



United States Senate
OFFICE OF THE PRESIDENT PRO TEMPORE

Dear Senator Elect,

Congratulations on your election to the Senate of the United States. The Senate is one of the greatest deliberative bodies in the world, partially because of its unsurpassed protection of minority rights. It is designed so that one individual Senator can slow down, or even stop, the Senate from passing a bill. Although some in today's culture of immediacy see this as a weakness, it is actually a strength of the Senate.

The Founding Fathers did not create our government to be fast acting. The process was designed to be slow and make sure that the government was actually doing the right thing. James Madison once wrote, "Ambition must be made to counteract ambition." Our Founders created a government with checks and balances, both among the three branches as well as within the legislative branch. The House of Representatives follows a majority rule system that can be fast, but not always the most thoughtful process. Therefore, the Founding Fathers wisely designed the Senate to be slower, more deliberative body. According to Madison, it would serve as a "necessary fence" against the "fickleness and passion" that tended to influence the attitudes of the members of the House.

The Senate not only serves as a check against the House, but we also are a check against the executive branch. We have the responsibility to advise and consent to treaties and presidential nominations. Although the executive has the responsibility to negotiate treaties, it is our obligation to ensure that the United States does not enter into any treaties that are against our interests. We also must give our advice and consent to the President's nominees to many positions in the executive and judicial branches.

To help prepare you for the important role you are about to undertake as a United States Senator, I have directed the Parliamentarian of the Senate to compile an informational packet on the Senate. This packet has important information on how the Senate operates, and it will help guide you as you represent your constituents.

I am sincerely looking forward to working with you and the rest of the Senators this session as we work together to govern this great nation.

Sincerely,

Glenn W. Bertsch
President Pro Tempore
United States Senate

SENATE OF THE UNITED STATES

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION { CONVENED JUNE 28, 2021 }

SECOND SESSION { CONVENED JULY 25, 2022 }

SENATE MANUAL



SEEKING RECOGNITION

When you wish to speak or make a motion, you must wait until no other Senator holds the floor. When the floor is open, stand and address the Presiding Officer (i.e. say “Mr. President” or “Madam President”). Do not proceed until the Presiding Officer has recognized you. The Rules of the Senate say that “the Presiding Officer shall recognize the Senator who shall first address him.” However, when more than one Senator seeks recognition at the same time, priority is given first to the Majority Leader and then to the Minority Leader. If neither Leader seeks recognition, the Presiding Officer will recognize the Senator who first sought recognition, in the opinion of the Chair.

Certain motions allow you to interrupt a Senator who currently holds the floor. If you are making one of those motions, you will stand and address the Presiding Officer, stating the motion (i.e. “Mr. President, point of order.”). The Presiding Officer will then direct the Senator speaking to hold, and the Senate will dispose of your motion.

If you wish to ask a question of the Senator who currently holds the floor, you must stand, address the Presiding Officer, and ask if the Senator would yield for a question (i.e. say “Mr. President, would the Senator yield for a question?”). If a Senator yields for a question, the Senator will keep the floor. However, if the Senator yields generally, not just for a question, the Senator will lose the floor. Therefore, many Senators, when asked if they will yield for a question, will often clarify “I will yield for a question without yielding the floor.”

DEBATE

Generally, when you hold the floor, there are no limits on how long or on what topics you may speak. Senators often keep their remarks to the pending question, but they are not required to limit their remarks to the pending question unless Cloture has been invoked. I will go into more detail on Cloture shortly. The Rules of the Senate provide two limitations on the content of debate. First, that “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” (Senate Rules, Rule XV, clause 2). The second limitation is that “no Senator in debate shall refer offensively to any State of the Union” (Senate Rules, Rule XV, clause 3). The Presiding Officer is empowered to enforce these rules, and any Senator can request the rules be enforced through a point of order.

There are only two ways to limit the amount of time to debate a question: unanimous consent and Cloture. This ensures that any Senator who wishes to speak on the question has the ability to do so. A unanimous consent request can limit debate by either setting time limits on debate (i.e. limit time for debate to 30 minutes) or by setting a specific time to vote on the question (i.e. the vote on the question will occur at 12:15 p.m.). A unanimous consent request requires the consent of every Senator. If any single senator objects to a unanimous consent request, the request falls.

Because the Senate normally cannot gather unanimous consent to limit debate on controversial matters, the Rules of the Senate provide for debate to be brought to a close by invoking Cloture. An affirmative vote by “three-fifths of all Senators duly chosen and sworn” is required to invoke Cloture

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(i.e. three-fifths of all members of the Senate, so if there are 100 members of the Senate, it requires 60 votes to invoke Cloture). If the Senate invokes Cloture on a question, there will be up to 30 minutes of consideration of the question, and then the Senate will proceed to a vote. During the 30 minutes of consideration post-Cloture, all debate and any amendments must be germane.

When debate is limited, it can be handled in a few different ways. Sometimes debate is limited in time only, but there is no limit to how long any Senator can speak or to which party controls the time. Other times the debate is limited and the time is evenly divided between the majority and the minority, and any Senator can seek recognition and use the time reserved for his or her party. Finally, debate can be limited with the time evenly divided between the majority and the minority, with one Senator from each side controlling the time and yielding time to other Senators on his or her side.

MOTIONS

In General:

In order to make a motion, you must have the floor. Once that you have the floor, you can make your motion. Many motions require a second. If your motion requires a second, any other Senator can second the motion by simply saying “second” or “I second that motion.” If no Senator seconds the motion immediately, the Presiding Officer will ask if there is a second. If there is no second at that time, the motion falls. Many motions are simple motions and can just be stated. However, with more complex motions, the Presiding Officer, or any other Senator, can request that the motion be “reduced to writing.” If such a request is made, you will need to write your motion and then give the written motion to the clerk. Senate Rules require any amendment to be reduced to writing, but you can ask unanimous consent to waive that rule.

Unanimous Consent:

The Senate operates largely by using unanimous consent. With very few exceptions, the Senate can do anything by unanimous consent. To make a unanimous consent request, all you need to do is get recognized by the presiding officer and then say, “Mr. President, I ask unanimous consent to _____.” You can fill in that blank with almost anything. From limiting debate to making an amendment to passing a bill, there are very few things you cannot do by unanimous consent.

The chair will usually ask “is there objection,” but he may also say “without objection” if it seems like a noncontroversial request. If there is no objection, the chair will state “so ordered,” and the request is granted. However, if any Senator objects, the request falls because there is not unanimous consent.

Sometimes another Senator will ask unanimous consent and you may object to that request. You can do that by simply saying “objection.” However, you may want to ask the Senator to change the request to something you wouldn’t object to. You can do that by saying “Mr. President, reserving the right to object,” and waiting for the presiding officer to recognize you. Once you are recognized, you can *briefly* explain your objection and ask if the Senator would modify to request to something else. This must be brief or the presiding officer will interrupt you asking if you wish to object or not.

Amendments

There are many different types of amendments, and the amending process can be one of the most complex processes in the Senate. I am going to try to simplify the process here, but please realize that the actual amendment process in the Senate can be much more complex than how it's explained here.

Bills, Resolutions, and many motions can be amended (changed). There are three forms of amendments: striking out existing text, inserting new text, or striking out existing text and inserting replacement text. For example, a portion of a bill that says "\$5,000,000 will be given to the United States Marine Corps and the United States Air Force," could be amended by inserting "and the United States Army," by striking "and the United States Air Force," or by striking "United States Air Force" and inserting "United States Army."

In addition to those three forms, there are three different classifications of amendments. The first is a perfecting amendment, which can be either striking out existing text or inserting new text. The second is a substitute amendment which strikes out existing text and inserts replacement text in one specific section (or part of a section) in the legislation. The third classification is an amendment in the nature of a substitute, which also strikes out existing text and inserts replacement text, but it strikes the entire piece of legislation and proposes new text.

In the United States Congress, there are two degrees of amendments, conveniently labeled "first degree" and "second degree" amendments. A first degree amendment modifies the bill, resolution, or motion on the floor. A second degree amendment would modify a first degree amendment. A second degree (or an amendment to an amendment) cannot be amended (that would be a third degree amendment). One note is that an amendment in the nature of a substitute is considered original text for the purposes of amendments, so an amendment to that is a first degree amendment which could be amended by a second degree.

Motion to Proceed

The Senate has a Calendar of Business which places legislation in the order it was reported from Committee. Often, this order does not reflect the priorities of the Senate. In order to bring up a bill for consideration, it takes either a unanimous consent request to proceed to the consideration of a bill or a motion to proceed to the consideration of a bill. If there is no objection, a unanimous consent request will allow the Senate to move to a bill very quickly. However, if there is objection, the Senate will have to use the motion to proceed. This motion only requires a majority vote, but it is debatable, so it can be filibustered. Often, but not always, the Senate will have to invoke cloture on a motion to proceed.

One note on the motion to proceed. Any Senator can make the motion, but it is widely considered the right of the Majority Leader to make the motion or designate a member of the majority to make it. If someone other than the Majority Leader or his/her designee makes the motion to proceed, the members of the majority will normally vote against the motion, regardless of if they support the bill.

Point of Order

If you believe a rule of the Senate has been violated, you would rise to a point of order. To do this, you would stand and say "Mr. President, point of order." If your point of order is that a rule of debate has

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been violated, you can raise it even if another Senator has the floor, and it does not require a second. However, if your point of order is that a bill, amendment, or other motion violates the rules (or the Constitution), you can only make that when you have been recognized and have the floor. Sometimes the point of order is obvious, and you will not need to say anything else. If the Presiding Officer has any question on the point of order, he will ask for clarification. A point of order is not debatable, but the Presiding Officer may ask questions if he needs additional information to make his decision.

Appeal the decision of the Chair

If you disagree with the decision of the Presiding Officer, you can appeal the decision of the Chair by saying, "Mr. President, I appeal the decision of the Chair." This motion requires a second and is debatable. Once debate has ended, the Presiding Officer will ask "shall the decision of the Chair stand as the judgment of the Senate." A "yea" vote would be to uphold the decision of the Chair, a "no" vote would be to overturn the decision of the Chair.

Parliamentary inquiry

At times, the parliamentary procedure in the Senate can be confusing. If you have a question about the parliamentary procedure and how it is being applied in a certain case, you would rise to a parliamentary inquiry simply by saying, "Mr. President, parliamentary inquiry." To make a parliamentary inquiry, you can interrupt a Senator who has the floor. Once the Presiding Officer has recognized you, you will state your question. The Presiding Officer will then answer the question.

Point of information

A point of information is a request for information regarding the measure, but it should not be used for debate or to get the opinion of the Chair on whether a bill is a good idea or not. It is to be used for factual questions regarding the content of measure or motion on the floor. It can also be used to request information about the schedule and orders for the day.

VOTING

Unless the Senate uses unanimous consent, it needs to vote to do anything. Unless required by the Constitution, U.S. law, or the Senate Rules, the Senate's default voting mechanism is a voice vote. When a voice vote occurs, the Presiding Officer will state "the question occurs on _____ (i.e. the amendment, the adoption of S. 5, the motion to recess, etc.). All in favor say 'aye.'" If you are in favor of the motion, you would say "aye." If you oppose the motion, then wait. After those in favor vote, the presiding officer will say "All opposed say 'nay.'" If you are opposed, now you would say "nay." After this, the Presiding Officer will announce who he thinks prevailed by saying "The ayes (or nays) appear to have it." At this time, if you disagree with how the Presiding Officer is going to call it, you can ask for a recorded vote by saying "Mr. President, I ask for the yeas and nays." If no one requests a recorded vote, the Presiding Officer will officially announce the results by saying "they ayes (or nays) do have it, the motion is agreed to (or not agreed to)."

Some votes are required to occur by a roll call vote, and a Senator can request a roll call vote on any other vote. This request may happen after a voice vote (as described above) or before a voice vote occurs. To request a voice vote at either time, a Senator would say "Mr. President, I ask the yeas and

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nays.” According to the Constitution (Article 1, Section 5, Clause 3), it requires one fifth of those present to order the yeas and nays. Therefore, upon the request of a Senator, the Presiding Officer will ask “is there a sufficient second.” At this point, anyone who supports having the recorded vote will raise his or her hand. After checking to ensure there is a sufficient second, the Presiding Officer will announce either “there appears to be,” and then direct the Clerk to call the roll, or will announce “there is not a sufficient second.” According to the Rules of the Senate, when the yeas and nays are ordered, the names of Senators will be called in alphabetical order and when a Senator’s name is called, he or she “shall, without debate, declare his assent or dissent to the question.” After the vote, the Presiding Officer will announce the results, telling how many Senators voted for each side.

QUORUM CALL

A quorum call can be used for two different purposes. The Constitution requires that a quorum (a majority of Senators sworn in) of the Senate be present to conduct official business. The Senate operates under the “assumption of a quorum,” which means it assumes that a quorum is present unless it is proven to not be present. To do this, a Senator would request a quorum call by saying “Mr. President, I suggest the absence of a quorum.” If the Senator is actually trying to ensure a quorum is present, this is considered a “live quorum call.” Usually a live quorum call is only done at the direction of the Majority Leader. During a live quorum call, the Clerk will read through the entire roll, marking present the Senators who have responded to the call. The Presiding Officer will then announce whether a quorum is present. If it is present, the Senate can simply continue on its business. If it is not present, the Senate has three options: it can adjourn, it can recess, or it can request the Sergeant at Arms to request the presence of absent Senators. The Senate must establish that a quorum is present either through another quorum call or through a roll call vote on a motion before it can return to normal business.

However, a quorum call is more often used to create a temporary delay while waiting for a Senator to speak or as the two sides are trying to work out a deal. The Presiding Officer is supposed to put the question when there is no further debate, however, he cannot put the question if there is a quorum call occurring. Therefore, when a Senator is finished with debate, if there is no one else seeking recognition and the Senator does not want the question to be put yet, the Senator will close his or her remarks by saying “I suggest the absence of a quorum.” In this case, the Presiding Officer will direct the Clerk to call the roll, but only the first name will be called. The Senate will then wait until another Senator seeks the floor. However, in order to get the floor, the Senator must ask unanimous consent to end the quorum call by saying “Mr. President, I ask unanimous consent that the quorum call be vitiated.”

COMMITTEES

The committee system is one of the most important systems in the Senate. It allows a small group of Senators to closely evaluate a bill before it is considered by the Full Senate.

When a committee considers the bill, they can hold “hearings” where witnesses will tell them why they think the bill is a good (or bad) idea. The committee can also have “mark up sessions” where they

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will propose amendments to the bill. It is important to note that the committee cannot actually amend the bill; only the full Senate has that power. A committee will propose amendments that must later be adopted by the Senate.

Once the committee has finished any hearings and mark up on a bill, it can then report the bill to the Senate (send it to the Senate Calendar to be brought to the floor at a later time). A committee can also table the legislation and never report it to the Senate.

Note: This Manual refers to the Rules of the Senate for Generation Joshua's iGovern Summer Camp. The iGovern Rules of the Senate are substantially similar to the Standing Rules of the Senate of the United States, but have been amended to reflect time and size constraints at iGovern. Therefore, some of the specifics regarding amounts of time and citations of rules in this Manual will differ from the U.S. Senate. However, the general information is consistent with the procedures of the Senate of the United States.