

TIMPANOGOS



MOCK CONGRESS



# SENATE RULES

GOVERNMENT & CITIZENSHIP

Mr. Olson

# RULES OF THE SENATE<sup>1</sup>

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1. WRITING BILLS: Senate bills may be produced in the following forms.
  - a. **A Bill:** This is regular bill that proposes a law.
  - b. **Resolutions:** these can be statements made by congress and can have the force of law. Declarations of war are usually produced as resolutions.
  - c. **Constitutional Amendments** (don't confuse this with an amendment to a bill which are sometimes called a "rider"-see below): you may propose your bill as a constitutional amendment, but it must get a 2/3rds vote to pass (If your bill passes as an amendment the sponsors will receive extra points and the party of the sponsors will gain the equivalent of 2 bills for their party tally!!)
  - d. **Riders:** riders are amendments to a bill that can potentially have either a negative or a positive effect on the success of the bill. Riders **MUST BE TYPED** and certified (i.e. signed) by the Speaker before being introduced. Riders can only be allowed if the Rules committee designates the bill in question as **open rule** (discussed latter). Additionally, the number of riders permitted to a particular bill and whether or not the riders must be **germane** is determined by the rules committee. A Senator wishing to get a rider to a bill passed, will announce the rider on the floor of the Senate and get a vote on it (riders do not have to go through the normal committee process)<sup>2</sup>. If it passes, the amendment becomes a formal part of the bill, and the bill must be voted on in this form.
  
2. RULES REGARDING LEADERSHIP ELECTIONS:
  - a. **Election of the Speaker and chairs:** Voting for the Speaker will take place in the form of a **roll call vote** (the names of the Senators are called one at a time and they respond "yeah" or "nay"). Elections for the chairs of the three standing committees will be chosen by secret ballot (for info on committees see below).
    - i. The Speaker is considered the **most powerful** member of congress and has the following powers: Assigns bills to committee, has automatic membership on the rules committee, recognizes members to speak on the floor of the Senate, and assigns all of his/her party members to committee. The leader of the party not getting the Speakership assigns their party members to committees (committee assignments are subject to a few restrictions) The Speaker also designates a Senator to be the **Clerk of the Senate** and a Senator to be a **Speaker Pro Tempore** ( i.e. to take the speakership in absence of the Speaker).
      - (1) **Recognition:** The Speaker must recognize a Senator if that Senator is the only person seeking recognition. If more than one Senator is seeking recognition, then it is entirely in the discretion of the Speaker who shall be recognized.
  - b. There must be a 100% **party-line vote** (For the Speaker and chairs of the committees, party members must vote together for their parties nominees). **Independents, however, are not bound** to any party and can vote for whomever they wish on any particular vote.

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<sup>1</sup> Senators can change the rules of the Senate at any time, subject to review by the parliamentarian, by introducing a simple resolution (use the form available in class) to the congress. The resolution must pass by majority vote. A possible example would be to introduce a "motion to recommit". Use the internet to research this to find more info.

<sup>2</sup> Remember, there are no restrictions on the content of a rider other than the germane rule (again, determined by the rules committee). If the bill in question is an open rule bill, then the riders can have any content the sponsoring Senator wishes. This is important considering the fact that, as stated above, the rider does not have to go through the committee process (for further info/hints, see the parliamentarian).

### 3. COMMITTEES:

- a. Committees are the "Work Horse" of congress. This is where bills are studied and recommendations made to the whole Senate. The permanent committees are called **standing committees** (see below). Each standing committee is divided into various subcommittees. Committees can "mark up" bills, meaning they can edit the text of the bills. Markup can be done by the committee or subcommittee Senators but the substance of the bill cannot be altered unless both sets of party leaders agree (in other words, you cannot sabotage a bill with the markup). After bills are finalized in the committee, the bill is "reported out" to the Rules committee ( The standing committee reports the bill out as "favorable" or "unfavorable"). After Rules committee action, the bill is scheduled for debate by the whole Senate.
- b. **Committee on Committees:** This committee assigns all Senators to committee ( including independents ). The committee is composed of the Speaker and both sets of party leaders.
- c. **Committee Chairs:** The chair organizes the subcommittees that will be part of his / her standing committee and selects the chairs of each of those subcommittees. The chair of each committee leads in consideration of bills assigned to their committee (The Speaker assigns bills to the standing committee). The chair determines the business of the committee and can also determine the time and place of the committee meeting. The chair can assign a bill, or parts of a bill, for consideration by a subcommittee. **All committee business (in both the standing committees and subcommittees) is conducted by majority vote** and as such the chair can be overridden with a majority vote on all matters related to committee business<sup>3</sup>
- d. **Standing committees:**
  - i. **Rules committee:** 3-4 members; one seat for the chair (elected), one seat is reserved for the Speaker, one or two seats are appointed by the parliamentarian (in consultation with the Speaker and the Rules committee chair).
    - (1) This committee sets the "**rules**" for bills (they can thus determine if bill can be **filibustered** or not and rules for riders). The committee also sets time limit for debate and the **order** that bills will be debated.
    - (2) In addition to their role in the business of the Senate, Rules can also take the lead in rule changes for the congress (see footnote 1 on previous page).
  - ii. **Social & Values Committee:** This committees deals with bills related to hot button issues and other similar issues
  - iii. **Government & Economics Committee:** This committee deals with bills such as war, terrorism, wiretapping, etc.
- e. **Select Committee:** The Senate may form by simple resolution, if needed, committees of a temporary nature that serve a narrow purpose. These are called select committees. For instance, the congress may form an **Ethics Committee**. Again, this committee is of a temporary nature and will deal with any issues of Senate ethics. The committee will have the power to censure any Senator (an official reprimand of the Senator). Reprimands are issued on two-thirds vote of the whole Senate upon the recommendation of the Ethics Committee. Committee members will be appointed by the Committee on Committees.
  - i. Grounds for censure include but are not limited to: Any serious disruption of the Senate during debate (which includes a habit of speaking out of turn), giving gifts to other Senators without disclosing the gift (Any gifts bestowed upon any Senator for purposes of support must be disclosed to the Senate with a Gift Disclosure Form which is given to the Clerk of the Senate). Any "irregularities" in the actions of a Senator or violation of ethics rules will be brought before the Ethics Committee.
  - ii. Censure will result in the loss of one bill as per the tally of that Senator's party.
- f. **Discharge Petition:** If a bill is not being reported out of the standing committee (the

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<sup>3</sup> The Chair decides what bills will be discussed and what committee business will take place. This means that some bills may, potentially, not get discussed at all. However, the Chair can be overridden with a majority vote of committee members.

committee chair may refuse to take up a bill for consideration), the sponsors can use a **discharge petition** to force the bill out of the committee. The petition (available in class) must be filled out and the required signatures gathered, then handed in to the Clerk of the Senate. The bill is then forced out of the committee to the Rules committee.

4. **HOUSE CALENDAR/SCHEDULING:**

- a. Rules decides when bills will be considered for debate by listing the bill on the Senate Calendar. The order bills are scheduled for debate is the sole power of Rules, but any Senator can obviously talk to and try to persuade members of Rules Committee of their preference. Rules is required to schedule a time for general business at the beginning of each day of the congress if requested by any Senator. If this time is not requested, then the Senate will move to consider bills.

5. **FLOOR ACTION/DEBATE:** After bills are scheduled by the Rules committee they are ready for debate (Remember, the rules committee sets the rules and time for debate ).

- a. At the beginning of each day, the Speaker will announce that the "congress is open for business". Any Senator may be recognized for any reason at this time. If there is no business the Speaker will move on to the bills scheduled on the House Calendar.
- b. The Speaker will then announce what bill is up for floor debate and will read the short title of the bill. The Speaker then announces that "the bill is ready for debate" / "the floor is open for debate on the bill".
- c. At this point the Speaker will give preference to the sponsors of the bill being considered. Only one Senator at a time can be recognized. The Senator will then proceed to present arguments for his/her bill (Each Senator must prepare a formal speech / presentation on their bill).
- d. The time allotted for the sponsors and those Senators opposing the bill are given on the Rules Cover Sheet attached to each bill. Sponsors should plan on about 4 minutes to formally present their bill. The Speaker then opens the floor for any opposition. Any Senator opposing the bill stands to be recognized and gives their remarks for their allotted time (usually 3 min).
- e. On a "open rule" bill (once again, determined by the Rules committee) individual Senators are theoretically not limited in the time they can speak. However, as a practical matter we must limit this to 10 min. (see rules for filibuster for further info ).
- f. Once formal debate is done, the Speaker will then announce the floor is open for general debate. At this point anyone can stand to speak on the bill. The Speaker will grant time (usually 30 sec. - 1 min. ) to each Senator (reminder: if there is competition for recognition, the Speaker has sole authority on who to recognize). If time runs out during open debate, the Senator can ask for an extension of time. The Speaker may grant this if there is enough total time remaining.
  - i. An extension of the total time for debate can be motioned for by any Senator which can be granted by the Speaker. However, if any Senator objects to the extension of time, the motion must be put to a vote of the whole Senate and decided by majority vote.

6. **MOTIONS:** motions are formal requests by a Senator seeking some action. Motions can be granted by the Speaker (a denial of motion by the Speaker must be based on formal rules or other legitimate grounds). A Senator can challenge any motion and force it to a vote.

- a. **Motions regarding Closed and Open Rule bills:** The Rules committee decides during committee meetings if a bill is open or closed. Any motions made during Closed Rule bills must be germane to the bill. On an open rule bill, any Senator can be recognized for any reason once open debate is announced by the Speaker. In addition, a Senator can make motions for any reason during open debate time, which motions do not have to be germane to the subject to the bill.

- b. **Types of motions:** The following are motions that can be made once the Senator is

recognized. The Speaker must accept any motion (the Speaker states: "the motion is accepted") unless there is a violation of rules. Denial of motion by the Speaker is subject to review by the parliamentarian. In making a motion, the Senator would say " I motion for a(n).....".

- i. **Recess:** temporarily closes the Senate (usually for 5 min.)
- ii. **Adjournment:** to close the Senate until the next class period
- iii. **Extension of Time:** to extend the time during open debate
- iv. **Vote:** to vote on a bill after it has been debated
- v. **Standing Vote:** to call for a standing vote if a Senator does not agree with the judgement on a voice vote
- vi. **Reconsideration:** this allows debate to continue the next class period if a bill has been filibustered
- vii. **Delay of action:** this motion is used to table a matter (a bill, a motion, etc.) that lies before the Senate until a latter time and moves the Senate to the next item of business
- viii. **Vote of Cloture:** this seeks to close debate on a bill (i.e. during a filibuster) and goes into effect upon the vote of 60% of the Senate (see rules for filibuster).
  - (1) The Speaker can be approached by any Senator seeking a vote of cloture during the filibuster.

## 7. **OBJECTIONS & POINTS OF ORDER:**<sup>4</sup>

- a. Any Senator may object to following motions:
  - i. **i, ii, iii, & vii (above)**
- b. **But cannot object to:**
  - i. **iv, v, vi, & viii.**
- c. Senators do not have to be formally recognized by the Speaker to make an objection or a point of order. The Senator will stand at their desk and state their objection or point of order. These must be made within a reasonable time relative to the action being considered. Judgement on this matter falls to the Speaker and Parliamentarian
- d. Objections are subject to majority vote, and if the objection is sustained, the motion must be immediately withdrawn unless the Senator making the motion withdraws the motion first.
  - i. A Senator would stand and state: " I rise in objection of/to..... (state the motion), on the grounds that... (state your grounds for objection)",
- e. Any Senator can **rise to make a point of order**. Points of order are made when there is a perceived violation of Senate rules.
  - i. A Senator would stand and state: "I rise to make of point of order... (state the point of order, i.e. what rules you think are being violated)". A Senator who makes a point of order should be able to cite the rule that has been violated. The Parliamentarian makes final judgements on disputes over Senate rules.

## 8. **FILBUSTERS:** These are designed to "talk a bill to death". If a Senator opposing a bill can hold the floor for the required time, the bill is dead for that session (class period) of congress.

- a. Filibusters should be **organized by the party**, but spearheaded by the team of Senators who are assigned to oppose the bill. It is courteous to tell the sponsors of the bill of your plan to filibuster, but it is NOT required.
- b. Owing to the tradition of open and unrestricted debate in the Senate, any Senator who gains the floor during open debate (by being recognized by the Speaker), can technically speak as long as they wish. However in our Mock Congress, time restrictions force us to stop at a specified time. The filibustering Senator must continue talking, and if they stop, it is assumed they give up the floor (judgement on this matter falls to the Speaker and the Parliamentarian). However, the filibustering Senator has the option to yield their control of the Senate floor to

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<sup>4</sup> Senate Rule **12** was expanded and revised by a group of Republican Senators from the Spring 2008 Congress using a simple resolution.

any other Senator to continue the filibuster.

- c. There are two requirements for filibuster to be initiated:
- i. First, filibusters cannot take place on bills with a closed rule (thus, a bill must be assigned an "open rule" by the Rules Committee). Whether a bill is open or closed is designated on the Bill Cover Sheet. Again, this is marked by the Rules Committee.
  - ii. Second, the Senators organizing the filibuster must fill out an **Intent to Filibuster** form (available in class) to be turned into the Clerk on **the class period before** the bill is debated.
- d. **Breaking a filibuster:** A filibuster can be broken in several ways. First, the filibuster can be broken with a **vote of cloture**<sup>5</sup>. A vote of 60% of the total number of Senators (present or not) must be obtained for cloture. Senators seeking cloture approach the Speaker privately to request a vote of cloture (this can be done while the filibustering senator is talking). The Speaker will request the filibustering Senator to temporarily suspend while a vote is taken (The Senator does not give up the floor in this situation). If the vote of cloture is successful, debate is cut off and the sponsors of the bill can then motion for a vote on the bill. A second way a filibuster can be broken is if the filibustering Senator gives up the floor. If the Senator leaves the floor or stops speaking on the bill (the exception is the suspension for a vote of cloture). In either instance, the sponsors may motion for a vote.
- e. If a bill is successfully filibustered, the sponsors of the bill can make a **motion to reconsider**. This cannot be done on the same class period as the filibuster but can be done the next class period. **However**, since Speaker must give the opposition the right to speak on the bill before a vote is taken the **filibuster can continue**.
9. **VOTING:** Once debate is done, a Senator stands and is recognized and says "I motion for a vote on the bill". The Speaker then proceeds to take a vote on the bill. The Speaker decides which kind of vote is to be taken (i.e. voice vote, standing vote, or roll call vote). If any member does not agree with the voice vote, they can motion for a standing vote. Bills that are divided (tie) will be decided by the Vice President. If any Senator disagrees with the vote count made by the Speaker, they can rise to object to the vote count (see above objections and points of order).
10. **PRESIDENTIAL ACTION:** Once the bill is passed it goes to the president for consideration. He/She may sign the bill into law or veto the bill. If your bill is vetoed, you may try to get an override of the veto (2/3rds vote), otherwise the bill is dead. A Senator can resubmit their bill, but it must start the process over again (i.e. introduction, committee action, etc.). As a practical matter, a bill that is vetoed does not have a good chance.
11. **LEADERSHIP CHALLENGES:** If you plan to challenge the majority leadership (which can be done at any point in the Mock Congress) you must introduce a **simple resolution (forms available in class)** into the hopper and **privately** tell the Parliamentarian. Points for leadership positions - Speaker and committee chairs - are awarded only for those who hold those positions for the majority of the congress. Also, only 2 leadership challenges are allowed for the duration of the Mock Congress.
12. **CIVILITY: Absolutely, under no circumstances, are you to make personal attacks or do anything that is inappropriate while debating or otherwise participating**
- a. **Even though you are competing with other students and parties, maintain personal integrity. You can disagree with other's view points and try to defeat their bill and still maintain personal integrity and good relationships with other students (Remember that this project should be competitive AND fun)**

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Sponsors, remember that you must get the bill voted on or obtain a vote of cloture before the time required for filibuster expires otherwise the bill dies for that day.

- b. Speaking out of turn, after being warned, will result in a reduction of points in your grade for the project**
  - c. Use formal titles... refer to the Speaker of the House as "Mr. Speaker" or "Madam Speaker". Refer to members as "Senator (last name)" or "the distinguished gentleman" or "the distinguished gentlewoman".**
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