an amendment which by unani-

<sup>288</sup> Mar. 8, 1916, 64-1, *Record*, p. 3732.

<sup>289</sup> March 21, 1967, 90-1, *Record*, pp. 7518-19.

<sup>290</sup> Sept. 23, 1976, 94-2, *Record*, pp. 32167-71.

<sup>291</sup> Nov. 28, 1922, 67-3, *Record*, pp. 326-27; see also Nov. 17, 1942, 77-2, *Record*, p. 8921; Jan. 25, 1966, 89-2, *Record*, p. 1048.

<sup>292</sup> See Jan. 26, 1966, 89-2, *Record*, pp. 1160-62; Rule XIX, par. 1(b) was formerly Rule VIII, par. 3.

<sup>293</sup> See Apr. 11, 1989, 101-1, *Record*, pp. S 3571, 3588, 3591.

<sup>294</sup> See Oct. 27, 1990, 101-2, *Record*, pp. S 17565, 17567.

<sup>295</sup> See Apr. 11, 1989, 101-1, *Record*, p. S 3593.

mous consent was being considered under controlled debate, and was to be voted on at a time certain. The time so used was subtracted equally from the two Senators controlling the time for debate.<sup>296</sup> On another occasion, the Chair informed the two leaders that they could use their leader time (which had been reserved) pending the vote of the Senate on the nondebatable question of the germaneness of an amendment to a general appropriation bill.<sup>297</sup>

### **Leaders—Preferential Recognition:**

*See also* “Leaders—Preferential Recognition,” pp. 1098–1099.

When the manager of a measure seeks recognition at the same time as another Senator (other than one of the leaders) the Chair should recognize the manager.<sup>298</sup> The Majority Leader may designate the manager of a matter under consideration on the floor, and the leaders and managers of a bill are accorded preferential recognition over other Senators if recognition is sought simultaneously. Otherwise, the Chair will recognize the Senator who first came to the attention of the Chair.<sup>299</sup>

Under the precedents, a Senator in the leadership position is given preferential recognition by the Chair if he seeks the floor at the same time as another Senator.<sup>300</sup> When the Majority Leader yields to another Senator for a question during his standing order, the time consumed by that other Senator is charged against the time of the leader under that order.<sup>301</sup>

### **Lean on Desk in Debate:**

There is nothing in the rules or precedents prohibiting a Senator from leaning on his desk while speaking. “The Senator is merely required to stand.”<sup>302</sup>

### **Leave for Committee To Sit:**

*See* “Debatable Matters,” pp. 735–737.

<sup>296</sup> See May 2, 1989, 101-1, *Record*, pp. S 4569, 4579–85.

<sup>297</sup> See Apr. 27, 1990, 101-2, *Record*, pp. S 5173, 5175.

<sup>298</sup> Mar. 14, 1983, 98-1, *Record*, p. 5117. Also see *Record*, pp. 4408, 4482–83.

<sup>299</sup> Aug. 18, 1982, 97-2, *Record*, p. 21835.

<sup>300</sup> Aug. 19, 1980, 96-2, *Record*, p. 21899.

<sup>301</sup> June 26, 1986, 99-2, *Record*, p. 15774.

<sup>302</sup> June 20, 1947, 80-1, *Record*, p. 7434.



### Legislative—Executive Business:

It is not in order in legislative session in connection with a nomination pending before the Senate, for a Senator to read and comment on documents relating thereto which came before the committee in executive session (closed session).<sup>303</sup>

It is not in order for a Senator in legislative session to discuss proceedings that occurred in executive session.<sup>304</sup>

### Legislative Session, Debate of Motion for:

A motion in executive session for the Senate to resume or to proceed to the consideration of legislative business is not debatable.<sup>305</sup>

### Limitation on Debate:

*See also* "Speeches Allowed in Same Legislative Day," pp. 781-785; "Unanimous Consent Agreements," pp. 1311-1369.

A motion to limit debate is not in order, as it requires unanimous consent;<sup>306</sup> a motion to limit debate in connection with making a bill a special order is not in order.<sup>307</sup> The cloture rule, if invoked, places a limitation on debate on that pending business.<sup>308</sup>

Where a motion is submitted to make a bill a special order and to provide for a limitation of debate, the part of the motion limiting debate is not in order, as it requires unanimous consent.<sup>309</sup>

A resolution providing for a limitation of debate during the remainder of a session and for that purpose modifying certain enumerated rules, submitted pursuant to a notice in writing, against which a point of order was made that two other rules not mentioned were materially modified and that the notice was not sufficiently specific, was held to be in order on the ground that the purpose and spirit of the rule were stated in the resolution.<sup>310</sup>

<sup>303</sup> Jan. 27, 1925, 68-2, *Journal*, p. 119, *Record*, pp. 2514-15.

<sup>304</sup> May 24, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9796.

<sup>305</sup> Oct. 1, 1976, 94-2, *Record*, pp. 34583-87; Sept. 16, 1919, 66-1, *Record*, pp. 5511-12; June 4, 1946, 79-2, *Record*, p. 6245.

<sup>306</sup> July 9, 1932, 72-1, *Journal*, p. 698, *Record*, p. 14958.

<sup>307</sup> *Ibid.*

<sup>308</sup> Rule XXII.

<sup>309</sup> July 9, 1932, 72-1, *Journal*, p. 698.

<sup>310</sup> Jan. 20 and 22, 1891, 51-2, *Journal*, pp. 87, 90, *Record*, pp. 1565, 1667.

A unanimous consent agreement limiting debate on a bill does not apply to another matter taken up for consideration.<sup>311</sup>

A unanimous consent agreement limiting debate on a bill will not be affected by the rejection of a cloture motion subsequently presented.<sup>312</sup>

### List of Speakers:

*See also* "Recognition," pp. 1091-1105.

While in practice the Presiding Officer, for convenience, frequently, keeps at the desk a list of Senators desiring to speak, and recognizes them in the order in which they are so listed,<sup>313</sup> the Senator who first addresses the Chair should be recognized<sup>314</sup> upon a point of order being made, and the Chair on various occasions has held that the list at the desk has no parliamentary standing and gives way to the rule for recognition,<sup>315</sup> which mandates that the Senator who shall first address the Chair shall be recognized.<sup>316</sup>

In 1917, the Senate on appeal decided that a request of the Chair as to whether or not, in the recognition of Senators, he would observe or disregard the list left at the desk, was not a parliamentary inquiry.<sup>317</sup>

### Loses Floor:

*See* "Senator Loses Floor," pp. 775-778.

<sup>311</sup> Dec. 13 and 16, 1924, 68-2, *Journal*, pp. 39, 61; *see also* Feb. 4, 1944, 78-1, *Record*, p. 1265.

<sup>312</sup> *See* May 25, 1946, 79-2, *Record*, p. 5712.

<sup>313</sup> Feb. 24, 1917, 64-2, *Record*, p. 4098; *see also* Mar. 24, 1960, 86-2, *Record*, pp. 6449-51; Mar. 23, 1960, 86-2, *Record*, pp. 6366-67; Mar. 16, 1960, 86-2, *Record*, pp. 5706-09; Mar. 31, 1964, 88-2, *Record*, pp. 6607-08.

<sup>314</sup> *See* Mar. 7, 1947, 80-1, *Record*, p. 1789.

<sup>315</sup> Sept. 13, 1940, 76-3, *Record*, pp. 12093, 12097; July 17, 1945, 79-1, *Record*, p. 7626; July 25, 1945, 79-1, *Record*, pp. 8041-42, 8045; May 22, 1946, 79-2, *Record*, p. 5438; July 20, 1949, 81-1, *Record*, pp. 9767-68; *see* Sept. 11, 1950, 81-2, *Record*, p. 14504; Jan. 15, 1951, 82-1, *Record*, p. 218; May 28, 1956, 84-2, *Record*, pp. 9099-9100; Mar. 24, 1960, 86-2, *Record*, pp. 6449-50; Mar. 23, 1960, 86-2, *Record*, pp. 6366-67; Mar. 16, 1960, 86-2, *Record*, pp. 5706-09; Oct. 9, 1978, 95-2, *Record*, p. 34817; Oct. 10, 1978, 95-2, *Record*, p. 35235.

<sup>316</sup> *See* Mar. 21, 1975, 94-1, *Record*, pp. 8061-62; Mar. 31, 1964, 88-2, *Record*, pp. 6607-08, 6613.

<sup>317</sup> Mar. 4, 1917, 64-2, *Journal*, p. 230, *Record*, p. 5012.

### Messages, Debate of:

Any motion to lay before the Senate a message from the President of the United States or the House of Representatives shall be determined without debate.<sup>318</sup>

Petitions and memorials under the rule must be presented and referred without debate;<sup>319</sup> they are not debatable when introduced.<sup>320</sup> A motion for the reference of a petition is not debatable.<sup>321</sup>

A communication from the head of a department laid before the Senate during the Morning Hour is not debatable, upon objection,<sup>322</sup> but a discussion thereof is in order by unanimous consent.<sup>323</sup>

### Milk While Speaking:

Senate rules do not prohibit a Senator from sipping milk during his speech.<sup>324</sup>

### Morning Business, Debate During:

Debate,<sup>325</sup> speeches, addresses or remarks,<sup>326</sup> are not in order at the beginning of a new legislative day, prior to the conclusion or during the consideration of morning business upon a demand for the regular order,<sup>327</sup> except by unanimous consent;<sup>328</sup> nor is debate on a report during this period in order, except by unanimous consent.<sup>329</sup>

<sup>318</sup> Rule VII, clause 7; see May 21, 1935, 74-1, *Journal*, pp. 363-64, *Record*, p. 7896.

<sup>319</sup> Jan. 10, 1927, 69-2, *Journal*, p. 72, *Record*, pp. 1320-23; Apr. 9, 1937, 75-1, *Record*, p. 3309.

<sup>320</sup> Apr. 5, 1937, 75-1, *Journal*, p. 211.

<sup>321</sup> Jan. 10, 1927, 69-2, *Journal*, p. 72.

<sup>322</sup> June 21, 1913, 63-1, *Record*, p. 2117-18.

<sup>323</sup> Aug. 7, 1913, 63-1, *Record*, pp. 3166, 3168.

<sup>324</sup> Jan. 24, 1966, 89-2, *Record*, p. 1023.

<sup>325</sup> Feb. 15, 1935, 74-1, *Journal*, p. 123, *Record*, p. 2002; Mar. 4, 1935, 74-1, *Journal*, p. 160, *Record*, p. 2841; Feb. 16, 1924, 68-1, *Record*, p. 2542; Apr. 13, 1928, 70-1, *Record*, p. 6354; Apr. 11, 1935, 74-1, *Record*, p. 5406; Nov. 17, 1941, 77-1, *Record*, p. 8905; June 18, 1942, 77-2, *Record*, p. 5317; May 20, 1943, 78-1, *Record*, pp. 4648-49; Oct. 18, 1945, 79-1, *Record*, pp. 9761-62; Jan. 10, 1947, 80-1, *Record*, p. 217; Feb. 10, 1949, 81-1, *Record*, p. 1108; Oct. 13, 1942, 77-2, *Record*, p. 8101; Feb. 4, 1964, 88-2, *Record*, p. 1823.

<sup>326</sup> Feb. 19, 1940, 76-3, *Record*, pp. 1574-75; Feb. 26, 1940, 76-3, *Record*, p. 1943; Mar. 4, 1935, 74-1, *Record*, p. 2841; Nov. 10, 1941, 77-1, *Record*, pp. 8695, 8700; Nov. 27, 1941, 77-1, *Record*, p. 9185; Feb. 7, 1947, 80-1, *Record*, pp. 880-81; Jan. 18, 1949, 81-1, *Record*, p. 434; Feb. 7, 1949, 81-1, *Record*, p. 827; Feb. 8, 1949, 81-1, *Record*, p. 942; Feb. 10, 1949, 81-1, *Record*, p. 1108; Feb. 17, 1949, 81-1, *Record*, p. 1329; Mar. 8, 1937, 75-1, *Record*, p. 1943.

<sup>327</sup> Mar. 4, 1935, 74-1, *Record*, p. 2841; Sept. 29, 1976, 94-2, *Record*, p. 33328.

<sup>328</sup> Feb. 3, 1949, 81-1, *Record*, p. 780; Dec. 23, 1914; 63-3, *Record*, p. 622; Jan. 3, 1933, 72-2, *Record*, p. 1154; Feb. 21, 1933, 72-2, *Record*, p. 4558; Feb. 7, 1949, 81-1, *Record*, p. 828; Dec. 10, 1941, 77-1, *Record*, p. 9603; see also Sept. 30, 1929, 71-1, *Record*, p. 4058.

<sup>329</sup> June 18, 1942, 77-2, *Record*, p. 5317; Jan. 10, 1947, 80-1, *Record*, p. 217; Feb. 7, 1947, 80-1, *Record*, pp. 880-81.

Debate is not in order when the Senate is conducting morning business except by unanimous consent.<sup>330</sup>

It is not in order during the introduction of bills and joint resolutions to read a speech into the *Record* over an objection.<sup>331</sup>

It is not in order to make brief statements in connection with the introduction of bills or the submission of resolutions, except by unanimous consent.<sup>332</sup>

Debate in connection with the introduction of a bill is not in order except by unanimous consent.<sup>333</sup>

A discussion by a Senator of a bill which he desires to introduce is not in order upon objection being made.<sup>334</sup>

During the transaction of morning business a speech by a Senator is not in order unless on a question of personal privilege.<sup>335</sup>

In 1914, the Chair ruled that remarks of a Senator, prior to the conclusion of morning business, are not in order unless there is some question pending before the Senate.<sup>336</sup>

In 1921, the Chair ruled that the reference of a resolution coming over from a previous day was not debatable until the conclusion of the morning business.<sup>337</sup>

A Senator who is recognized during the transaction of morning business and presents a proposed unanimous consent agreement for a final vote on a bill cannot hold the floor upon objection being made to such request.<sup>338</sup>

### **Morning Hour: Debate During, After Morning Business:**

*See also* "Calendar, Debate Under Call of," pp. 728-730; "Morning Business, Debate During," pp. 758-759.

A Senator during the Morning Hour is not entitled to the floor, upon objection, when no debatable matter is before the Senate.<sup>339</sup>

<sup>330</sup> July 21, 1986, 99-2, *Record*, p. 17098.

<sup>331</sup> Feb. 26, 1924, 68-1, *Record*, p. 3136.

<sup>332</sup> *See* Feb. 10, 1964, 88-2, *Record*, p. 2645.

<sup>333</sup> Feb. 27, 1953, 81-1, *Record*, pp. 1462-65.

<sup>334</sup> June 10, 1913, 63-1, *Record*, p. 1935.

<sup>335</sup> Sept. 16, 1922, 67-2, *Record*, p. 12738.

<sup>336</sup> Apr. 7, 1914, 63-2, *Record*, p. 6329; Oct. 2, 1945, 79-1, *Record*, p. 9226.

<sup>337</sup> Jan. 18, 1921, 66-3, *Record*, p. 1545.

<sup>338</sup> Aug. 3, 1922, 67-2, *Record*, pp. 10897-10901.

<sup>339</sup> Oct. 2, 1945, 79-1, *Record*, p. 9226.

A motion to take up a bill or resolution in the Morning Hour is not debatable,<sup>340</sup> but once the motion to consider has been agreed to, the question on the passage of the bill is not subject to a limitation of debate.<sup>341</sup> Such a motion to take up is not debatable even if the measure was laying on the table pursuant to a previous order,<sup>342</sup> nor would an appeal from the decision of the Chair in connection therewith be debatable.<sup>343</sup>

A motion made before the expiration of 2 hours on a new legislative day (during the Morning Hour) to proceed to the consideration of a bill, but unacted upon before that hour, does not become debatable after that hour, even when there is no unfinished business.<sup>344</sup>

A motion made after the expiration of 1 hour on a new legislative day to proceed to the consideration of a motion relating to Senate amendments to a House bill is not debatable,<sup>345</sup> and it is not in order to rise to a question of personal privilege in connection with such a matter.<sup>346</sup>

Pending a motion to proceed to the consideration of a bill, which is not debatable, the Presiding Officer held that the reading of the report of a committee at that stage was in the nature of debate and not in order upon objection.<sup>347</sup>

<sup>340</sup> Rule VIII; Dec. 9, 1926, 69-2, *Journal*, p. 27; Apr. 17, 1951, 82-1, *Record*, p. 3960; Dec. 8, 1884, 48-2, *Record*, p. 68; Feb. 8, 1888, 50-1, *Record*, p. 1044; Oct. 4 and 20, 1913, 63-1, *Record*, p. 5443; Dec. 6, 1913, 63-2, *Record*, p. 338; Dec. 9, 1926, 69-2, *Journal*, p. 27; Jan. 17, 1927, 69-2, *Journal*, p. 90; Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3571; Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572; Feb. 26, 1927, 69-2, *Record*, p. 4901; July 6, 1937, 75-1, *Journal*, p. 398, *Record*, p. 6787; Mar. 27, 1939, 76-1, *Record*, p. 3325; Jan. 29, 1941, 77-1, *Record*, p. 337; Jan. 16, 1942, 77-2, *Record*, p. 423; June 18, 1942, 77-2, *Record*, p. 5321; July 21, 1942, 77-2, *Record*, p. 6427; Feb. 4, 1943, 78-1, *Record*, p. 588; Feb. 25, 1943, 78-1, *Record*, p. 1299; Mar. 9, 1943, 78-1, *Record*, p. 1695; May 24, 1943, 78-1, *Record*, p. 4784; May 9, 1944, 78-2, *Record*, p. 4172; Nov. 16, 1944, 78-2, *Record*, p. 8184; Jan. 17, 1946, 79-1, *Record*, p. 81; Mar. 24, 1947, 80-1, *Record*, p. 2440; Apr. 21, 1947, 80-1, *Record*, p. 3715; Jan. 13, 1949, 81-1, *Record*, p. 185; Apr. 17, 1951, 82-1, *Record*, p. 3960; Apr. 1, 1953, 83-1, *Record*, p. 2611; May 12, 1953, 83-1, *Record*, p. 4761; Feb. 20, 1956, 84-2, *Record*, p. 2854; see also Nov. 13, 1942, 77-2, *Record*, p. 8814; Nov. 19, 1940, 76-3, *Record*, p. 13661; Nov. 16, 1937, 75-3, *Record*, p. 27; Oct. 9, 1968, 90-2, *Record*, pp. 30174-75; Jan. 19, 1977, 95-1, *Record*, pp. 1643-45; Aug. 16, 1978, 95-2, *Record*, pp. 26343-44.

<sup>341</sup> Feb. 10, 1949, 81-1, *Record*, p. 1115; see also Jan. 21, 1914, 63-2, *Record*, p. 2019; Aug. 13, 1942, 77-2, *Record*, p. 6829.

<sup>342</sup> Apr. 12, 1886, 49-1, *Record*, p. 3378.

<sup>343</sup> Dec. 20, 1928, 70-2, *Journal*, p. 53, *Record*, pp. 915-16.

<sup>344</sup> Apr. 22, 1940, 76-3, *Journal*, p. 267, *Record*, pp. 4829, 4835; Mar. 3, 1923, 67-4, *Record*, pp. 5273-74; see also Nov. 13, 1942, 77-2, *Record*, p. 8814; Oct. 12, 1943, 78-1, *Record*, pp. 8246-47; Jan. 19, 1977, 95-1, *Record*, pp. 1643-45; Sept. 11, 1987, 100-1, *Record*, p. S11990.

<sup>345</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, pp. 3571-72.

<sup>346</sup> *Ibid.*

<sup>347</sup> See Dec. 17, 1886, 49-2, *Record*, p. 244.

The reading of a report accompanying a bill is not in order pending a motion in the Morning Hour to proceed to the consideration of a bill.<sup>348</sup>

Where a departmental communication has been laid before the Senate in the Morning Hour and ordered to lie on the table, a discussion thereof can proceed only by unanimous consent.<sup>349</sup>

### Non-Debatable Matters:

*See also* "Unanimous Consent Agreements," pp. 1311-1369.

As determined by the rules and under the practices of the Senate, the following matters are not debatable:

1. Adjourn, motion to, including appeals from the decision of the Chair relative thereto.<sup>350</sup>
2. Appeals arising in connection with non-debatable questions or motions, or when the original motion is not debatable.<sup>351</sup>
3. Closing of doors when secrecy is desired.<sup>352</sup> (Until June 17, 1929, all executive business was transacted in closed sessions unless the Senate voted to open them.)<sup>353</sup>
4. Cloture questions, submittal to the Senate of, for vote to determine if rule should be invoked, including points of order, questions of relevancy of amendments, and appeals after the cloture rule has been invoked.<sup>354</sup>
5. Conference report, motion to proceed to consider.<sup>355</sup>
6. Executive business, to proceed to consideration of, including a motion for a closed executive session.<sup>356</sup>
7. In executive session, a motion that the Senate proceed to the consideration of legislative business.<sup>357</sup>
8. General appropriation bills, question of relevancy of amendments to.<sup>358</sup>
9. Messages from the President or House of Representatives, motion to lay before the Senate.<sup>359</sup>

<sup>348</sup> Jan. 4, 1915, 63-3, *Record*, p. 903.

<sup>349</sup> Aug. 7, 1913, 63-1, *Record*, pp. 3166, 3168.

<sup>350</sup> See "Adjournment," pp. 1-23.

<sup>351</sup> See "Questions Not Debatable," pp. 725-726.

<sup>352</sup> Rule XXI; June 10, 1884, 48-1, *Record*, p. 4959; June 11, 1884, 48-1, *Record*, pp. 5000-02.

<sup>353</sup> See June 17, 1929, 71-1, *Journal*, p. 122.

<sup>354</sup> Rule XXII; Feb. 28, 1927, 69-2, *Journal*, p. 247; see "Cloture Procedure," pp. 282-338.

<sup>355</sup> See "Motion to Consider Not Debatable," p. 731.

<sup>356</sup> See "Executive Session, Debate of Motion for," p. 742.

<sup>357</sup> Sept. 16, 1919, 66-1, *Record*, pp. 5511-12.

<sup>358</sup> See "Appropriation Bills, Relevancy of Amendments," p. 727.

<sup>359</sup> See "Messages, Debate of," p. 758.

10. Morning business.<sup>360</sup>
11. Morning Hour, motions during the Morning Hour (before the expiration of two hours), to proceed to the consideration of any matter.<sup>361</sup>
12. Motion that a Senator who has been called to order be permitted to proceed in order.<sup>362</sup>
13. Petitions and memorials, reference of.<sup>363</sup>
14. Points of order not submitted to Senate, including the ones arising on appeals, together with incidental appeals.<sup>364</sup>
15. Quorum, after the absence of a quorum is suggested, including proceedings and motions directing Sergeant at Arms to request or compel attendance of absent Senators, or warrants of arrests, or request to dispense with a quorum call.<sup>365</sup>
16. Reading of a paper by the Secretary; the determination of the question by the Senate when called for by a Senator and objection is heard.<sup>366</sup>
17. Reading of paper by the Secretary, a motion to dispense with further reading.<sup>367</sup>
18. Recess, to take a, or to take a recess to a certain hour.<sup>368</sup>
19. Recognition, the question of recognizing a Senator, which is sole prerogative of the Presiding Officer.<sup>369</sup>
20. Reconsideration, motion to request House of Representatives to return papers in connection with motion for.<sup>370</sup>
21. Reference of a bill (question of jurisdiction determined) by the Presiding Officer under Section 137 of the Legislative Reorganization Act of 1946 (now Rule XVII, par. 1).<sup>371</sup>
22. Reorganization plan, motion to proceed to the consideration of concurrent resolution disapproving.<sup>372</sup>

<sup>360</sup> See "Morning Business, Debate During," pp. 758-759.

<sup>361</sup> See "Morning Hour, Debate During, After Morning Business," pp. 759-761; "Calendar, Debate Under Call of," pp. 728-730.

<sup>362</sup> See "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738-742.

<sup>363</sup> See "Messages, Debate of," p. 758.

<sup>364</sup> See "Points of Order, Debate of," pp. 765-766.

<sup>365</sup> See "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Arrests of Senators, Order for Determined Without Debate," p. 727; "Reading of Documents, Decided without Debate," p. 768.

<sup>366</sup> See "Reading of, by Clerk, Determined Without Debate," p. 768.

<sup>367</sup> *Ibid*

<sup>368</sup> See "Recess, Motion for Not Debatable," p. 769.

<sup>369</sup> See "Recognition, Debate of," p. 769.

<sup>370</sup> See "Reconsideration, Debate of," pp. 770-771.

<sup>371</sup> See "References and Motion To Refer, Debate of," pp. 771-772.

<sup>372</sup> See "Reorganization Plans, Debate of," pp. 772-773.

23. Special orders, motion in Morning Hour to make a bill a special order, or a motion to change a special order, or to proceed to the consideration of other business at that time.<sup>373</sup>

24. Speeches, a motion that a Senator who has spoken twice in the same legislative day on the same subject be permitted to speak again.<sup>374</sup>

25. Table, motion to lay a matter on, including a motion to table a motion to reconsider;<sup>375</sup> a motion to reconsider the vote on a motion to table is not debatable, since the motion to table is not debatable.<sup>376</sup>

26. Unanimous consent, request for, but a Senator in reserving the right to object, is usually allowed to state his position, until the regular order is called for.<sup>377</sup>

27. Voting, request of Senator to be excused from,<sup>378</sup> or that debate is not in order during a vote.

28. When there is a unanimous consent agreement on a matter, a subsidiary motion which is not provided for in the agreement is decided without debate. When the Senate considers a matter (such as a conference report) under a time agreement that is silent on the question of debatable motions and appeals, a point of order can only be made after time for debate has expired, and any appeal would have to be decided without debate.<sup>379</sup>

After debate has concluded on an amendment which was considered under a time agreement which was silent on the question of debatable motions, a motion to waive certain provisions of the Budget Act made in response to a point of order is not debatable.<sup>380</sup> When an amendment is considered under a time agreement that is silent on the question of appeals, an appeal taken relative to that amendment is nondebatable.<sup>381</sup>

### Notice of Address:

See "Notice of Intention To Speak—Not Recognition," pp. 1099-1100.

<sup>373</sup> See "Special Orders, Debate To Make or Change," p. 780.

<sup>374</sup> See "Speeches Allowed in Same Legislative Day," pp. 781-785.

<sup>375</sup> See "Table, Motion To, Not Debatable," pp. 785-786.

<sup>376</sup> May 5, 1983, 98-1, *Record*, p. 11272.

<sup>377</sup> See "Unanimous Consent Agreements," pp. 1311-1369.

<sup>378</sup> See "Voting, Debate Not in Order During," p. 787.

<sup>379</sup> Aug. 12, 1982, 97-2, *Record*, pp. 20886, 20894-95.

<sup>380</sup> Dec. 16, 1982, 97-2, *Record*, pp. 31288-90.

<sup>381</sup> Dec. 18, 1982, 97-2, *Record*, pp. 32279-91.



### Over Under the Rule, Debate of:

A resolution over under the rule having been laid before the Senate may be debated until the end of the Morning Hour.<sup>382</sup> It is not subject to the 3-minute limitation of debate, under a unanimous-consent agreement, imposed upon routine morning business matters.<sup>383</sup>

In 1921, a ruling was made that a motion to refer a resolution coming over from a previous day was not debatable until the morning business was concluded.<sup>384</sup>

### Pending Question:

When a question is pending, and a Senator addressing the Chair concludes his address on the question, and no one immediately seeks recognition, it is the duty of the Chair to state the pending question to the Senate.<sup>385</sup>

When a question is pending on which cloture has been invoked and no Senator seeks recognition, it is the duty of the Chair to put the question.<sup>386</sup>

Where an amendment was offered by a Senator and the question stated by the Chair on agreeing to it, another Senator addressing the Chair was recognized and made a motion, which was held in order.<sup>387</sup>

### Personal Privilege, Debate of:

A Senator rising to or obtaining recognition on a question of personal privilege must confine his remarks to that question if he is recognized because of the privilege attached to such matters without regard to the regular order of business;<sup>388</sup> for example, during the consideration of morning business,<sup>389</sup> during a call of the Calendar,<sup>390</sup> or during the consideration of a bill under a unanimous consent agreement.<sup>391</sup>

In 1970, Senator Smith of Maine was recognized on the question of personal privilege during the period for the

<sup>382</sup> Nov. 16, 1937, 75-2, *Record*, pp. 27-28; see also June 5, 1919, 66-1, *Record*, pp. 673-74; Jan. 15, 1963, 88-1, *Record*, pp. 361, 368-69.

<sup>383</sup> See Mar. 11, 1960, 86-2, *Record*, pp. 5262-63.

<sup>384</sup> Jan. 18, 1921, 66-3, *Record*, p. 1545.

<sup>385</sup> Sept. 10, 1987, 100-1, *Record*, p. S 11941; Sept. 22, 1950, 81-2, *Record*, p. 15501.

<sup>386</sup> See June 16, 1982, 97-2, *Record*, p. 13786.

<sup>387</sup> Feb. 7, 1944, 78-1, *Record*, pp. 1280-81.

<sup>388</sup> July 8, 1937, 75-1, *Record*, p. 6898; see Mar. 24, 1926, 69-1, *Record*, pp. 6163-64; Aug. 21, 1888, 50-1, *Record*, p. 7770.

<sup>389</sup> Feb. 16, 1925, 68-2, *Record*, p. 3792.

<sup>390</sup> Apr. 11, 1951, 82-1, *Record*, p. 3619.

<sup>391</sup> Apr. 5, 1934, 73-2, *Journal*, p. 264, *Record*, p. 6083.

germaneness of debate under the Pastore Rule on the basis of a privileged matter. No point of order was raised.<sup>392</sup>

A Senator cannot rise to a question of personal privilege while another Senator has the floor,<sup>393</sup> without the latter's consent<sup>394</sup> or during the Morning Hour pending action on a motion to proceed to the consideration of a matter.<sup>395</sup>

During a call of the Calendar, a Senator recognized on a question of personal privilege is not confined to the 5-minute limitation provided in debate.<sup>396</sup>

### Petitions and Memorials, Not Debatable:

See "Messages, Debate of," p. 758.

### Points of Order, Debate of:

See "Appropriations Bills, Relevancy of Amendments," p. 727.

A point of order is not debatable unless submitted to the Senate,<sup>397</sup> but under recent precedents of the Senate, debate has been entertained in the discretion of the Presiding Officer<sup>398</sup> for his own enlightenment or edification;<sup>399</sup> and where the Chair permits such debate he may stop it at any time he desires.<sup>400</sup>

<sup>392</sup> Apr. 13, 1970, 91-2, *Record*, p. 11472.

<sup>393</sup> Oct. 13, 1949, 81-1, *Record*, pp. 14412-13; June 12, 1952, 82-2, *Record*, p. 7090; Feb. 17, 1915, 63-3, *Record*, p. 3943; Apr. 16, 1940, 76-3, *Record*, pp. 4575, 4577; Feb. 17, 1915, 63-3, *Record*, pp. 3941-42.

<sup>394</sup> July 8, 1937, 75-1, *Journal*, p. 404, *Record*, pp. 6898, 6900-01.

<sup>395</sup> Feb. 12, 1927, 69-2, *Journal*, p. 170, *Record*, p. 3572.

<sup>396</sup> Apr. 11, 1951, 82-1, *Record*, p. 3619.

<sup>397</sup> Feb. 25, 1913, 62-3, *Record*, pp. 3910-14; Feb. 26, 1964, 88-2, *Record*, pp. 3693-97, 3719; Mar. 28, 1935, 74-1, *Record*, p. 4586; see also June 10, 1914, 63-2, *Record*, p. 10131; June 18, 1976, 94-2, *Record*, p. 19087.

<sup>398</sup> July 22, 1968, 90-2, *Record*, p. 22578; Sept. 6, 1968, 90-2, *Record*, p. 25918; Dec. 11, 1950, 81-2, *Record*, p. 16399; June 8, 1951, 82-1, *Record*, pp. 6297-98; Feb. 10, 1938, 75-3, *Record*, p. 1772; Apr. 5, 1950, 81-2, *Record*, pp. 4774-75; Apr. 2, 1951, 82-1, *Record*, pp. 3085-87; Apr. 4, 1951, 82-1, *Record*, pp. 3254-55; see also June 10, 1914, 63-2, *Record*, pp. 10129, 10131.

<sup>399</sup> June 23, 1976, 94-2, *Record*, pp. 19861-66; June 25, 1970, 91-2, *Record*, p. 21476; June 5, 1979, 96-1, *Record*, pp. 13414-24; Dec. 20, 1969, 91-1, *Record*, pp. 40411-14; Feb. 24, 1927, 69-2, *Record*, pp. 4665-66; Nov. 13, 1942, 77-2, *Record*, p. 8814; see also Feb. 10, 1938, 75-3, *Record*, pp. 1771-72; Nov. 18, 1942, 77-2, *Record*, pp. 8928-29.

<sup>400</sup> Feb. 11, 1938, 75-3, *Record*, pp. 1813-14, 1816.

A point of order is not debatable,<sup>401</sup> except at the sufferance of the Chair;<sup>402</sup> but a point of order submitted to the Senate for decision is debatable.<sup>403</sup>

A point of order against the germaneness of an amendment proposed to a bill which is being considered under an agreement providing for germaneness of amendments, is not debatable,<sup>404</sup> unless specified in the agreement.

After cloture has been invoked, points of order are not debatable.<sup>405</sup>

### **Postpone, Debate of Motion To:**

Under Rule XXII, both the motion to postpone indefinitely and to postpone to a day certain are debatable.

### **Preamble, Debate of:**

The provisions of a unanimous consent agreement limiting debate on a joint resolution apply also to a preamble thereto.<sup>406</sup>

### **Presiding Officer Cannot Participate in Debate:**

*See also* "Chair Does Not Participate In," p. 730.

The Presiding Officer should not participate in debate,<sup>407</sup> nor does he have a right to engage in conversation with Senators on the floor.<sup>408</sup> Nevertheless, the Presiding Officer on different occasions has taken the liberty of making certain remarks in the nature of debate in the absence of any point of order being made.<sup>409</sup>

### **Putting the Question:**

*See* "Pending Question," p. 764.

<sup>401</sup> June 5, 1986, 99-2, *Record*, pp. 12725-27.

<sup>402</sup> Aug. 11, 1982, 97-2, *Record*, p. 20424; Nov. 25, 1980, 96-2, *Record*, pp. 31037-39; Mar. 31, 1982, 97-2, *Record*, pp. 6167-70.

<sup>403</sup> Mar. 28, 1935, 74-1, *Journal*, p. 228; Sept. 22, 1921, 67-1, *Journal*, p. 260, *Record*, pp. 5733-36; *see* Sept. 18, 1967, 90-1, *Record*, p. 919.

<sup>404</sup> June 12, 1952, 82-2, *Record*, pp. 7099-7102.

<sup>405</sup> Mar. 1, 1927, 69-2, *Journal*, p. 253.

<sup>406</sup> *See* Oct. 27, 1939, 76-2, *Record*, p. 1029.

<sup>407</sup> July 25, 1950, 81-2, *Record*, p. 10936.

<sup>408</sup> Apr. 7, 1949, 81-1, *Record*, p. 4070.

<sup>409</sup> Aug. 21, 1951, 82-1, *Record*, p. 10463.

### Questions by Speaking Senator Out of Order:

See "Interrogation by Senators in Possession of the Floor," pp. 748-749.

### Questions of Order Submitted to the Senate, Debate of:

See "Points of Order, Debate of," pp. 765-766.

### Quorum Call, Debate Out of Order Until Quorum Present:

See also "Arrests of Senators, Order for Determined Without Debate," p. 727; "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046-1049.

The absence of a quorum having been suggested, debate is not in order,<sup>410</sup> nor is it during the quorum call;<sup>411</sup> likewise, no debate is in order after it has been determined and announced that a quorum is absent, even at the end of the first call.<sup>412</sup>

A request to dispense with or withdraw a quorum call is not debatable,<sup>413</sup> nor is a reservation of objections thereto.<sup>414</sup>

### Quorum Call, Terminates a Speech:

See also "Senator Loses Floor," pp. 775-778.

A Senator will lose the floor if he requests a quorum call, thus terminating his speech,<sup>415</sup> except by unanimous consent.<sup>416</sup>

<sup>410</sup> July 21, 1913, 63-1, *Record*, p. 2570, Sept. 30, 1971, 92-1, *Record*, pp. 34260-61; see also June 28, 1960, 86-2, *Record*, p. 14728.

<sup>411</sup> July 22, 1980, 96-2, *Record*, p. 18994; Nov. 19, 1975, 94-1, *Record*, p. 37405; Apr. 22, 1971, 92-1, *Record*, p. 11507; July 24, 1978, 95-2, *Record*, p. 22354; Nov. 7, 1979, 96-1, *Record*, p. 31214.

<sup>412</sup> Feb. 20, 1923, 67-4, *Journal*, p. 177, *Record*, pp. 4109-10; June 28, 1937, 75-1, *Journal*, p. 380, *Record*, p. 6408; Nov. 14, 1942, 77-2, *Record*, pp. 8838-39; Mar. 4, 1949, 81-1, *Record*, pp. 1862-63; Aug. 26, 1949, 81-1, *Record*, p. 12323; Apr. 14, 1950, 81-2, *Record*, p. 5205; May 3, 1951, 82-1, *Record*, p. 4770; Mar. 12, 1953, 83-1, *Record*, pp. 1889-90; Mar. 19, 1954, 83-2, *Record*, p. 3603; see also July 29, 1892, 52-1, *Record*, p. 6906; Feb. 23, 1927, 69-2, *Journal*, p. 206; Apr. 30, 1948, 80-2, *Record*, p. 5107; Aug. 17, 1888, 50-1, *Record*, p. 7680; Jan. 6, 1903, 57-2, *Record*, p. 527; Feb. 28, 1889, 50-2, *Record*, p. 2444; Sept. 18, 1914, 63-2, *Record*, p. 15361.

<sup>413</sup> May 1, 1947, 80-1, *Record*, p. 4376; Aug. 23, 1950, 81-2, *Record*, p. 13216; May 6, 1953, 83-1, *Record*, p. 4589; Mar. 8, 1955, 84-1, *Record*, p. 2515; Apr. 1, 1954, 83-2, *Record*, p. 4321; July 12, 1954, 83-2, *Record*, p. 10252.

<sup>414</sup> Apr. 1, 1954, 83-2, *Record*, p. 4321; July 12, 1954, 83-2, *Record*, p. 10252; see also Sept. 14, 1951, 82-1, *Record*, p. 11372.

<sup>415</sup> See Mar. 1, 1960, 86-2, *Record*, p. 3961; see also May 21, 1935, 74-1, *Journal*, p. 365, *Record*, p. 7941.

<sup>416</sup> July 22, 1965, 89-1, *Record*, p. 17844.

A Senator who is making his first speech on a question may suggest the absence of a quorum, and upon the ascertainment of the presence of a quorum, would be entitled to begin his second speech thereon.<sup>417</sup>

### Reading, Debate During, Out of Order:

While a bill is being read for information of the Senate, debate is not in order.<sup>418</sup>

Pending a motion to proceed to the consideration of a bill, which is not debatable during the Morning Hour, the Presiding Officer of the Senate held that the reading of the report of a committee at that stage was in the nature of debate and not in order upon objection.<sup>419</sup>

### Reading of, by Clerk, Determined Without Debate:

When the reading of a report, or paper by the Clerk is called for, and objected to, it shall be determined by a vote of the Senate without debate.<sup>420</sup>

A motion, during the reading of a statement or paper ordered by the Senate, to dispense with its further reading, is not debatable.<sup>421</sup>

### Reading of, by Senator in Debate:

Rule XI, paragraph 3, relative to reading papers, is not applicable in the case of Senators who read from papers during their speeches or during debate. See "Papers," "Reading by a Senator," pp. 972-973.

### Reading of Documents, Decided Without Debate:

The question of reading a document (unsigned copy of a treaty), where objection is made, shall be decided by the Senate without debate.<sup>422</sup>

<sup>417</sup> See July 19, 1954, 83-2, *Record*, p. 10900.

<sup>418</sup> July 5, 1921, 67-1, *Journal*, p. 181, *Record*, pp. 3347-48; see also Mar. 2, 1911, 61-3, *Record*, p. 3877.

<sup>419</sup> See Dec. 17, 1886, 49-2, *Record*, p. 244.

<sup>420</sup> Rule XI; Jan. 11 and 18, 1933, 72-2, *Journal*, pp. 86, 113; May 14, 1913, 63-1, *Record*, p. 1514; May 19, 1913, 63-1, *Record*, p. 1634; July 24, 1947, 80-1, *Record*, pp. 10012-13; July 26, 1947, 80-1, *Record*, pp. 10421-31; Nov. 18, 1937, 75-3, *Record*, pp. 126-27; Jan. 11, 1933, 72-2, *Journal*, p. 86, *Record*, p. 1579; Jan. 18, 1933, 72-2, *Record*, p. 2005; May 20, 1932, 72-1, *Journal*, p. 494, *Record*, p. 10758; Mar. 10, 1926, 69-1, *Record*, pp. 5309-10; June 9, 1919, 66-1, *Journal*, p. 59, *Record*, pp. 781-89, 799-802; Dec. 5, 1913, 63-2, *Record*, pp. 240-45; see also June 9, 1919, 66-1, *Journal*, p. 60, *Record*, p. 800.

<sup>421</sup> Apr. 19, 1928, 70-1, *Record*, p. 6740.

<sup>422</sup> June 9, 1919, 66-1, *Journal*, p. 59, *Record*, pp. 781-89, 799-802.

**Reading of Papers:**

*See above, "Reading of, by Clerk, Determined Without Debate,"*  
p. 768.

**Recess, Motion for Not Debatable:**

A motion to take a recess or to take a recess to an hour certain or time certain is not debatable.<sup>423</sup>

**Recognition, Debate of:**

*See also "Interruption of Senator who has the floor is not allowed,"* pp. 749-753.

The question of recognition of a Senator is one for the Presiding Officer to decide without debate,<sup>424</sup> but an appeal from a decision in cases involving recognition is debatable.<sup>425</sup>

**Recognition of Senator:**

*See "Chair Recognizes,"* pp. 1092-1097.

**Recommit, Debate of:**

*See also "Instructions to Report Forthwith,"* pp. 1111-1113.

A motion to recommit or recommit with instructions is debatable.<sup>426</sup>

A unanimous consent agreement providing for debate on amendments and motions proposed to a bill is applicable to a motion to recommit such bill,<sup>427</sup> but if such an agreement only places a limitation of debate on a bill and amendments, it does not apply to a motion to recommit,<sup>428</sup> unless specified.

Under a unanimous consent agreement limiting debate on a bill and amendments thereto, a motion to recommit is not in order while an amendment is pending until the

<sup>423</sup> Nov. 25, 1980, 96-2, *Record*, pp. 31106-07; Oct. 8, 1965, 89-1, *Record*, p. 26465; July 23, 1914, 63-2, *Record*, p. 12538; Mar. 31, 1941, 77-1, *Record*, p. 2725; Feb. 27, 1952, 82-2, *Record*, p. 1545; June 29, 1951, 82-1, *Record*, p. 7407; June 9, 1914, 63-2, *Record*, p. 10074; *see also* Apr. 17, 1945, 79-1, *Record*, p. 3430; July 24, 1956, 84-2, *Record*, p. 14194; Mar. 24, 1954, 83-2, *Record*, pp. 3780, 3782; Nov. 16, 1929, 71-1, *Record*, p. 5679.

<sup>424</sup> Sept. 21, 1922, 67-2, *Journal*, p. 482, *Record*, pp. 13075-79.

<sup>425</sup> Nov. 22, 1921, 67-1, *Journal*, p. 348, *Record*, pp. 8090-91.

<sup>426</sup> Apr. 28, 1947, 80-1, *Record*, p. 4142; July 24, 1947, 80-1, *Record*, p. 9975; Dec. 22, 1931, 72-1, *Journal*, p. 111; *see also* May 11, 1948, 80-2, *Record*, p. 5573; Mar. 28, 1947, 80-1, *Record*, p. 2307.

<sup>427</sup> *See* Apr. 23, 1951, 82-1, *Record*, p. 4171.

<sup>428</sup> *See* July 6, 1943, 78-1, *Record*, p. 7277; Dec. 4, 1937, 75-2, *Record*, p. 890.

time for debate thereon has expired.<sup>429</sup> A motion to recommit a bill under a unanimous consent agreement limiting debate on a measure may be made when all time has expired on an amendment.<sup>430</sup>

### Reconsideration, Debate of:

*See also* "Reconsider, Table Motion to," p. 1283.

A motion to reconsider is debatable,<sup>431</sup> even after a motion to table a motion to reconsider has been made and rejected.<sup>432</sup> A motion to take up a motion to reconsider is debatable,<sup>433</sup> unless taken up in the Morning Hour.<sup>434</sup>

A motion to reconsider the vote on a motion to table a bill is not debatable since the original question is not debatable.<sup>435</sup>

A motion to request the House of Representatives to return a bill or papers in connection therewith is not debatable.<sup>436</sup>

Where the vote disagreeing to a motion to proceed to the consideration of a bill over an objection under the call of the Calendar during the Morning Hour is reconsidered such motion is not subject to debate.<sup>437</sup>

A motion to lay on the table a motion to reconsider is not debatable.<sup>438</sup>

Where a bill, which was considered under a unanimous consent agreement limiting debate, failed of passage, the limitation of debate will apply to the bill if such vote is reconsidered.<sup>439</sup>

<sup>429</sup> *See* May 7, 1954, 83-2, *Record*, pp. 6187-88; Apr. 26, 1968, 90-2, p. 10809.

<sup>430</sup> *See* Mar. 27, 1956, 84-2, *Record*, p. 5650.

<sup>431</sup> June 28, 1932, 72-1, *Record*, p. 14104; Aug. 3, 1950, 81-2, *Record*, p. 11717; Nov. 4, 1921, 67-1, *Journal*, p. 313, *Record*, p. 7309; Mar. 22, 1916, 64-1, *Record*, p. 4606; Mar. 27, 1942, 77-2, *Record*, p. 3051; Feb. 14, 1929, 70-2, *Record*, p. 3445; May 29, 1924, 68-1, *Record*, p. 9821; *See* May 21, 1971, 92-1, *Record*, p. 16442.

<sup>432</sup> *See* July 6, 1943, 78-1, *Record*, p. 7269.

<sup>433</sup> June 28, 1932, 72-1, *Record*, p. 14104; Aug. 8, 1950, 81-2, *Record*, p. 11717; Nov. 4, 1921, 67-1, *Journal*, p. 313, *Record*, p. 7309; Mar. 22, 1916, 64-1, *Record*, p. 4606; May 28, 1930, 71-2, *Record*, pp. 9713-14; *see also* Mar. 27, 1942, 77-2, *Record*, p. 3051. Feb. 14, 1929, 70-2, *Record*, p. 3445; May 29, 1924, 68-1, *Record*, p. 9821; Mar. 2, 1954, 83-2, *Record*, pp. 2460-61.

<sup>434</sup> *See* Mar. 2, 1954, 83-2, *Record*, pp. 2460-61.

<sup>435</sup> May 1, 1974, 93-2, *Record*, pp. 12622-23.

<sup>436</sup> Rule XIII, par. 2; July 14, 1897, 55-1, *Record*, p. 2605; July 23, 1917, 65-1, *Record*, p. 5381; Aug. 26, 1935, 74-1, *Record*, p. 14692; July 14, 1932, 72-1, *Record*, pp. 15299-300, 15337-38; June 28, 1932, 72-1, *Record*, p. 14104; Apr. 29, 1914, 63-2, *Record*, pp. 7421-24; *see also* Apr. 17, 1939, 76-1, *Journal*, p. 239, *Record*, p. 4302; May 17, 1926, 69-1, *Record*, pp. 9502-03; June 8, 1938, 75-3, *Record*, p. 8484.

<sup>437</sup> July 2, 1926, 69-1, *Record*, pp. 12644-45.

<sup>438</sup> June 19 and 20, 1914, 63-2, *Record*, pp. 10730, 10762; *see also* Mar. 31, 1952, 82-2, *Record*, pp. 3175-76; June 4, 1953, 83-1, *Record*, p. 6059; Nov. 29, 1954, 83-2, *Record*, p. 16172.

<sup>439</sup> *See* Feb. 14, 1929, 70-2, *Record*, p. 3445.

When operating under a unanimous consent agreement limiting time on an amendment if the vote on such an amendment is reconsidered, no further time for debate on the amendment would be in order. In effect, under the precedents, once the action of the Senate on an amendment is reconsidered, no further time is available for debate on that amendment.<sup>440</sup>

### References and Motion To Refer, Debate of:

Under Rule XVII, the Presiding Officer makes all references of bills,<sup>441</sup> communications, petitions, and memorials, when introduced or presented, without debate, subject to an appeal to the Senate; an appeal is debatable.<sup>442</sup>

Petitions and memorials under the rule must be presented and referred without debate,<sup>443</sup> and a motion for the reference of a petition is not debatable.<sup>444</sup>

A motion to refer a bill is debatable,<sup>445</sup> even if the yeas and nays have been ordered thereon.<sup>446</sup> A motion made in the Morning Hour to refer a bill is debatable and not subject to the 5-minute limitation,<sup>447</sup> and after the second reading of such a bill the question of reference is debatable.<sup>448</sup>

A motion made during the Morning Hour to refer a vetoed bill is debatable.<sup>449</sup>

A bill, however, must be before the Senate before the Senate can debate it for reference to a committee with instructions that it be reported back by a day certain.<sup>450</sup>

<sup>440</sup> Aug. 7, 1978, 95-2, *Record*, pp. 26641-42.

<sup>441</sup> May 3, 1948, 80-2, *Record*, p. 5190; May 27, 1948, 80-2, *Record*, p. 6552.

<sup>442</sup> Jan. 10, 1927, 69-2, *Journal*, p. 72, *Record*, pp. 1320-23; May 27, 1948, 80-2, *Record*, p. 6552; Jan. 27, 1916, 64-1, *Journal*, p. 126, *Record*, pp. 1613-20; see also Apr. 29, 1914, 63-2, *Record*, pp. 7410-11; May 3, 1948, 89-2, *Record*, p. 5190.

<sup>443</sup> Jan. 10, 1927, 69-2, *Journal*, p. 72, *Record*, pp. 1320-23; Apr. 5, 1937, 75-1, *Journal*, p. 211.

<sup>444</sup> Jan. 10, 1927, 69-2, *Journal*, p. 72, *Record*, pp. 1320-23; for contrary decisions see Apr. 29, 1914, 63-2, *Record*, pp. 7410-11; Jan. 27, 1916, 64-1, *Journal*, p. 126, *Record*, pp. 1613-20.

<sup>445</sup> Mar. 28, 1914, 63-2, *Record*, p. 5651; May 31, 1916, 64-1, *Record*, pp. 8933-36; Feb. 4, 1943, 78-1, *Record*, pp. 587-88; see also Jan. 29, 1923, 67-4, *Record*, p. 2653; May 19, 1884, 48-1, *Record*, p. 4273.

<sup>446</sup> See Feb. 12, 1915, 63-3, *Record*, p. 3628.

<sup>447</sup> Jan. 16, 1918, 65-2, *Record*, p. 896.

<sup>448</sup> Dec. 27, 1920, 66-3, *Journal*, p. 33, *Record*, pp. 736-39; Mar. 18, 1965, 89-1, *Record*, pp. 5387, 5403; see May 3, 1966, 89-2, *Record*, p. 9511.

<sup>449</sup> Dec. 16, 1924, 68-2, *Journal*, p. 39, *Record*, p. 645.

<sup>450</sup> See Dec. 12, 1969, 91-1, *Record*, pp. 38717-18.



The Presiding Officer held that a motion to refer to a committee House amendments to certain Senate amendments to a House bill was debatable.<sup>451</sup>

### Relevancy of Debate:

See "Germaneness of Debate," pp. 742-745, 862-863.

### Remarks:

See "Congressional Record," pp. 643-654.

### Reorganization Plans, Debate of:

The question of proceeding to the consideration of a resolution approving or disapproving a reorganization plan is not debatable.<sup>452</sup>

While the Reorganization Act of 1939 provides for an equal division of time,<sup>453</sup> there is no provision as to who is to control such time.<sup>454</sup> The time shall be equally divided, and if one side has exhausted its time it cannot use any time of the other side that has been yielded back by that side.<sup>455</sup> The time for debate, however, is usually, by unanimous consent, ordered to be controlled by one Senator from each side, respectively.<sup>456</sup>

Debate on resolutions concerning reorganization plans, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between individuals favoring and individuals opposing the resolution.

Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.<sup>457</sup>

A motion to limit further the debate on such a resolution is in order,<sup>458</sup> and not debatable.<sup>459</sup>

<sup>451</sup> See Aug. 27, 1957, 85-1, *Record*, pp. 16074-76; Aug. 29, 1957, 85-1, *Record*, p. 16499.

<sup>452</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(a)); May 2, 1950, 81-2, *Record*, p. 6148; May 19, 1950, 81-2, *Record*, p. 7308.

<sup>453</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(a)); May 13 and 14, 1940, 76-3, *Record*, pp. 5950-51, 5963, 6027, 6049, 6068-69.

<sup>454</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(a)); See May 10, 1950, 81-2, *Record*, pp. 6797-98.

<sup>455</sup> See May 10, 1950, 81-2, *Record*, pp. 6796, 6798.

<sup>456</sup> July 13, 1946, 79-2, *Record*, p. 8886.

<sup>457</sup> 91 Stat. 35 (Pub. L. 95-17, secs. 912 (b) and (d)).

<sup>458</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(b)); May 2, 1950, 81-2, *Record*, p. 6148; see also June 27, 1947, 80-1, *Record*, pp. 7790, 7796.

<sup>459</sup> May 19, 1950, 81-2, *Record*, p. 7308; see also June 27, 1947, 80-1, *Record*, pp. 7790, 7796; May 13 and 14, 1940, 76-3, *Record*, pp. 5950-51, 5963, 6027, 6049, 6068-69.

Debate on a reorganization plan resolution *per se* is not required to be germane.<sup>460</sup>

### Reports, Debate on When Submitted:

Debate on a report submitted during morning business is not in order.<sup>461</sup>

### Resolutions Over Under the Rule, Debate of:

See "Over Under the Rule, Debate of," p. 764.

### Revision of Remarks:

See "Congressional Record," pp. 643-654.

### Rollcall Vote (Yeas and Nays), Debate Out of Order:

See also "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Voting," pp. 1397-1437.

After a roll call vote begins (a Senator having responded to his name when called) further debate is not in order.<sup>462</sup>

Where a roll call is interrupted to permit debate by a Senator who was endeavoring to secure recognition prior to the call of the roll, the right to debate further is not precluded.<sup>463</sup>

Where a yea and nay vote is interrupted by unanimous consent to permit the reading of the question being voted upon, debate is not in order.<sup>464</sup>

The Presiding Officer is precluded from entertaining any request to suspend the rule on roll call votes so as to interrupt the call to allow debate, even by unanimous consent.<sup>465</sup>

Where less than a quorum voted on a roll call, further debate is not in order when the consideration of the

<sup>460</sup> May 13 and 14, 1940, 76-3, *Record*, pp. 5950-51, 5963, 6027, 6049, 6068-69.

<sup>461</sup> June 18, 1942, 77-2, *Record*, p. 5317; Jan. 10, 1947, 80-1, *Record*, p. 217; Feb. 7, 1947, 80-1, *Record*, pp. 880-81.

<sup>462</sup> May 16, 1928, 70-1, *Journal*, P. 457, *Record*, p. 8802; Sept. 21, 1978, 95-2, *Record*, pp. 30643-45; Feb. 4, 1896, 54-1, *Record*, p. 1276; July 5, 1943, 78-1, *Record*, p. 7165; June 12, 1941, 77-1, *Record*, pp. 5085-86; May 19, 1922, 67-2, *Record*, pp. 7255-56; see July 1, 1958, 85-2, *Record*, p. 12813.

<sup>463</sup> Mar. 21, 1939, 76-1, *Record*, p. 3049.

<sup>464</sup> Mar. 20, 1930, 71-2, *Record*, p. 5703.

<sup>465</sup> July 31, 1888, 50-1, *Record*, p. 7069.

matter is resumed.<sup>466</sup> Upon development of a quorum, or upon the matter being resumed after a recess,<sup>467</sup> and without debate, a subsequent vote (*de novo*) is taken.<sup>468</sup>

Where less than a quorum voted on a question, but a quorum responded on a call of the Senate, an adjournment being taken, it was held, when the consideration of the matter was resumed, that further debate was not in order and a new roll call should be proceeded with.<sup>469</sup>

A Senator asking to be excused from voting not only has a right to state his reasons therefor, but is required to assign his reasons for not voting, and he must confine his statement to those reasons, but the question of excusing him is decided by the Senate without debate.<sup>470</sup>

### **Rollcall Vote, Ordering Yeas and Nays Does Not Exclude Debate:**

The ordering of the yeas and nays on a question does not preclude or shut off further debate thereon before the vote is taken.<sup>471</sup>

### **Seated While Addressing Senate:**

*See also* "Speeches," pp. 780-781.

A Senator who cannot rise and address the Chair may speak, no objection being raised, while seated.<sup>472</sup>

On September 10, 1986, a Senator obtained unanimous consent that he might engage in debate while sitting at his desk as necessity warranted.<sup>473</sup>

<sup>466</sup> Mar. 31, 1922, 67-2, *Record*, pp. 4838-39; July 28 and 29, 1922, 67-2, *Record*, p. 10778; Aug. 19, 1921, 67-1, *Record*, p. 5264.

<sup>467</sup> Apr. 14 and 15, 1916, 64-1, *Record*, pp. 6134, 6187.

<sup>468</sup> Apr. 24 and 26, 1920, 66-2, *Record*, p. 6116; Apr. 17, 1884, 48-1, *Record*, pp. 3042, 3052; Feb. 17 and 18, 1919, 65-3, *Journal*, p. 150, *Record*, pp. 3576, 3632; Aug. 11 and 15, 1917, 65-1, *Record*, pp. 5978, 6042-44; Feb. 19 and 20, 1917; 64-2, *Record*, pp. 3616, 3665; May 20 and 22, 1916, 64-1, *Record*, pp. 8372, 8429; Aug. 29 and 31, 1914, 63-2, *Record*, pp. 14420, 14451-58; Feb. 25, 1913, 62-3, *Record*, p. 3923; Jan. 21, 1913, 62-3, *Record*, p. 1832; Aug. 21, 1912, 62-2, *Record*, pp. 11470-71; May 13, 1884, 48-1, *Record*, p. 4105; *see* precedent to the contrary, Oct. 3, 1913, 63-1, *Record*, pp. 5429-30.

<sup>469</sup> Feb. 26 and 27, 1904, 58-2, *Journal*, pp. 198, 200, *Record*, pp. 2419, 2457.

<sup>470</sup> Jan. 29, 1915, 63-3, *Record*, pp. 2576-79; Aug. 17, 1911, 62-1, *Journal*, p. 183, *Record*, pp. 4064-67.

<sup>471</sup> Jan. 19, 1915, 63-3, *Record*, p. 1815; Jan. 29, 1915, 63-3, *Record*, p. 2590; *see also* May 29, 1952, 82-2, *Record*, p. 6220; Aug. 31, 1951, 82-1, *Record*, p. 10947; May 9, 1947, 80-1, *Record*, p. 4868; Mar. 28, 1946, 79-2, *Record*, p. 2721; Nov. 18, 1942, 77-2, *Record*, p. 8925; Mar. 18, 1940, 76-3, *Record*, p. 2983; Feb. 18, 1925, 68-2, *Record*, p. 4008; July 19, 1912, 62-2, *Record*, p. 9289.

<sup>472</sup> Feb. 3, 1981, 97-1, *Record*, p. 1456.

<sup>473</sup> Sept. 10, 1986, 99-2, *Record*, p. 22527.

### Senator Addresses Another in Third Person:

Senators in debate should address each other through the Chair, and in the third person.<sup>474</sup> It is not in order to address each other in the second person.<sup>475</sup>

### Senator Loses Floor:

*See also* "Floor Relinquished on Calling Up an Amendment," pp. 40-41; "Recognition," pp. 45-46; "Yielding," pp. 788-797; and "Quorum Call—Terminates a Speech," pp. 767-768.

A Senator loses the floor upon calling up an amendment, and the Presiding Officer may recognize another Senator.<sup>476</sup>

When a Senator calls up an amendment he thereby loses the floor, and he does not gain the floor or the right to the floor by asking unanimous consent that the reading of the amendment be dispensed with.<sup>477</sup> A Senator loses the floor upon offering an amendment, and must seek recognition after the amendment is read, and in the event that the sponsor of the amendment and a member of the leadership should seek recognition simultaneously, the latter will receive priority recognition.<sup>478</sup>

When a Senator has made a motion he is not automatically entitled to the floor.<sup>479</sup> Technically he loses the floor when he makes a motion or offers an amendment,<sup>480</sup> unless he is again recognized by the Presiding Officer.<sup>481</sup> A Senator who asks for a vote on a pending amendment cannot retain the floor for the purpose of offering another amendment.<sup>482</sup> No Senator may hold the floor while an amendment is being acted upon.<sup>483</sup>

Once a motion has been submitted in writing and read at the desk, the Senator offering the motion temporarily

<sup>474</sup> July 21, 1981, 97-1, *Journal* p. 387; Aug. 1, 1986, 99-2, *Record*, p. 18735; May 27, 1909, 61-1, *Record*, pp. 2431-32; May 11, 1971, 92-1, *Record*, p. 14411; May 27, 1909, 61-1, *Record*, pp. 2431-32; May 11, 1971, 92-1, *Record*, p. 14411.

<sup>475</sup> May 13, 1935, 74-1, *Journal*, p. 339, *Record*, p. 7368; Mar. 31, 1949, 81-1, *Record*, pp. 3581-82; Apr. 5, 1949, 81-1, *Record*, p. 3874; Apr. 2, 1949, 81-1, *Record*, p. 3758.

<sup>476</sup> Sept. 29, 1986, 99-2, *Record*, p. 26945; Oct. 2, 1984, 99-2, *Record*, pp. 28294-96.

<sup>477</sup> Oct. 6, 1987, 100-1, *Record*, pp. S 13563-64; July 19, 1983, 98-1, *Record*, p. 19769.

<sup>478</sup> Dec. 11, 1987, 100-1, *Record*, p. S 17941.

<sup>479</sup> Sept. 21, 1950, 81-2, *Record*, pp. 15345-46.

<sup>480</sup> Dec. 13, 1980, 96-2, *Record*, p. 33985; July 27, 1954, 83-2, *Record*, p. 12193; Apr. 12, 1956, 84-2, *Record*, p. 6202; Dec. 18, 1950, 81-2, *Record*, p. 16705; Feb. 27, 1915, 63-3, *Journal*, p. 156, *Record*, pp. 4812-14; Feb. 27, 1922, 67-2, *Record*, pp. 3104-05; *see also* Feb. 24, 1947, 80-1, *Record*, p. 1353; Aug. 20, 1959, 86-1, *Record*, pp. 16528-29.

<sup>481</sup> Aug. 3, 1950, 81-2, *Record*, p. 11711.

<sup>482</sup> *See* June 3, 1938, 75-3, *Record*, p. 8093.

<sup>483</sup> June 14, 1938, 75-3, *Record*, p. 9207; May 21, 1970, 91-2, *Record*, p. 16528.

loses his right to the floor and must be recognized again if he wishes to debate the motion.<sup>484</sup>

A Senator who makes a motion thereby loses the floor, and another Senator may be recognized by the Chair.<sup>485</sup>

When a Senator who has the floor ceases to address the Chair, the Chair may recognize another Senator.<sup>486</sup>

A bill having been taken up on motion, the right to the floor of the Senator making the motion is exhausted, and a motion made immediately thereafter, by a Senator who obtained recognition, to proceed to the consideration of a different bill is in order.<sup>487</sup>

A Senator who yields for the transaction of business will lose the floor.<sup>488</sup>

A Senator loses the floor when the Senate votes on a proposition,<sup>489</sup> and would have to be recognized after the vote in order to get the floor, except by unanimous consent.<sup>490</sup>

A Senator in the course of his speech cannot hold the floor, on objection or when a point of order is made, if: (1) He suggests the absence of a quorum and leaves the Senate Chamber;<sup>491</sup> (2) he makes a motion to recess, or yields to another to make such a motion, and the Senator yielding for such a motion would have no prior right of recognition—<sup>492</sup> the Chair may recognize him again;<sup>493</sup> (3) he asks for a vote which is taken;<sup>494</sup> (4) he asks for a vote on an amendment which is taken,<sup>495</sup> or if the Senate acts on an amendment,<sup>496</sup> or if the Senate acts on a series of amendments offered by him,<sup>497</sup> if he offers one amendment and tries to hold the floor to offer another or a series of them,<sup>498</sup> offers an amendment and moves its adop-

<sup>484</sup> See Nov. 30, 1973, 93-1, *Record*, pp. 38902-03.

<sup>485</sup> Dec. 13, 1930, 96-2, *Record*, p. 33985.

<sup>486</sup> Dec. 3, 1985, 99-1, *Record*, pp. 33871-72.

<sup>487</sup> Feb. 22, 1887, 49-2, *Record*, p. 2067.

<sup>488</sup> July 13, 1937, 75-1, *Journal*, p. 411, *Record*, p. 7102; June 28, 1945, 79-1, *Record*, p. 6890; see also Apr. 12, 1940, 76-3, *Record*, p. 4419; Apr. 15, 1940, 76-3, *Record*, pp. 4487-88.

<sup>489</sup> July 13, 1970, 91-2, *Record*, p. 23882.

<sup>490</sup> *Ibid.*

<sup>491</sup> May 21, 1935, 74-1, *Journal*, p. 365, *Record*, p. 7941.

<sup>492</sup> See June 12, 1935, 74-1, *Record*, p. 9127.

<sup>493</sup> Aug. 3, 1950, 81-2, *Record*, p. 11711.

<sup>494</sup> Oct. 12, 1949, 81-1, *Record*, pp. 14349-50; see also May 1, 1928, 70-1, *Record*, p. 7305.

<sup>495</sup> Aug. 4, 1939, 76-1, *Record*, pp. 11008-09.

<sup>496</sup> June 14, 1938, 75-3, *Record*, p. 9207; June 28, 1939, 76-1, *Record*, p. 8105; Mar. 30, 1950, 81-2, *Record*, pp. 4371-72; Feb. 7, 1944, 78-1, *Record*, pp. 1280-81; Jan. 25, 1922, 68-2, *Record*, p. 2270.

<sup>497</sup> Aug. 3, 1937, 75-1, *Record*, pp. 8099-8100.

<sup>498</sup> June 3, 1938, 75-3, *Record*, p. 8093; Aug. 3, 1937, 75-1, *Record*, pp. 8099-8100; Mar. 30, 1950, 81-2, *Record*, pp. 4371-72; Feb. 7, 1944, 78-1, *Record*, pp. 1280-81.

tion,<sup>499</sup> or if he yields to another to offer amendments;<sup>500</sup> (5) he makes a motion to adjourn;<sup>501</sup> (6) he makes any motion;<sup>502</sup> (7) or if a Senator in debate suggests the absence of a quorum or yields for that purpose, he loses the floor and his speech is thereby terminated.<sup>503</sup>

A Senator loses the floor upon making a point of order.<sup>504</sup>

Under recent precedents, a Senator loses the floor upon requesting the yeas and nays,<sup>505</sup> and is not automatically entitled to be re-recognized,<sup>506</sup> and the Chair should thereafter recognize the first Senator who seeks recognition.<sup>507</sup> Under these circumstances, another Senator who addresses the Chair is entitled to recognition if he does so before the first Senator is re-recognized. Under earlier precedents, a Senator did not lose the floor when asking for the yeas and nays.<sup>508</sup> In any event, a Senator who withdraws his request for the yeas and nays retains the floor.<sup>509</sup>

It takes unanimous consent for a Senator having the floor to yield to another Senator for the purpose of the latter Senator making a motion while the former Senator retains the floor.<sup>510</sup>

A Senator who has made a motion for a special order, which has been stated to the Senate by the Presiding Officer, cannot hold the floor to prevent the making of a preferential motion.<sup>511</sup>

In practice a Senator in calling for a quorum does not lose the floor if no point of order is made against him.<sup>512</sup>

When the time arrives for a cloture vote, a Senator who has the floor will lose it, and that Senator is not entitled to

<sup>499</sup> Aug. 4, 1939, 76-1, *Record*, pp. 11008-09.

<sup>500</sup> Feb. 14, 1933, 72-2, *Record*, p. 4056; Apr. 17, 1933, 73-1, *Record*, p. 2562; Mar. 23, 1934, 73-2, *Record*, p. 5248.

<sup>501</sup> Sept. 23, 1921, 67-1, *Record*, pp. 5742-43; Sept. 18, 1914, 63-2, *Record*, pp. 15356-57; May 24, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9724.

<sup>502</sup> Nov. 18, 1942, 77-2, *Record*, p. 8932; Dec. 18, 1950, 81-2, *Record*, p. 16705; Sept. 21, 1950, 81-2, *Record*, pp. 15345-46; Aug. 3, 1950, 81-2, *Record*, p. 11711; Jan. 29, 1915, 63-3, *Record*, p. 2576; Feb. 22, 1887, 49-2, *Record*, p. 2067; see also Feb. 24, 1947, 80-1, *Record*, p. 1353.

<sup>503</sup> See Apr. 13, 1964, 88-2, *Record*, pp. 7783-84.

<sup>504</sup> Feb. 22, 1983, 98-1, *Record*, p. 2694.

<sup>505</sup> Sept. 25, 1986, 99-2, *Record*, p. 26142.

<sup>506</sup> Dec. 3, 1981, 97-1, *Record*, pp. 29451-52.

<sup>507</sup> Aug. 9, 1986, 99-2, *Record*, p. 20234.

<sup>508</sup> Dec. 7, 1979, 96-1, *Record*, pp. 35085-86.

<sup>509</sup> Dec. 3, 1987, 100-1, *Record*, p. S17175.

<sup>510</sup> Mar. 21, 1983, 98-1, *Record*, p. 6280.

<sup>511</sup> Dec. 17, 1908, 60-2, *Record*, p. 370.

<sup>512</sup> See Feb. 21, 1944, 78-1, *Record*, p. 1914.

the floor after the cloture vote.<sup>513</sup> When a Senator's time under cloture has expired, that Senator no longer has the floor.<sup>514</sup>

When a Senator yields to another for a question, the first Senator does not lose the floor upon the conclusion of his answer.<sup>515</sup>

### Senator Retains Floor:

*See also* "Senator May Retain Floor Under Unanimous Consent or When There is No Objection," pp. 791-793.

A Senator does not lose the floor upon making a unanimous consent request, and the floor is not therefore made available for another Senator to seek recognition to offer an amendment,<sup>516</sup> or to suggest the absence of a quorum.<sup>517</sup>

A Senator does not lose the floor when he propounds a unanimous consent request;<sup>518</sup> nor when he or she modifies an amendment.<sup>519</sup>

A Senator retains the floor pending the result of his unanimous consent request,<sup>520</sup> and objection being heard to such a request, the Senator who made the request still has the floor.<sup>521</sup>

A Senator who was recognized by the Chair in his own right does not lose the floor upon making a parliamentary inquiry, so another Senator may not move to waive a provision of the Congressional Budget Act of 1974 upon hearing the answer to the inquiry if the first Senator wishes to hold the floor.<sup>522</sup>

Since Senators in debate should address one another through the Chair, the acknowledgment of a Senator by the Chair does not necessarily confer recognition on that Senator.<sup>523</sup>

When a Senator has been recognized to debate an amendment and the Chair interrupts the proceedings to

<sup>513</sup> Oct. 17, 1986, 99-2, *Record*, p. 33181.

<sup>514</sup> Sept. 25, 1986, 99-2, *Record*, p. 26146.

<sup>515</sup> *See* Dec. 15, 1982, 97-2, *Record*, p. 31046.

<sup>516</sup> May 9, 1985, 99-1, *Record*, p. 11406.

<sup>517</sup> Oct. 2, 1987, 100-1, *Record*, p. S 13448.

<sup>518</sup> July 19, 1983, 98-1, *Record*, p. 19769; Dec. 11, 1980, 96-2, *Record*, p. 33505.

<sup>519</sup> July 30, 1986, 99-2, *Record*, pp. 18058-62.

<sup>520</sup> Sept. 28, 1984, 98-2, *Record*, p. 27670.

<sup>521</sup> Aug. 8, 1986, 99-2, *Record*, p. 20065.

<sup>522</sup> *See* July 31, 1986, 99-2, *Record*, p. 18518.

<sup>523</sup> Sept. 25, 1984, 98-2, *Record*, pp. 26667-68.

inform the Senate that the amendment is not in order, that Senator nonetheless retains the floor.<sup>524</sup>

### Senators Address the Chair:

*See also* "Chair Recognizes," pp. 1092-1097.

The requirement that Senators address the chair was included in the first Standing Rules adopted by the Senate on April 16, 1789, as Rule III, which read as follows: "Every member, when he speaks, shall address the chair, standing in his place, and when he has finished, shall sit down." This principle has remained in the rules ever since, and is currently contained in Rule XIX, paragraph 1(a) of the Standing Rules of the Senate. Note the following precedents:

Senators in debate should address the Presiding Officer, and not individual members of the Senate.<sup>525</sup>

Senators should address their questions to another Senator through the Chair.<sup>526</sup>

Senators in debate should address each other through the Chair and in the third person.<sup>527</sup>

### Speak at Bar of Senate:

During the consideration of the nomination of a former Senator to be Secretary of Defense, unanimous consent was requested that he be permitted to come before the Senate to answer questions and make explanations regarding his nomination. Objection was heard.<sup>528</sup>

### Speak Louder:

The Chair has ruled that if a Senator were asked to speak a little louder, he did not need to do so unless he desired.<sup>529</sup>

<sup>524</sup> July 9, 1985, 99-1, *Record*, pp. 16983, 18168-69.

<sup>525</sup> Apr. 20, 1898, 55-2, *Record*, p. 4100.

<sup>526</sup> May 11, 1971, 92-1, *Record*, p. 14411; July 20, 1983, 98-1, *Record* p. 19891.

<sup>527</sup> Aug. 1, 1986, 99-2, *Record*, p. 18735, 18762-63; July 31, 1986, 99-2, *Record*, p. 18520; Dec. 18, 1982, 97-2, *Record*, pp. 32332-34; July 20, 1983, 98-1, *Record*, p. 19891.

<sup>528</sup> *See* Mar. 8, 1989, 101-1, *Record*, pp. S 2337-38.

<sup>529</sup> July 24, 1954, 83-2, *Record*, p. 11807.



### Special Orders, Debate To Make or Change:

A motion to make a bill a special order is debatable.<sup>530</sup> A motion to change a special order, or to proceed to the consideration of other business instead, shall be determined without debate.<sup>531</sup>

When a special order is laid before the Senate, a motion to proceed to the consideration of another bill is in order, which is not debatable.<sup>532</sup>

A motion to limit debate, in connection with making a bill a special order, is not in order.<sup>533</sup>

### Speeches:

*See also* "Calendar, Debate Under Call of," pp. 728-730; "Conference Reports, Debate of," pp. 731-733; "Debate," pp. 305-308; "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738-742; "House of Representatives, References in Debate to Representatives and the House Itself," pp. 745-748; "Interrogation by Senators in Possession of the Floor," pp. 748-749; "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent," pp. 749-753; "List of Speakers," p. 757; "Morning Business, Debate During," pp. 758-759; "Morning Hour: Debate During, After Morning Business," pp. 759-761; "Personal Privilege, Debate of," pp. 764-765; "Reading by a Senator," pp. 972-973; "Senator Loses Floor," pp. 775-778; "Yielding," pp. 788-797.

A point of order that certain language by a Senator intimated that another Senator had had a speech prepared for him which he had read on the floor of the Senate, and was in violation of the rule,<sup>534</sup> was overruled by the Presiding Officer.<sup>535</sup>

Senator Langer on one occasion obtained unanimous consent to sit in his chair and deliver his speech;<sup>536</sup> others have been given permission to address Senate while in wheelchair.<sup>537</sup>

Speeches of Senators, for one reason or another, by unanimous consent, have been read by the legislative clerk of the Senate.<sup>538</sup>

<sup>530</sup> Mar. 24, 1884, 48-1, *Record*, p. 2200; Mar. 25, 1884, 48-1, *Record*, p. 2239; *see also* Mar. 16, 1888, 50-1, *Record*, p. 2153; May 25, 1886, 49-1, *Record*, p. 4876.

<sup>531</sup> Mar. 12, 1884, 48-1, *Record*, p. 1795; *see also* Jan. 22, 1925, 68-2, *Record*, p. 2269.

<sup>532</sup> July 12, 1932, 72-1, *Record*, p. 15096; Feb. 12, 1885, 48-2, *Record*, p. 1549; *see also* Feb. 20, 1885, 48-2, *Record*, p. 1935.

<sup>533</sup> July 9, 1932, 72-1, *Journal*, p. 698, *Record*, p. 14958.

<sup>534</sup> Rule XIX, par. 2.

<sup>535</sup> Jan. 11, 1922, 67-2, *Record*, p. 1038.

<sup>536</sup> Oct. 15, 1949, 81-1, *Record*, pp. 14657, 14661.

<sup>537</sup> Feb. 26, 1970, 91-2, *Record*, p. 5065.

<sup>538</sup> Senator Potter on Mar. 15, 1955; Senator Millikin on Mar. 28, 1956.

On February 26, 1970, unanimous consent was granted to insert in the *Congressional Record* for the remainder of the 91st Congress, 2d session, any speeches presented personally by Senators at the Presiding Officer's desk, to be included in the morning business section of the *Record*.<sup>539</sup>

By unanimous consent a Senator may be given permission to continue on the next day a speech begun by him.<sup>540</sup>

### Speeches Allowed in Same Legislative Day:

*See also* "Cloture, Debate," pp. 305-308.

The first set of rules of the Senate contained the following restriction: "No member shall speak more than twice in any one debate on the same day, without leave of the Senate."<sup>541</sup> In its present form, this restriction can be found in Rule XIX, paragraph 1(a) which provides in part that "no Senator shall speak more than twice upon any one question in debate on the same legislative day without leave of the Senate,<sup>542</sup> which shall be determined without debate,"<sup>543</sup> and "day" as used in Rule XIX means a legislative day,<sup>544</sup> but the rule is not self enforcing.<sup>545</sup>

A Senator has a right to speak twice only in the same legislative day on the same question,<sup>546</sup> for example, on a conference report,<sup>547</sup> on a bill or on any amendment thereto<sup>548</sup>—thus the Senator may speak twice on any question in any given legislative day.<sup>549</sup>

<sup>539</sup> Aug. 6 and 8, 1958, 85-2, *Record*, pp. 16309, 16317, 16625; May 9, 1962, 87-2, *Record*, p. 8055.

<sup>540</sup> Mar. 7, 1940, 76-3, *Journal*, p. 153, *Record*, p. 2497.

<sup>541</sup> Rule IV, *Standing Rules of the Senate*, Apr. 16, 1789, 1-1, *Journal*, p. 13.

<sup>542</sup> Dec. 20, 1982, 97-2, *Record*, p. 32676.

<sup>543</sup> Rule XIX, par. 1; Nov. 30, 1973, 93-1, *Record*, pp. 38902-03; see May 24, 1978, 95-2, *Record*, p. 15224; July 25, 1979, 96-1, *Record*, pp. 20532-33.

<sup>544</sup> July 8, 1937, 75-1, *Journal*, p. 404; see also Feb. 28, 1949, 81-1, *Record*, p. 1585; Jan. 19, 1938, 75-3, *Record*, pp. 751-52; May 24, 1978, 95-2, *Record*, p. 15224.

<sup>545</sup> July 25, 1979, 96-1, *Record*, pp. 20532-33.

<sup>546</sup> Jan. 19, 1938, 75-3, *Record*, pp. 752-753; Dec. 27, 1920, 66-3, *Record*, p. 742; May 21, 1935, 74-1, *Journal*, p. 365; Apr. 15, 1940, 76-3, *Record*, pp. 4486-88; July 8, 1937, 75-1, *Journal*, p. 403; Feb. 18, 1927, 69-2, *Journal*, p. 189; see also Feb. 22, 1923, 67-4, *Record*, p. 4248; May 31, 1924, 68-1, *Record*, p. 10012; Mar. 2, 1911, 61-3, *Record*, pp. 3900-06; Mar. 4, 1960, 86-2, *Record*, pp. 4472-73; Aug. 31, 1959, 86-1, *Record*, p. 17389; June 20, 1947, 80-1, *Record*, p. 7426; June 19, 1948, 80-2, *Record*, p. 9138; Sept. 20, 1950, 81-2, *Record*, p. 15184; Oct. 1, 1940, 76-3, *Record*, p. 12926; Sept. 24, 1951, 82-1, *Record*, p. 11954.

<sup>547</sup> Feb. 18, 1927, 69-2, *Journal*, p. 189, *Record*, p. 4148.

<sup>548</sup> See Mar. 16, 1954, 83-2, *Record*, pp. 3330-31.

<sup>549</sup> Dec. 9, 1982, 97-2, *Record*, p. 29559.

On one occasion, in response to a parliamentary inquiry the Chair indicated that the two speech rule would apply to a Senator who controlled time for debate on a measure.<sup>550</sup> However, more recently the Chair has indicated that the two speech rule would not apply in cases where debate was limited.<sup>551</sup>

On various occasions, the two speech rule has been applied<sup>552</sup> and not applied<sup>553</sup> when the Senate was operating under cloture, although it appears that Senators in adopting the cloture rule in 1917 understood it not to apply.<sup>554</sup>

If a Senator has spoken twice on an amendment in the same day, he is entitled to make two additional speeches on an amendment proposed to that amendment,<sup>555</sup> or any different question brought before the Senate, as a motion to recommit.<sup>556</sup>

A Senator may make two speeches upon the same question in the same legislative day, and if he yields for a speech by another Senator he will lose the floor upon a point of order being made, and his speech will thereby be terminated.<sup>557</sup>

Under Rule XIX, a Senator is not entitled to speak more than twice in the same legislative day on the same question and when called to order during his third speech will lose his right to the floor.<sup>558</sup>

A Senator who has spoken twice on the same question may be recognized to make a motion,<sup>559</sup> and by leave of the Senate or the adoption of a motion to that effect, to be determined without debate, a Senator may speak more than twice upon the same question on the same legislative day.<sup>560</sup>

When a Senator called for the regular order, the Senator who had the floor was directed to take his seat, since it was determined that he had already spoken twice on the question before the Senate on that legislative day, the

<sup>550</sup> Sept. 27, 1986, 99-2, *Record*, pp. 26598-99.

<sup>551</sup> See July 18, 1990, 101-2, *Record*, p. S 9900.

<sup>552</sup> See Sept. 25, 1986, 99-2, *Record*, pp. 26138-39; Dec. 20, 1982, 97-2, *Record*, pp. 32664-65; and Sept. 22, 1982, 97-2, *Record*, p. 24596.

<sup>553</sup> See July 18, 1990, 101-2, *Record*, p. S 9900; Jan. 25, 1926, 69-1, *Record*, p. 2686; see also Aug. 14, 1962, 87-2, *Record*, pp. 16432-33.

<sup>554</sup> See remarks of Senator Norris, Mar. 8, 1917, 65-Special Session, *Record*, p. 27.

<sup>555</sup> See Jan. 24, 1938, 75-3, *Record*, p. 1001.

<sup>556</sup> Sept. 18, 1914, 63-2, *Record*, p. 15358; see May 24, 1978, 95-2, *Record*, p. 15224.

<sup>557</sup> July 8, 1937, 75-1, *Journal*, p. 403, *Record*, pp. 6896-97.

<sup>558</sup> Dec. 16, 1970, 91-2, *Record*, pp. 41747-49; May 3, 1921, 67-1, *Record*, pp. 965-66.

<sup>559</sup> See June 20, 1947, 80-1, *Record*, p. 7426.

<sup>560</sup> Mar. 4, 1917, 64-2, *Journal*, p. 230, *Record*, p. 5019; Rule XIX, clause 1.

Chair holding that recognition for any purpose constituted a speech. On appeal this ruling was not sustained as the judgment of the Senate. By this vote of the Senate, it was determined that standing alone, the following procedural motions and requests were examples of actions that did not constitute speeches for purposes of the two speech rule: parliamentary inquiries, appeals from rulings of the Chair, points of order, suggesting the absence of a quorum, withdrawal of appeals, requests for the yeas and nays, requests for a division vote, requests for reading of amendments, and requests for division of amendments. Therefore, the two speech rule requires not a mechanical test, but the application of the rule of reason.<sup>561</sup>

When a conference report taken up on motion is displaced by another matter taken up on motion, and such conference report is subsequently taken up again, a Senator who spoke on the report when it was first under consideration will have two speeches on the report when taken up the second time.<sup>562</sup>

On one occasion, a Senator obtained unanimous consent that no further remarks made by him constitute a second speech.<sup>563</sup>

In one instance, in 1948, when a Senator made a speech on an extraneous matter without knowledge that it would be counted as a speech on the pending question, he was by unanimous consent excused from the operation of the rule.<sup>564</sup>

In the event a speech is continued over from one day until the next by unanimous consent, it counts as only one speech, although the Senate recessed in the meantime, since the rule on recognition and number of speeches may thus be waived.<sup>565</sup>

A Senator who yields for a motion to recess loses the floor, and if he is recognized on the reconvening of the Senate he will be making a second speech on the pending question.<sup>566</sup>

The speech of a Senator who is called to order for a violation of Rule XIX, reflecting upon Senators, if he is permitted to proceed in order, is not terminated.<sup>567</sup>

<sup>561</sup> Sept. 25, 1986, 99-2, *Record*, pp. 26139-53.

<sup>562</sup> Sept. 20, 1950, 81-2, *Record*, p. 15184.

<sup>563</sup> July 20, 1983, 98-1, *Record*, pp. 19905-06.

<sup>564</sup> Mar. 1, 1949, 81-1, *Record*, p. 1658.

<sup>565</sup> July 13, 1949, 81-1, *Record*, p. 9381; July 13, 1937, 75-1, *Record*, pp. 7111-12.

<sup>566</sup> Jan. 24, 1938, 75-3, *Record*, p. 1001.

<sup>567</sup> See June 12, 1935, 74-1, *Record*, p. 9170.

When a bill or resolution is under consideration, a statement by a Senator concerning an extraneous matter will be counted as a speech by him on the pending question.<sup>568</sup>

If a Senator in possession of the floor yields to another Senator to make a motion to recess or makes such a motion himself he would lose the floor, and would have no prior right to recognition, and if recognized again, it would be his second speech.<sup>569</sup>

A Senator who twice yielded in debate in the same day for motions to take a recess is not entitled to recognition again upon the same question,<sup>570</sup> or who, during a second speech on the same day on a question, yields for a motion to adjourn loses the floor, and cannot proceed again in the face of objection which may be made after a Senator has started his third speech.<sup>571</sup>

A Senator who yields for the purpose of a quorum call has concluded one speech,<sup>572</sup> but if he yields for a quorum call on condition that his right to the floor will be preserved, a subsequent point of order that his speech was terminated by yielding for the quorum call and that he had made one speech will not lie.<sup>573</sup>

Under an agreement to speak only once on a bill, a Senator cannot divide the time so as to speak more than once; <sup>574</sup> an agreement to speak only once on a bill, or any amendment thereto, would make a second speech on the same question and would not be in order,<sup>575</sup> but a Senator would be entitled to speak upon a new amendment.<sup>576</sup>

Under an agreement limiting debate on the part of a Senator to one speech of not more than 20 minutes on any resolution or amendment thereto, a Senator may speak on an amendment to an amendment.<sup>577</sup>

<sup>568</sup> See Mar. 1, 1949, 81-1, *Record*, p. 1658.

<sup>569</sup> See June 12, 1935, 74-1, *Record*, p. 9127.

<sup>570</sup> Feb. 23, 1927, 69-2, *Journal*, p. 207, *Record*, pp. 4495-96.

<sup>571</sup> Sept. 18, 1914, 63-2, *Record*, pp. 15356-57.

<sup>572</sup> July 13, 1937, 75-1, *Journal*, p. 411, *Record*, p. 7102; June 28, 1945, 79-1, *Record*, p. 6890; see also Apr. 12, 1940, 76-3, *Record*, p. 4419; Apr. 15, 1940, 76-3, *Record*, pp. 4487-88.

<sup>573</sup> May 9, 1949, 81-1, *Record*, p. 5877.

<sup>574</sup> See Feb. 4, 1944, 78-11, *Record*, p. 1246.

<sup>575</sup> Jan. 31, 1928, 70-1, *Record*, p. 2239; Nov. 7, 1921, 61-7, *Record*, p. 7474; Dec. 21, 1926, 69-2, *Record*, p. 843.

<sup>576</sup> Dec. 21, 1926, 69-2, *Record*, p. 843.

<sup>577</sup> See Feb. 26, 1947, 80-1, *Record*, p. 1439.

Under an agreement to speak once on a question, a Senator having the floor cannot yield time to another Senator.<sup>578</sup>

Under an agreement for a limitation of debate to speak only once on a bill, a Senator who was interrupted at a specified hour for a joint meeting was permitted to proceed with his remarks after reconvening.<sup>579</sup>

### Suspension of the Rules, Debate of Motion for:

A motion to suspend a rule is debatable.<sup>580</sup>

### Table, Motion To, Not Debatable:

Under Rule XXII, the motion to table is not debatable,<sup>581</sup> including a motion to lay on the table a motion to reconsider;<sup>582</sup> a motion to table a motion to consider;<sup>583</sup> or a motion to lay an amendment on the table.<sup>584</sup>

After a motion to table has been made, all points of order, motions or actions, until the vote on the motion to table has been taken and announced, must be transacted without debate since motions to table are not debatable.<sup>585</sup>

Under a unanimous consent agreement precluding debate after a specified hour on any amendment, a motion to lay such an amendment on the table is not debatable.<sup>586</sup>

A unanimous consent agreement providing, with respect to a certain bill, that amendments should be consid-

<sup>578</sup> Feb. 16, 1925, 68-2, *Record*, p. 3841.

<sup>579</sup> May 25, 1946, 79-2, *Record*, pp. 5719-20.

<sup>580</sup> See Feb. 2, 1933, 72-2, *Record*, p. 3173; Jan. 27, 1931, 71-3, *Record*, pp. 3300-01; July 24, 1947, 80-1, *Record*, p. 10209; Aug. 5, 1949, 81-1, *Record*, p. 10829.

<sup>581</sup> July 16, 1983, 98-1, *Record*, p. 19501; July 16, 1975, 94-1, *Record*, pp. 23017-18; Sept. 23, 1977, 95-1, *Record*, p. 30624; May 3, 1979, 96-1, *Record*, p. 9736; June 25, 1979, 96-1, *Record*, p. 16314; Sept. 21, 1978, 95-2, *Record*, pp. 30643-45; Sept. 24, 1977, 95-1, *Record*, pp. 30744-45; Aug. 8, 1966, 89-2, *Record*, p. 18585; Feb. 8, 1967, 90-1, *Record*, p. 2984; July 18, 1913, 63-1, *Record*, p. 2471; Jan. 29, 1915, 63-3, *Record*, pp. 2576-77; June 3, 1938, 75-3, *Journal*, p. 448, *Record*, p. 8097; June 19 and 20, 1914, 63-2, *Record*, pp. 10730, 10762; July 23, 1954, 83-2, *Record*, p. 11575; Jan. 18, 1949, 81-1, *Record*, p. 458; June 7, 1948, 80-2, *Record*, pp. 7225, 7260; May 23, 1946, 79-2, *Record*, pp. 5519, 5522; Nov. 17, 1942, 77-2, *Record*, p. 8922; Sept. 25, 1940, 76-3, *Record*, p. 12587; see also July 19, 1939, 76-1, *Record*, p. 9466; Nov. 18, 1942, 77-2, *Record*, p. 8932; Apr. 25, 1949, 81-1, *Record*, p. 4981; Oct. 19, 1951, 82-1, *Record*, p. 13520; Mar. 31, 1952, 82-2, *Record*, pp. 3175-76; Nov. 29, 1954, 83-2, *Record*, p. 16172; Sept. 14, 1961, 87-1, *Record*, pp. 19422-23, 19428-29; July 25, 1973, 93-1, *Record*, p. 25969; May 1, 1974, 93-2, *Record*, p. 12618-19.

<sup>582</sup> See June 4, 1953, 83-1, *Record*, p. 6059.

<sup>583</sup> Aug. 20, 1958, 85-2, *Record*, p. 18688; Jan. 29, 1915, 63-3, *Record*, pp. 2584-85.

<sup>584</sup> June 3, 1938, 75-3, *Journal*, p. 448, *Record*, p. 8097.

<sup>585</sup> Mar. 14, 1972, 92-2, *Record*, pp. 8304-07.

<sup>586</sup> See Mar. 21, 1947, 80-1, *Record*, p. 2368.

ered under a 15-minute limitation of debate and disposed of when the discussion was concluded, was interpreted by the Senate to permit a motion to be made at any time to lay an amendment on the table; the Presiding Officer held that a motion to lay on the table, not being debatable, a point of order that such a motion was not in order was not debatable when submitted to the Senate.<sup>587</sup>

In 1954, under a unanimous consent agreement providing for a limitation of debate on amendments, motions, and appeals, a ruling was made that a motion to lay an amendment on the table was not debatable.<sup>588</sup>

Later in the same year, under a unanimous consent agreement providing for a limitation of debate on amendments, motions, and appeals, it was held by the Chair that a motion to lay an amendment on the table would be debatable in view of the express language contained in the agreement providing for debate on motions.<sup>589</sup>

### **Unanimous Consent Procedure, Debate Under:**

See "Unanimous Consent Agreements," pp. 1311-1369.

### **Unfinished Business, Debate of:**

A Senator does not lose his right to the floor when he is interrupted by the Presiding Officer to lay down the unfinished business. See "Interruption of Senator Who Has the Floor Is Not Allowed Except by His Consent," pp. 749-753. Unfinished business is debatable as any other business after the Morning Hour. See "Unfinished Business," pp. 1370-1380.

### **Veto, Debate of:**

A vetoed bill having been laid before the Senate, the question of its reconsideration is debatable,<sup>590</sup> and germaneness or relevancy of debate *per se* is not required.<sup>591</sup>

A motion to postpone to a day certain the consideration of a veto message is debatable.<sup>592</sup>

<sup>587</sup> May 4, 1906, 59-1, *Record*, p. 6369.

<sup>588</sup> See Nov. 29, 1954, 83-2, *Record*, p. 16172.

<sup>589</sup> See Dec. 2, 1954, 83-2, *Record*, p. 16360; Mar. 25, 1955, 84-1, *Record*, pp. 3752, 3757.

<sup>590</sup> Mar. 4, 1913, 62-3, *Journal*, p. 304, *Record*, pp. 4838-39.

<sup>591</sup> *Ibid.*

<sup>592</sup> See Feb. 28, 1913, 62-3, *Record*, p. 4298.

A motion made during the Morning Hour to refer a vetoed bill is debatable.<sup>593</sup>

### Vice President:

The Vice President should not participate in debate. *See* "Presiding Officer Cannot Participate in Debate," p. 766; "Presiding Officer," pp. 1025-1033; "Vice President," pp. 1390-1396.

### Voting, Debate Not in Order During:

*See also* "Roll Call Vote (Yeas and Nays), Debate Out of Order," pp. 773-774; "Roll Call Vote, Ordering Yeas and Nays Does Not Exclude Debate," p. 774. Voting may not be interrupted for debate, *see* "Interruption of a Roll Call Vote Out of Order," pp. 1411-1415.

Where a *viva voce* vote is inconclusive, and the yeas and nays are demanded, further debate is in order,<sup>594</sup> or where a quorum call is had during the process of action by *viva voce* vote on an amendment, debate would be in order thereafter,<sup>595</sup> but in 1949, Vice President Barkley held that where a *viva voce* vote was had and a division demanded thereon, debate was not in order pending the result of the division vote.<sup>596</sup>

The President pro tempore in 1886 decided that after stating the tentative result of a *viva voce* vote, further debate was in order after a demand for a division or the yeas and nays.<sup>597</sup>

### Warrants of Arrest for Senators:

*See* "Arrests of Senators, Order for Determined Without Debate," p. 727.

### Yeas and Nays, Debate Out of Order During:

*See* "Rollcall Vote (Yeas and Nays), Debate Out of Order," pp. 773-774; "Rollcall Vote, Ordering Yeas and Nays Does Not Exclude Debate," p. 774; "Voting, Debate Not in Order During," p. 787.

<sup>593</sup> Dec. 16, 1924, 68-2, *Journal*, p. 39, *Record*, p. 645.

<sup>594</sup> *See* Aug. 25, 1944, 78-2, *Record*, p. 7320.

<sup>595</sup> *See* July 17, 1953, 83-1, *Record*, p. 9045; July 18, 1953, 83-1, *Record*, p. 9140.

<sup>596</sup> Oct. 12, 1949, 81-1, *Record*, p. 14300.

<sup>597</sup> Mar. 3, 1886, 49-1, *Record*, p. 1999.



### Yielding:

See also "Cloture," "Debate," "Debate and Yielding," pp. 305-308, 308-309; "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent," pp. 749-753; "Senator Loses Floor," pp. 775-778; "Speeches Allowed in Same Legislative Day," pp. 781-785.

One Senator may not yield the floor to another Senator.<sup>598</sup>

One Senator may not yield the floor to another Senator, and in so doing loses the floor, and the Presiding Officer may then recognize another Senator.<sup>599</sup>

A Senator may retain the floor by unanimous consent even though he yields to another Senator for more than a question, and indeed even if he leaves the floor and the Chamber itself, but unanimous consent must be granted specifically for that purpose.<sup>600</sup>

### Parceling Out Time Not in Order:

A Senator has no right under any rule or practice of the Senate to hold the floor and farm it out,<sup>601</sup> particularly when he sits down,<sup>602</sup> or to hold the floor and parcel out time,<sup>603</sup> or any part of his time.<sup>604</sup> A Senator in charge of a bill under consideration cannot maintain his right to the floor indefinitely while the Senate acts on the bill,<sup>605</sup> or while amendments thereto are being considered.<sup>606</sup> He may not yield to another on objection for extended arguments.<sup>607</sup>

It is the custom of the Senate, however, with reference to Senators yielding in debate, to construe its rules liber-

<sup>598</sup> Mar. 19, 1986, 99-2, *Record*, p. 5391; Oct. 6, 1983, 98-1, *Record*, p. 27486.

<sup>599</sup> June 20, 1984, 98-2, *Record*, p. 17490.

<sup>600</sup> Sept. 16, 1982, 97-2, *Record*, p. 23849.

<sup>601</sup> Mar. 17, 1910, 61-2, *Record*, pp. 3274-75; May 16, 1946, 79-2, *Record*, p. 5071; May 23, 1946, 79-2, *Record*, pp. 5496-97; Jan. 18, 1949, 81-1, *Record*, p. 451; July 17, 1946, 79-2, *Record*, p. 9229; Feb. 13, 1942, 77-2, *Record*, p. 1242; Jan. 23, 1942, 77-2, *Record*, p. 772; see also Apr. 2, 1943, 78-1, *Record*, p. 2840; Apr. 15, 1947, 80-1, *Record*, pp. 3397-98, 3405; Aug. 26, 1959, 86-1, *Record*, pp. 17030-31.

<sup>602</sup> See July 29, 1961, 87-1, *Record*, p. 14020.

<sup>603</sup> Apr. 5, 1940, 76-3, *Record*, p. 4080; Feb. 19, 1942, 77-2, *Record*, p. 1442; Oct. 2, 1945, 79-1, *Record*, p. 9222; Jan. 26, 1921, 66-3, *Record*, p. 2070; see also Feb. 24, 1938, 75-3, *Record*, p. 2359.

<sup>604</sup> Apr. 5, 1940, 76-3, *Record*, p. 4080; May 8, 1935, 74-1, *Journal*, p. 329; Sept. 25, 1914, 63-2, *Record*, p. 15672; June 5, 1900, 56-1, *Record*, p. 6588; see also Apr. 7, 1884, 48-1, *Record*, p. 2689.

<sup>605</sup> Feb. 19, 1942, 77-2, *Record*, p. 1442.

<sup>606</sup> Jan. 25, 1922, 68-2, *Record*, p. 2270.

<sup>607</sup> See Sept. 26, 1893, 53-1, *Record*, p. 1780.

ally unless prior notice has been given that they shall not be so construed.<sup>608</sup>

In one instance, the Presiding Officer, after the Senator having the floor had yielded to various Senators for interruptions and discussions, recognized in his own right a Senator desiring to interrupt further the Senator in possession of the floor.<sup>609</sup>

#### Senator Forfeits Right to or Loses Floor Under Certain Conditions:

A Senator on a point of order being made, or on objection, would forfeit his right to the floor if he yields to another Senator: (1) To insert a matter in the *Congressional Record*; <sup>610</sup> (2) for the transaction of business; <sup>611</sup> (3) to make a motion, <sup>612</sup> for examples: to move to recess, <sup>613</sup> to move to make a special order, <sup>614</sup> or to move to adjourn; <sup>615</sup> (4) for the introduction of a bill, unless unanimous consent is given; <sup>616</sup> (5) for the passage of a bill; <sup>617</sup> (6) for a speech, statement, or extended argument; <sup>618</sup> (7) to give notice of his intention thereafter to address the Senate on a designated subject; <sup>619</sup> (8) for the purpose of

<sup>608</sup> Jan. 18, 1938, 75-3, *Journal*, p. 94, *Record*, pp. 700-01.

<sup>609</sup> Aug. 1, 1922, 67-2, *Record*, pp. 10871-72.

<sup>610</sup> See Mar. 15, 1935, 74-1, *Record*, pp. 3696-97.

<sup>611</sup> Jan. 26, 1938, 75-3, *Record*, p. 1096; Jan. 28, 1938, 75-3, *Record*, p. 1190; June 27, 1946, 79-2, *Record*, pp. 7638-39, 7683-84; Mar. 2, 1905, 58-3, *Record*, p. 3848; Feb. 10, 1885, 48-2, *Record*, p. 1478; see also Dec. 7, 1942, 77-2, *Record*, p. 9351; Jan. 22, 1947, 80-1, *Record*, p. 525; Jan. 25, 1938, 75-3, *Record*, p. 1032; May 9, 1913, 63-1, *Record*, p. 1430, Feb. 8, 1915, 63-3, *Journal*, p. 99, *Record*, p. 3375.

<sup>612</sup> Dec. 17, 1947, 80-1, *Record*, p. 11494; Apr. 28, 1933, 73-1, *Journal*, p. 133; May 24, 1928, 70-1, *Journal*, p. 537; Nov. 18, 1942, 77-2, *Record*, p. 8932; Mar. 23, 1934, 73-2, *Record*, p. 5248; Apr. 17, 1933, 73-1, *Record*, p. 2562; Feb. 14, 1933, 72-2, *Record*, p. 4056; Mar. 1, 1929, 70-2, *Journal*, p. 254; Feb. 27, 1922, 67-2, *Record*, pp. 3104-05; Feb. 21, 1968, 90-2, *Record*, pp. 3806-07; see also Mar. 28, 1938, 75-3, *Record*, p. 4205; Mar. 21, 1939, 76-1, *Record*, p. 3052; Jan. 24, 1938, 75-3, *Record*, pp. 1000-01; Aug. 3, 1950, 81-2, *Record*, p. 11711; Feb. 7, 1944, 78-1, *Record*, pp. 1280-81; Feb. 24, 1947, 80-1, *Record*, p. 1353.

<sup>613</sup> Mar. 1, 1929, 70-2, *Journal*, p. 254, *Record*, p. 4850; July 13, 1937, 71-1, *Record*, pp. 7111-12; see also June 12, 1935, 74-1, *Record*, p. 9127; Mar. 21, 1939, 76-1, *Record*, p. 3052; Jan. 18, 1938, 75-3, *Record*, pp. 702-05.

<sup>614</sup> Dec. 17, 1908, 60-2, *Record*, p. 370.

<sup>615</sup> May 24, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9724; Sept. 18, 1914, 63-2, *Record*, pp. 15356-57.

<sup>616</sup> July 10, 1937, 75-1, *Journal*, p. 407; see also Nov. 18, 1921, 67-1, *Record*, p. 7895; Mar. 28, 1938, 75-3, *Record*, p. 4205; Jan. 19, 1938, 75-3, *Record*, p. 752.

<sup>617</sup> June 23, 1902, 57-1, *Record*, p. 7214.

<sup>618</sup> July 8, 1937, 75-1, *Journal*, p. 403; Feb. 17, 1923, 67-4, *Record*, p. 3833; Feb. 17, 1915, 63-3, *Record*, p. 3937; Aug. 6, 1937, 75-1, *Journal*, p. 492, *Record*, pp. 8356-57; June 12, 1935, 74-1, *Journal*, p. 434; May 21, 1935, 74-1, *Journal*, p. 364, *Record*, pp. 7931, 7934; May 8, 1935, 74-1, *Record*, p. 7133; Feb. 16, 1931, 71-3, *Record*, p. 5006; Jan. 26, 1921, 66-3, *Record*, p. 2070; Sept. 25, 1914, 63-2, *Record*, p. 15672; Sept. 18, 1914, 63-2, *Record*, p. 15369; July 14, 1911, 62-1, *Record*, p. 2923; June 5, 1900, 56-1, *Record*, p. 6588; see also Sept. 26, 1893, 53-1, *Record*, p. 1780; Dec. 6, 1929, 71-2, *Journal*, p. 28; Nov. 8, 1963, 88-1, *Record*, pp. 21481, 21493.

<sup>619</sup> See June 12, 1935, 74-1, *Record*, p. 9086.

suggesting the absence of a quorum which would count as one speech; <sup>620</sup> (9) for a question of personal privilege; <sup>621</sup> (10) to submit a notice in writing of a proposed amendment to the rules of the Senate; <sup>622</sup> (11) to submit a report; <sup>623</sup> (12) to offer a preferential or privileged motion; <sup>624</sup> (13) to yield to another Senator without restrictions; <sup>625</sup> (14) or to ask for the yeas and nays.<sup>626</sup> A Senator in calling for a quorum will not necessarily lose the floor if no point of order is made against him.<sup>627</sup> A Senator who yields the floor in debate has no right to resume the floor on a subsequent day when business has intervened and another Senator has been recognized.<sup>628</sup>

A Senator may by unanimous consent yield to another Senator without losing his or her right to the floor.<sup>629</sup>

If a Senator yields by unanimous consent to a Senator without losing his right to the floor, but is not present when such Senator concludes his remarks, another Senator who addresses the Presiding Officer may be recognized in his own right.<sup>630</sup>

A Senator who had the floor and yielded by unanimous consent for the posing of a lengthy unanimous consent request on condition that he retain the floor upon its completion, should seek recognition at that time to assert his right to the floor, or the Presiding Officer may recognize another Senator.<sup>631</sup>

When a first Senator who had yielded to a second Senator for a colloquy which involved a third Senator left the floor, the second Senator claimed he had a right to the

<sup>620</sup> July 27, 1962, 87-2, *Record*, pp. 14930, 14948; July 13, 1937, 75-1, *Journal*, p. 411, *Record*, p. 7102; June 28, 1945, 79-1, *Record*, p. 6890; Dec. 21, 1945, 79-1, *Record*, p. 12516; July 1, 1952, 82-2, *Record*, p. 8734; May 19, 1952, 82-2, *Record*, p. 5434; Mar. 7, 1950, 81-2, *Record*, pp. 2946-47; Feb. 20, 1950, 81-2, *Record*, p. 1964; May 12, 1949, 81-1, *Record*, p. 6087; Feb. 28, 1949, 81-1, *Record*, p. 1585; May 9, 1946, 79-2, *Record*, p. 4730; May 21, 1935, 74-1, *Journal*, p. 365, *Record*, p. 7941; see also Apr. 12, 1940, 76-3, *Record*, p. 4419; Apr. 15, 1940, 76-3, *Record*, pp. 4487-88; May 27, 1946, 79-2, *Record*, pp. 5822-23; Mar. 19, 1947, 80-1, *Record*, pp. 2263-64; July 24, 1947, 80-1, *Record*, p. 10004; Apr. 2, 1949, 81-1, *Record*, pp. 3771-72; Feb. 24, 1960, 86-2, *Record*, p. 3372; Apr. 25, 1959, 86-1, *Record*, p. 6731; Mar. 21, 1957, 85-1, *Record*, p. 4129; Apr. 4, 1949, 81-1, *Record*, p. 3782; Apr. 1, 1949, 81-1, *Record*, p. 3662.

<sup>621</sup> Feb. 17, 1915, 63-3, *Record*, pp. 3941-42.

<sup>622</sup> Feb. 8, 1915, 63-3, *Journal*, p. 99.

<sup>623</sup> May 4, 1917, 65-1, *Record*, p. 1782; July 6, 1917, 65-1, *Record*, p. 4718; see also Sept. 21, 1922, 67-2, *Journal*, p. 482, *Record*, pp. 13075-79.

<sup>624</sup> Feb. 4, 1938, 75-3, *Record*, pp. 1497-98.

<sup>625</sup> Oct. 9, 1939, 76-2, *Record*, p. 174.

<sup>626</sup> Feb. 21, 1968, 90-2, *Record*, pp. 3806-07.

<sup>627</sup> Feb. 21, 1944, 78-1, *Record*, p. 1914; see also June 12, 1935, 74-1, *Journal*, p. 434.

<sup>628</sup> May 21, 1934, 73-2, *Record*, p. 9128.

<sup>629</sup> Aug. 10, 1984, 98-2, *Record*, pp. 23698-700.

<sup>630</sup> Sept. 22, 1964, 88-2, *Record*, p. 21833.

<sup>631</sup> Aug. 9, 1986, 99-2, *Record*, pp. 20243-44.

floor to yield to the third Senator, but the Chair sustained a point of order by a fourth Senator that the floor could not be transferred in this manner, and the Chair then recognized that fourth Senator.<sup>632</sup>

**Senator May Retain Floor Under Unanimous Consent or When There Is No Objection:**

If the Senate agrees to such unanimous consent requests, a Senator in possession of the floor, pursuant thereto in each instance, may yield to another Senator for the following purposes without losing his right to the floor: (1) Consideration of House amendments to Senate bills;<sup>633</sup> (2) consideration of a matter on condition he be permitted to address the Senate following disposition of said matter;<sup>634</sup> (3) to make a speech;<sup>635</sup> (4) presentation or consideration of a conference report;<sup>636</sup> (5) to lay a Presidential message before the Senate;<sup>637</sup> (6) call of a quorum;<sup>638</sup> (7) ask a question of another Senator and then permit him to answer such a question;<sup>639</sup> and (8) for the transaction of business.<sup>640</sup>

By unanimous consent, a Senator may yield for a recess and resume the floor on the next day without it being counted as a second speech.<sup>641</sup>

A Senator who yielded to another Senator conditionally was held not to have lost the floor upon a point of order being subsequently made.<sup>642</sup>

In the course of a speech, in order to permit release to the newspapers of a Presidential message, a Senator, by unanimous consent, yielded for the Presiding Officer to lay it before the Senate, with its reading to be deferred until later in the day.<sup>643</sup>

Without objection, Senators have yielded to other Senators for the following purposes without losing the floor: (1) To submit parliamentary inquiries and to make a point of

<sup>632</sup> July 24, 1958, 85-2, *Record*, p. 14950.

<sup>633</sup> June 18, 1934, 73-2, *Journal*, p. 618, *Record*, p. 12398.

<sup>634</sup> Dec. 7, 1926, 69-2, *Journal*, p. 14, *Record*, p. 43.

<sup>635</sup> See June 3, 1909, 61-1, *Record*, p. 2703.

<sup>636</sup> June 13, 1938, 75-3, *Record*, p. 8992; see also Oct. 1, 1940, 76-3, *Record*, p. 12926.

<sup>637</sup> Mar. 5, 1949, 81-1, *Record*, p. 1923.

<sup>638</sup> Mar. 4, 1949, 81-1, *Record*, p. 1858; May 9, 1949, 81-1, *Record*, p. 5877; see also Feb. 26, 1960, 86-2, *Record*, p. 3623.

<sup>639</sup> Mar. 22, 1949, 81-1, *Record*, pp. 2897-98.

<sup>640</sup> June 28, 1945, 79-1, *Record*, pp. 6878-79.

<sup>641</sup> July 13, 1937, 75-1, *Record*, pp. 7111-12.

<sup>642</sup> Oct. 4, 1943, 78-1, *Record*, p. 8009.

<sup>643</sup> Mar. 5, 1949, 81-1, *Record*, p. 1923.

order; <sup>644</sup> (2) for the disposition of a privileged matter; <sup>645</sup> (3) for collateral matters; <sup>646</sup> (4) for laying privileged matters before the Senate; <sup>647</sup> (5) for consideration of a message received from the House; <sup>648</sup> (6) for the presentation and consideration of conference reports; <sup>649</sup> and (7) for the consideration of an appropriation bill until the close of the Morning Hour.<sup>650</sup>

A request by a Senator who has the floor that he be permitted to yield for a certain period of time to another Senator at the latter's request without losing the floor, falls when the request of the latter Senator is withdrawn.<sup>651</sup>

A Senator who has the floor and yields by unanimous consent for the consideration of a matter which leads to debate, may assert his right to the floor.<sup>652</sup>

A message from the President of the United States, or the House of Representatives may be received while a Senator holds the floor in debate or a Senator may yield for the reception of such a message without losing the floor.<sup>653</sup>

Where a Senator having the floor yields for the laying before the Senate of a concurrent resolution of the House, action on a motion made in relation thereto may be had without the right of such Senator to the floor being lost.<sup>654</sup>

A Senator yielding for a message to be laid before the Senate cannot then reclaim the floor to prevent action as to its reference or disposition.<sup>655</sup>

A Senator who has the floor under cloture and yields to another Senator with unanimous consent for that second Senator to make a parliamentary inquiry, provided that the time be charged against the time of the second Sena-

<sup>644</sup> July 25, 1947, 80-1, *Record*, p. 10005; June 12, 1935, 74-1, *Journal*, p. 435; see also Jan. 26, 1938, 75-3, *Record*, p. 1136.

<sup>645</sup> July 13, 1937, 75-1, *Record*, p. 7091; July 10, 1937, 75-1, *Journal*, p. 407, *Record*, p. 7018; see also July 9, 1937, 75-1, *Journal*, pp. 405, 406, *Record*, pp. 6982-85.

<sup>646</sup> June 20, 1898, 55-2, *Record*, p. 6147.

<sup>647</sup> Jan. 17, 1933, 72-2, *Record*, p. 1943.

<sup>648</sup> May 28, 1928, 70-1, *Journal*, p. 563.

<sup>649</sup> June 13, 1938, 75-3, *Record*, p. 8992; Jan. 24, 1933, 72-2, *Record*, p. 2378; Dec. 8, 1942, 77-2, *Record*, pp. 9384, 9386-88; see also Oct. 1, 1940, 76-3, *Record*, p. 12926.

<sup>650</sup> May 24, 1951, 82-1, *Record*, pp. 5783, 5787.

<sup>651</sup> Sept. 11, 1950, 81-2, *Record*, pp. 14503-04.

<sup>652</sup> June 14, 1950, 81-2, *Record*, p. 8583.

<sup>653</sup> Apr. 1, 1987, 100-1, *Record*, p. S 4440; July 13, 1937, 75-1, *Journal*, p. 411, *Record*, pp. 7109, 7112.

<sup>654</sup> May 28, 1928, 70-1, *Journal*, p. 563, *Record*, p. 10309.

<sup>655</sup> June 16, 1909, 61-1, *Record*, pp. 3345, 3346.

tor, retains his right to the floor and may regain the floor when he wishes.<sup>656</sup>

When a first Senator yields (by unanimous consent) to a second Senator on the condition that when he resumes it not count as a second speech, the first Senator has retained the floor.<sup>657</sup>

#### Senator Yielded to, Limited in What He Can Say or Do:

A motion by a Senator to proceed to the consideration of a matter is not in order where another Senator had the floor and had not yielded.<sup>658</sup>

Likewise, a Senator to whom another has yielded may not suggest the absence of a quorum<sup>659</sup> or make a motion where the first Senator indicated he did not yield for such a purpose.<sup>660</sup>

Where a Senator in debate yields to another Senator presumably for a question or observation, the Senate decided that the Senator so yielding did not thereby lose the floor, and that a motion by the Senator to whom he had yielded was not in order.<sup>661</sup>

Where a Senator in possession of the floor yields to another Senator for a question only, the latter may not make a motion to lay on the table a motion to reconsider,<sup>662</sup> or make extraneous speeches on the time of the Senator yielding.<sup>663</sup>

A Senator who is occupying the floor temporarily by permission of a Senator who actually has the floor cannot elect to yield to another Senator desiring to interrupt him for an inquiry; such a Senator desiring to interrupt must obtain the consent of the Senator in actual possession of the floor.<sup>664</sup>

A Senator to whom another Senator had yielded (without the first Senator losing his right to the floor), must obtain unanimous consent or the consent of that Senator in order to respond to a question from a third Senator.<sup>665</sup>

<sup>656</sup> Dec. 21, 1982, 97-2, *Record*, p. 32682.

<sup>657</sup> May 23, 1985, 99-1, *Record*, pp. 13466, 13469.

<sup>658</sup> June 7, 1924, 63-1, *Record*, p. 11151.

<sup>659</sup> Apr. 22, 1926, 69-1, *Record*, pp. 7958-59; Feb. 5, 1920, 66-2, *Record*, p. 2501.

<sup>660</sup> May 30, 1940, 76-3, *Record*, p. 7170; Feb. 4, 1943, 78-1, *Record*, p. 576.

<sup>661</sup> Mar. 20 and 21, 1914, 63-2, *Record*, pp. 5168, 5175-76, 5219-22.

<sup>662</sup> Sept. 20, 1950, 81-2, *Record*, p. 15264.

<sup>663</sup> June 15, 1935, 74-1, *Journal*, p. 444, *Record*, p. 9364.

<sup>664</sup> Jan. 26, 1921, 66-3, *Record*, p. 2070.

<sup>665</sup> May 23, 1985, 99-1, *Record*, pp. 13460-62.

A Senator who controls time on a matter may yield time to another Senator, and having been yielded to that Senator may offer an amendment.<sup>666</sup>

The Majority Leader or Minority Leader or their designees may yield from their time for debate on a concurrent resolution on the budget to another Senator so that latter Senator may offer an amendment, even after the leaders have designated another Senator to manage time on the resolution.<sup>667</sup>

#### Yield for Question Only:

Under Rule XIX, a Senator in debate, if the regular order is insisted on or called for, can yield only for a question;<sup>668</sup> he has a right to yield to another Senator to propound a question; he cannot yield for a statement,<sup>669</sup> nor to another for the purpose of withdrawing an amendment.<sup>670</sup>

When a Senator addresses a question to another Senator he should rise,<sup>671</sup> address the Chair and get permission through the Chair of the Senator having the floor,<sup>672</sup> and the Senator yielding is required to remain standing.<sup>673</sup>

A Senator may yield to another Senator for a question, without unanimous consent,<sup>674</sup> without losing the floor,<sup>675</sup> but he may yield only for a question on objection,<sup>676</sup> when the regular order is requested, or an enforcement of the rules called for, and not for a state-

<sup>666</sup> Dec. 3, 1985, 99-1, *Record*, p. 33901; May 20, 1982, 97-2, *Record*, pp. 11032-33.

<sup>667</sup> May 20, 1982, 97-2, *Record*, pp. 11032-33.

<sup>668</sup> Aug. 9, 1978, 95-2, *Record*, p. 25089; Sept. 23, 1977, 95-1, *Record*, p. 30638; Mar. 7, 1968, 90-2, *Record*, pp. 5654-56; June 28, 1972, 92-2, *Record*, p. 22930; Oct. 4, 1972, 92-2, *Record*, p. 33674; June 27, 1962, 87-2, *Record*, p. 11870; Mar. 2, 1911, 61-3, *Record*, pp. 3900-06; Apr. 13, 1932, 72-1, *Journal*, p. 392; June 14, 1935, 74-1, *Journal*, p. 444; June 15, 1967, 90-1, *Record*, p. 16016; Dec. 16, 1970, 91-2, *Record*, p. 41742; see Aug. 23, 1978, 95-2, *Record*, p. 27375.

<sup>669</sup> June 10, 1964, 88-2, *Record*, p. 13200; Apr. 4, 1964, 88-2, *Record*, pp. 6861-63; see Dec. 16, 1970, 91-2, *Record*, p. 41742.

<sup>670</sup> Sept. 23, 1977, 95-1, *Record*, p. 30638; Apr. 4, 1964, 88-2, *Record*, pp. 6861-63.

<sup>671</sup> See Apr. 6, 1948, 80-2, *Record*, p. 4111.

<sup>672</sup> June 9, 1914, 63-2, *Record*, pp. 10044-45; Mar. 3, 1949, 81-1, *Record*, pp. 1795-96; July 21, 1941, 77-1, *Record*, p. 6170.

<sup>673</sup> Apr. 23, 1953, 83-1, *Record*, p. 3667.

<sup>674</sup> Aug. 23, 1958, 85-2, *Record*, pp. 19524-25.

<sup>675</sup> June 23, 1949, 81-1, *Record*, p. 8194; May 24, 1928, 70-1, *Journal*, p. 537; Apr. 1, 1949, 81-1, *Record*, p. 3657; Mar. 2, 1927, 69-2, *Record*, p. 5360; June 5, 1900, 56-1, *Record*, p. 6588; Feb. 26, 1960, 86-2, *Record*, p. 3599; see also Jan. 18, 1938, 75-3, *Record*, pp. 702-05; July 14, 1911, 62-1, *Record*, p. 2923; Dec. 16, 1970, 91-2, *Record*, p. 41742.

<sup>676</sup> June 27, 1962, 97-2, *Record*, p. 11870.

ment,<sup>677</sup> argument, or speech in the guise of a question.<sup>678</sup>

A Senator who has the floor may yield to another Senator for the latter Senator to ask the former Senator a question,<sup>679</sup> but he or she may not yield the floor to the latter Senator.<sup>680</sup>

A Senator who yields in debate for a question jeopardizes his right to the floor if he allows a statement to be made.<sup>681</sup>

In fact, under rulings of the Chair, when the regular order is called for a Senator who yields for more than a question loses the floor,<sup>682</sup> and he cannot yield the floor to another,<sup>683</sup> except by unanimous consent.<sup>684</sup>

The Senator who has the floor may yield to another Senator for a question only and must remain standing, but the rights of the Senator having the floor are construed liberally in the face of these restrictions, and it is the practice of the Senate for the Presiding Officer to

<sup>677</sup> Apr. 1, 1949, 81-1, *Record*, p. 3657; June 18, 1959, 86-1, *Record*, pp. 11178-82; Aug. 11, 1958, 85-2, *Record*, p. 16907; Oct. 2, 1945, 79-1, *Record*, p. 9222; see also Sept. 1, 1959, 86-1, *Record*, pp. 17500, 17509; Aug. 26, 1959, 86-1, *Record*, pp. 16995-96; Aug. 23, 1958, 85-2, *Record*, p. 19461.

<sup>678</sup> Mar. 21, 1939, 76-1, *Record*, pp. 3050-51; June 21, 1940, 76-3, *Record*, pp. 8812-13; Mar. 15, 1948, 80-2, *Record*, p. 2815; July 24, 1954, 83-2, *Record*, p. 11856; Apr. 23, 1952, 82-2, *Record*, p. 4284; June 9, 1950, 81-2, *Record*, pp. 8375-83; Mar. 4, 1950, 81-2, *Record*, p. 2800; Oct. 13, 1949, 81-1, *Record*, pp. 14403-04; June 23, 1949, 81-1, *Record*, p. 8194; Apr. 21, 1949, 81-1, *Record*, p. 4889; Apr. 4, 1949, 81-1, *Record*, pp. 3781-82; Mar. 25, 1949, 81-1, *Record*, p. 3185; Mar. 22, 1949, 81-1, *Record*, pp. 2897-98; Mar. 1, 1949, 81-1, *Record*, pp. 1649-50; Feb. 28, 1949, 81-1, *Record*, p. 1570; Feb. 7, 1949, 81-1, *Record*, p. 857; June 19, 1948, 80-2, *Record*, p. 9109; June 7, 1948, 80-2, *Record*, p. 7239; July 24, 1947, 80-1, *Record*, pp. 10005, 10007, 10023, 10128-29; June 20, 1947, 80-1, *Record*, pp. 7369, 7398-99; Mar. 27, 1947, 80-1, *Record*, pp. 2700, 2714; Mar. 5, 1947, 80-1, *Record*, p. 1688; Dec. 7, 1942, 77-2, *Record*, p. 9351; Nov. 17, 1942, 77-2, *Record*, pp. 8903-04; Apr. 20, 1942, 77-2, *Record*, p. 3530; Oct. 27, 1939, 76-2, *Record*, pp. 1013-14; Jan. 19, 1938, 75-3, *Record*, pp. 751-52; July 8, 1937, 75-1, *Journal*, p. 403; June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9124; May 21, 1935, 74-1, *Journal*, p. 364, *Record*, pp. 7931, 7934; June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9134; May 8, 1935, 74-1, *Record*, p. 7133; Apr. 15, 1932, 72-1, *Record*, p. 8287; Feb. 16, 1931, 71-3, *Record*, pp. 5006, 5008; Mar. 8, 1916, 64-1, *Record*, pp. 3746, 3752; Sept. 25, 1914, 63-2, *Record*, p. 15672; July 14, 1911, 62-1, *Record*, pp. 2923, 2926, 3040; Mar. 17, 1910, 61-2, *Record*, pp. 3274-75; June 3, 1909, 61-1, *Record*, p. 2703; June 5, 1900, 56-1, *Record*, p. 6588; see also Mar. 2, 1950, 81-2, *Record*, pp. 2620-21; Aug. 3, 1948, 80-2, *Record*, p. 9673; Mar. 28, 1947, 80-1, *Record*, p. 2818; Mar. 19, 1947, 80-1, *Record*, p. 2242; Oct. 6, 1939, 76-2, *Record*, p. 168; Sept. 26, 1893, 53-1, *Record*, p. 1780; Sept. 16, 1961, 87-1, *Record*, pp. 19857-59; Jan. 3, 1961, 87-1, *Record*, p. 10.

<sup>679</sup> Dec. 18, 1982, 97-2, *Record*, p. 32332; Dec. 17, 1982, 97-2, *Record*, p. 31345.

<sup>680</sup> Nov. 19, 1985, 99-1, *Record*, p. 32322; Dec. 23, 1982, 97-2, *Record*, pp. 33560-61.

<sup>681</sup> Dec. 18, 1982, 97-2, *Record*, p. 32334.

<sup>682</sup> June 12, 1935, 74-1, *Journal*, p. 434, *Record*, p. 9124; May 21, 1935, 74-1, *Journal*, p. 364; Apr. 13, 1932, 72-1, *Journal*, p. 392; Mar. 31, 1939, 76-1, *Record*, pp. 3612, 3618; May 8, 1935, 74-1, *Journal*, p. 329; Apr. 15, 1932, 72-1, *Journal*, p. 397; Feb. 17, 1923, 67-4, *Record*, p. 3833; Feb. 17, 1915, 63-3, *Record*, pp. 3941-42; see also Dec. 6, 1929, 71-2, *Journal*, p. 28; July 27, 1962, 87-2, *Record*, pp. 14930, 14948.

<sup>683</sup> Mar. 1, 1911, 61-3, *Record*, p. 3755; May 17, 1944, 78-1, *Record*, p. 4583; Apr. 2, 1949, 81-1, *Record*, pp. 3771-72; Mar. 2, 1927, 69-2, *Record*, p. 5360.

<sup>684</sup> Jan. 20, 1891, 51-2, *Journal*, p. 87, *Record*, p. 1567.



issue a warning that these restrictions will be enforced.<sup>685</sup>

On one occasion when the Senator who had the floor attempted to yield to the Minority Leader, another Senator objected, and the Presiding Officer indicated that the first Senator had the floor.<sup>686</sup>

A Senator in debate may yield for a question only, and if the Senator to whom he has yielded proceeds to make a statement or a speech, he should protect his right to the floor by refusing to yield further.<sup>687</sup> If a Senator yields for anything but a question, he will lose the floor on a point of order being made.<sup>688</sup> Under a strict application of the rules governing debate, a Senator having the floor who propounds an inquiry to a Senator, who then proceeds to make a reply thereto, loses the floor on a point of order being made.<sup>689</sup>

It takes unanimous consent for a Senator who has the floor to yield to another Senator for the purpose of allowing that Senator to make a statement.<sup>690</sup> A Senator may not yield to another Senator for that latter Senator to offer an amendment.<sup>691</sup>

It takes unanimous consent for a Senator who has the floor to yield to another Senator in order for that Senator to offer a motion since a Senator who has the floor can yield to another Senator only to permit that Senator to pose a question of the first Senator.<sup>692</sup>

It is the duty of a Senator yielding time to take the responsibility or to stop the Senator yielded to, if the latter starts to make a speech;<sup>693</sup> the former Senator, under such circumstances, can at any time refuse to yield further.<sup>694</sup>

<sup>685</sup> July 9, 1987, 100-1, *Record*, p. S 9529; Feb. 23, 1985, 99-1, *Record*, pp. 3270-71.

<sup>686</sup> Feb. 23, 1985, 99-1, *Record*, p. 3271.

<sup>687</sup> See July 8, 1937, 75-1, *Journal*, p. 403, *Record*, pp. 6896-97; Dec. 16, 1970, 91-1, *Record*, p. 41742.

<sup>688</sup> See Aug. 6, 1937, 75-1, *Journal*, p. 492, *Record*, p. 8356; Jan. 19, 1938, 75-3, *Record*, pp. 751-52.

<sup>689</sup> See Aug. 6, 1937, 75-1, *Journal*, p. 492, *Record*, p. 8356; Jan. 19, 1938, 75-3, *Record*, pp. 751-52.

<sup>690</sup> June 20, 1984, 98-2, *Record*, p. 17426.

<sup>691</sup> Aug. 6, 1986, 99-2, *Record*, p. 19507.

<sup>692</sup> Sept. 23, 1982, 97-2, *Record*, p. 24773.

<sup>693</sup> See Jan. 25, 1938, 75-3, *Record*, p. 1035; May 8, 1941, 77-1, *Record*, p. 3774; July 8, 1937, 75-1, *Journal*, p. 403; Dec. 16, 1970, 91-2, *Record*, p. 41742.

<sup>694</sup> See July 8, 1937, 75-1, *Journal*, p. 403.

A Senator who yields for a question, or conditionally, has a right to withdraw his consent at any time or decline to yield further.<sup>695</sup>

The Chair on occasions has taken the initiative to admonish Senators and insist on an enforcement of this rule.<sup>696</sup>

A Senator desiring to interrupt another cannot read from a document under the guise of asking a question.<sup>697</sup>

A Senator has a right to yield to another Senator only for a second Senator to ask the first a question, but if the Senator so yielded to asks a series of questions punctuated by responses, the first Senator need not reiterate that he is yielding for a question.<sup>698</sup>

When a Senator yields to another Senator to withdraw a motion, it is not in order for the latter Senator to make another motion.<sup>699</sup>

In one instance, 1916, the Senate reversed a decision of the Presiding Officer holding that a question propounded in debate was argumentative in character, and not one to elicit information.<sup>700</sup>

Under a unanimous consent agreement limiting debate, a Senator obtaining the floor cannot yield to a Senator for the purpose of making an inquiry of another Senator.<sup>701</sup>

A Senator who yields by unanimous consent to another Senator for a statement on condition that he does not lose his right to the floor does, however, lose the floor when he leaves the Chamber.<sup>702</sup>

A Senator having the floor and yielding to another Senator for the purpose of the second Senator making a unanimous consent request, retains the floor pending the outcome of the request, and may reclaim it at any time.<sup>703</sup>

<sup>695</sup> Oct. 4, 1943, 76-1, *Record*, p. 8009; June 23, 1949, 81-1, *Record*, p. 8194; see also July 19, 1947, 80-1, *Record*, p. 9355; for discussion and rulings concerning the right of a Senator to the floor when he yields conditionally for the consideration of a privileged matter, see July 9, 1937, 75-1, *Journal*, pp. 405-06, *Record*, pp. 6982-85; Dec. 16, 1970, 91-2, *Record*, p. 41742.

<sup>696</sup> June 23, 1949, 81-1, *Record*, p. 8194.

<sup>697</sup> June 23, 1949, 81-1, *Record*, p. 8200.

<sup>698</sup> Dec. 15, 1982, 97-2, *Record*, pp. 31043-44.

<sup>699</sup> Mar. 28, 1938, 75-3, *Record*, p. 4207.

<sup>700</sup> Apr. 6, 1916, 64-1, *Record*, pp. 5579-83.

<sup>701</sup> Mar. 15, 1935, 74-1, *Record*, p. 3696.

<sup>702</sup> Oct. 1, 1962, 87-2, *Record*, pp. 21487, 21491.

<sup>703</sup> June 20, 1984, 98-2, *Record* p. 17522.

## DECISIONS OF THE CHAIR

Decisions of the Chair are subject to appeal. See "Appeals," pp. 145-149.

## DECORUM

See also "Galleries," pp. 850-853; "Presiding Officer," pp. 1025-1033.

Under Rule XIX, as amended in 1914, the duty of enforcing order in the Chamber and the galleries, was imposed upon the Presiding Officer, on his own initiative.<sup>1</sup>

The Chair is charged with the responsibility to keep order in the Senate.<sup>2</sup>

The Chair has the right to order the Chamber cleared of all unauthorized persons and to direct the Sergeant at Arms to carry out such an order so as to maintain decorum in the Senate;<sup>3</sup> under the rules he has authority to keep decorum in the Senate Chamber<sup>4</sup> and he has that responsibility.<sup>5</sup>

Under the rules and precedents, the Chair is required to keep order and decorum during a roll call vote.<sup>6</sup>

The Presiding Officer, under the precedents of the Senate, at his discretion, has the right to order from the Chamber unauthorized personnel to assure the maintenance of order in the Chamber;<sup>7</sup> and he has assumed that authority by clearing the Chamber of persons not there on business<sup>8</sup> or engaged in the performance of their duties;<sup>9</sup> the Chair has taken the initiative to call the staff to order, threatening to have them leave the Chamber

<sup>1</sup> See "Galleries," pp. 850-853; and proceedings for July 30, 1955, 84-1, *Record*, p. 12252; Dec. 8, 1967, 90-1; *Record*, p. 35602; Sept. 29, 1970, 91-2, *Record*, p. 34033; Dec. 3, 1970, 91-2, *Record*, p. 39799; Oct. 3, 1978, 95-2, *Record*, p. 33167; Dec. 9, 1970, 91-2, *Record*, p. 40664; Dec. 19, 1970, 91-2, *Record*, p. 42712; see also Senate proceedings of Dec. 2, 1969.

<sup>2</sup> Oct. 3, 1978, 95-2, *Record*, p. 33175.

<sup>3</sup> May 21, 1968, 91-2, *Record*, pp. 14157, 14169-70; Dec. 4, 1967, 90-1, *Record*, p. 34979; Dec. 2, 1969, 91-1, *Record*, pp. 36444, 36446; Dec. 6, 1969, 91-1, *Record*, p. 37511; Dec. 10, 1969, 91-1, *Record*, pp. 38265, 38285, 38291; Dec. 17, 1969, 91-1, *Record*, pp. 39546, 39583; Sept. 11, 1967, 90-1, *Record*, p. 25004.

<sup>4</sup> Aug. 6, 1969, 91-1, *Record*, p. 22462.

<sup>5</sup> Dec. 1, 1969, 91-1, *Record*, p. 36229; July 9, 1965, 89-1, *Record*, pp. 16100, 16115-16.

<sup>6</sup> May 21, 1971, 92-1, *Record*, pp. 16442-44.

<sup>7</sup> See Aug. 12, 1970, 91-2, *Record*, p. 28456.

<sup>8</sup> July 9, 1965, 89-1, *Record*, pp. 16100, 16115-16.

<sup>9</sup> June 9, 1964, 88-2, *Record*, p. 13056.