

## SUSPENSION OF RULES

Any rule of the Senate may be suspended at any time after a day's notice in writing by a two-thirds vote. This procedure has been used primarily to make it in order to offer amendments, legislative in nature, to appropriation bills, which otherwise under Rule XVI would be out of order.

To permit the offering of an amendment to an appropriation bill, pursuant to a given notice, the amendments must be submitted in the form set out in the notice.

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### Rule V

#### [Suspension and Amendment of the Rules]

1. No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided by the rules.

2. The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

For provisions of Rules XII and XIX on non-suspendable matters, *see* pp. 1398, 717-718.

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#### Amendments, Germaneness:

An amendment offered to a measure which by the provisions of public law was to be unamendable, but which might be called up by a suspension of the rules, need not be germane to the measure proposed.<sup>1</sup>

#### Appropriation Bills, Amendments to, Suspension of Rules for:

*See also* "Suspend Rules," p. 177; "Suspension of Rules," p. 177; "Modification of," pp. 64-70.

When Rule XVI, paragraph 4, is suspended to offer an amendment to an appropriation bill, pursuant to a given

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<sup>1</sup> Apr. 22, 1985, 99-1, *Record*, p. 8618.

notice, the amendment must be submitted in the form set out in the notice,<sup>2</sup> and it is not in order for a Senator, on objection, to modify his proposed amendment while the motion to suspend is pending.<sup>3</sup>

If Rule XVI, paragraph 4, is suspended to permit the offering of an amendment containing legislation on an appropriation bill, germane second degree amendments thereto would be in order.<sup>4</sup>

Should an amendment be modified on which a suspension notice has been filed before the rules are suspended, the notice would not be applicable to the amendment.<sup>5</sup>

But in one instance in 1916, the Chair ruled that while a motion was pending, pursuant to 1 day's notice, to suspend a rule for the purpose of proposing an amendment to a general appropriation bill, the amendment might be modified by a germane change without another day's notice.<sup>6</sup>

After the rules have been suspended to permit a legislative amendment to be offered to a general appropriation bill, such amendment must be proposed in the form contained in the notice, but germane amendments may be offered to the amendment in question;<sup>7</sup> likewise, an amendment to an amendment which increases an appropriation is not subject to a point of order on that ground.<sup>8</sup> An amendment called up under a suspension of the rule is not subject to amendment by a provision that is not germane to the subject matter thereof.<sup>9</sup>

For example: A proposal to rescind certain appropriations for crop production where there was an exportable surplus in the United States, offered as an amendment to an amendment to insert a provision for the purchase of American supplies for use in the construction of public buildings and public works, submitted under a suspension of the rules, was held not to be germane.<sup>10</sup>

<sup>2</sup> Nov. 14, 1967, 90-1, *Record*, p. 32483; Apr. 7, 1942, 77-2, *Record*, p. 3387; Dec. 8, 1943, 78-1, *Record*, p. 10411; Aug. 26, 1949, 81-1, *Record*, pp. 12319-20; Jan. 28, 1931, 71-3, *Record*, pp. 3381-82; Dec. 3, 1971, 92-1, *Record*, pp. 44566, 44573-74.

<sup>3</sup> Nov. 14, 1967, 90-1, *Record*, p. 32483; June 19, 1952, 82-2, *Record*, pp. 7613-14; June 11, 1933, 72-2, *Record*, p. 1555.

<sup>4</sup> Sept. 10, 1980, 96-2, *Record*, p. 25042.

<sup>5</sup> Dec. 3, 1971, 92-1, *Record*, pp. 44566, 44573-74.

<sup>6</sup> July 12, 1916, 64-1, *Record*, p. 10866.

<sup>7</sup> See Jan. 28, 1931, 71-3, *Record*, pp. 3381-82; Aug. 4, 1939, 76-1, *Record*, pp. 11020-22; Feb. 13, 1917, 64-2, *Record*, p. 3190; June 3, 1953, 83-1, *Record*, pp. 5986-87; Aug. 18 and 21, 1961, 87-1, *Record*, pp. 16342, 16461; Dec. 3, 1971, 92-2, *Record*, pp. 44566, 44573-74.

<sup>8</sup> June 12, 1941, 77-1, *Record*, pp. 5086-87.

<sup>9</sup> Feb. 13, 1925, 68-2, *Record*, pp. 3607-14; see Sept. 12, 1959, 86-1, *Record*, p. 19347.

<sup>10</sup> Feb. 3, 1933, 72-2, *Journal*, p. 160, *Record*, pp. 3284-85.

A suspension of the rules for the purpose of permitting a specific amendment to be offered does not open the door for all general legislation on the bill.<sup>11</sup>

Any question of germaneness of an amendment offered to such a proposed legislative amendment if raised is submitted to the Senate for decision and decided without debate by a majority vote.<sup>12</sup>

Where notice is given of an intention to move to suspend a rule for the purpose of proposing a legislative amendment to a general appropriation bill, subsequent procedure is to offer the amendment, against which the point of order should then be made, and, if sustained, the motion to suspend the rule could then be made.<sup>13</sup>

A notice by a Senator of his intention to move to suspend the rule for the purpose of offering a legislative amendment to a general appropriation bill under consideration will not operate automatically to postpone a vote on the final passage of the bill until the succeeding day.<sup>14</sup>

It is not in order, after an amendment to a general appropriation bill has been stricken out on a point of order that it was legislation on an appropriation bill, to re-submit the amendment in the same form. However, when notice of a motion to suspend the rule has been made, it is in order to propose such motion for the purpose of offering the amendment.<sup>15</sup>

### **Committee Procedure:**

The requirement that a committee have a physical quorum present to report out a matter or measure—Rule XXVI, paragraph 7(a)(1)—is subject to a motion in the Senate to suspend the rules.<sup>16</sup>

### **Consideration of Motion To Suspend the Rules:**

A motion to suspend Rule XVI, pursuant to proper notice, for the purpose of proposing an amendment to a general appropriation bill, must be made while the bill to which the amendment is to be offered is before the Senate

<sup>11</sup> Feb. 13, 1917, 64-2, *Record*, p. 3190.

<sup>12</sup> May 29, 1936, 74-2, *Journal*, p. 333; Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020; see also Aug. 18 and 21, 1961, 87-1, *Record*, pp. 16342, 16461; Sept. 12, 1959, 86-1, *Record*, p. 19347.

<sup>13</sup> See July 1, 1957, 85-1, *Record*, p. 10672.

<sup>14</sup> July 18, 1919, 66-1, *Journal*, p. 135, *Record*, pp. 2827, 2830.

<sup>15</sup> Sept. 23, 1961, 87-1, *Record*, pp. 21013, 21015.

<sup>16</sup> June 2, 1981, 97-1, *Record*, p. 11109.

for consideration;<sup>17</sup> and on one occasion, it was held after a committee amendment to a general appropriation bill had been ruled out of order as being legislation, that a motion to suspend the rule, pursuant to a day's notice, to offer that amendment would not be in order until after disposing of the committee amendments.<sup>18</sup> Otherwise, a motion to suspend the rule is in order at any time after a day's notice, either before or after an amendment for which the notice was filed, has been offered and ruled out of order.<sup>19</sup> Such a motion having been rejected, it is not in order to renew it without another notice having been filed for a day.<sup>20</sup>

#### Day's Notice Required:

A motion to suspend any rule of the Senate, including a motion to suspend paragraph 4 of Rule XVI, to offer an amendment proposing legislation to a general appropriation bill, on objection to its consideration, requires that a day's notice, in writing, be given before consideration of the motion to suspend is in order.<sup>21</sup>

A notice of a proposed motion to suspend Rule XVI, paragraph 4, so as to permit the consideration of a House bill must be submitted in writing 1 day in advance.<sup>22</sup>

The 1 day's notice requirement has been met on occasion by filing a notice during a recess of the Senate under a previous order adopted by that body;<sup>23</sup> and by unanimous consent, that requirement under Rule V (formerly Rule XL) has been waived in order to propose an amendment legislative in character, to a general appropriation bill then under consideration and upon which action on that day was contemplated.<sup>24</sup>

<sup>17</sup> See Feb. 12, 1917, 64-2, *Record*, p. 3064.

<sup>18</sup> See Aug. 3, 1949, 81-1, *Record*, p. 10688.

<sup>19</sup> Sept. 14, 1950, 81-2, *Record*, pp. 14794-14807.

<sup>20</sup> Mar. 2, 1931, 71-3, *Record*, pp. 6721-22.

<sup>21</sup> Apr. 18, 1952, 82-2, *Record*, p. 4094; Feb. 14, 1935, 74-1, *Journal*, p. 120; Aug. 3, 1950, 81-2, *Record*, p. 11712; June 12, 1951, 82-1, *Record*, p. 6412; Feb. 14, 1935, 74-1, *Journal*, p. 119, *Record*, p. 1933; June 10, 1933, 73-1, *Journal*, p. 268, *Record*, p. 5608; May 30, 1933, 73-1, *Record*, p. 4623; Feb. 17, 1931, 71-3, *Journal*, p. 220, *Record*, p. 5130; May 20, 1919, 66-1, *Record*, p. 63; see also Feb. 17, 1942, 77-2, *Record*, p. 1329; Feb. 3, 1933, 72-2, *Journal*, p. 160.

<sup>22</sup> June 10, 1933, 73-1, *Journal*, p. 268, *Record*, p. 5608.

<sup>23</sup> June 18 and 22, 1943, 78-1, *Record*, pp. 6231-32.

<sup>24</sup> Oct. 18, 1949, 81-1, *Record*, pp. 14828-29.

**Day's Notice Required—Definition of:**

See "Day's Notice for Suspension of Rules—Definition of," pp. 713-714.

**Day's Notice—Suspension To Consider Bill:**

In 1955 a motion was made, pursuant to 1 day's notice in writing, to suspend certain rules so that it might be in order to proceed to the consideration of a bill without reference to a committee.<sup>25</sup>

**Debate of Motion To Suspend:**

See "Suspension of Rules, Debate of Motion for," p. 785.

**Entering of Motion:**

A point of order or objection does not lie against entering a motion to suspend the rules and offer an amendment against provisions of rule XXII while a bill is being considered under the cloture rule, but debate on any such proposed suspension of the rule would still come under the cloture rule.<sup>26</sup>

**Notice Required:**

See also "Day's Notice Required," p. 1269.

A written notice of an intention to move to suspend the rules may be filed at the desk, and need not be sent up from the floor.<sup>27</sup>

**Procedure on Suspension To Add Legislation to Appropriations:**

Once an amendment has been offered to a general appropriation bill and ruled out of order under Rule XVI, paragraph 4, it becomes a two-step proposition if offered under motion to suspend, namely: first a motion is made to suspend the rule and if agreed to affirmatively by a two-thirds vote, then secondly, the amendment is submitted for consideration and can be agreed to by a majority

<sup>25</sup> Aug. 1, 1955, 84-1, *Record*, pp. 12615-16.

<sup>26</sup> June 9, 1976, 94-2, *Record*, pp. 17273-75.

<sup>27</sup> Nov. 1, 1985, 99-1, *Record*, p. 30315.

vote;<sup>28</sup> a two-thirds vote is required to suspend the rules.<sup>29</sup>

### Provisions of Public Law:

On one occasion, four notices were filed of intention to move to suspend that portion of the rules contained in a public law which had been enacted as an exercise of the rulemaking power of Congress and which by its own provisions was deemed a part of the rules of each House.<sup>30</sup>

### Recess—Filed During:

See "Day's Notice Required," p. 1269.

### Reconsideration of Motion To Suspend:

See "Suspension of Rules, Reconsideration of," p. 1145.

### Reference of:

The Senate, under Rule V, has the power to suspend a rule, pursuant to a notice, without the reference of such notice to the Committee on Rules; where such a notice is referred to the Committee on Rules, the report by that committee, upon objection, must lie over 1 day under the rule.<sup>31</sup>

### Vote Required:

The standing rules of the Senate may be amended by a majority vote,<sup>32</sup> but a two-thirds vote of the Senators present, a quorum being present, is required for their suspension, including suspensions for the purpose of proposing legislative amendments to general appropriation bills.<sup>33</sup>

<sup>28</sup> Nov. 14, 1967, 90-1, *Record*, pp. 32488-89; Oct. 10, 1967, 90-1, *Record*, p. 28375.

<sup>29</sup> See footnote 33 below.

<sup>30</sup> Apr. 22, 1985, 99-1, *Record*, p. 8618.

<sup>31</sup> Jan. 11, 12, and 13, 1915, 63-3, *Journal*, pp. 52, 53, *Record*, pp. 1357, 1382, 1395, 1503-13.

<sup>32</sup> Apr. 18, 1921, 67-1, *Journal*, p. 45, *Record*, p. 404.

<sup>33</sup> Jan. 31, 1929, 70-2, *Record*, p. 2516; Mar. 7, 1938, 75-3, *Record*, p. 2905; Aug. 29, 1940, 76-3, *Record*, p. 11216; Apr. 18, 1952, 82-2, *Record*, p. 4094; July 24, 1947, 80-1, *Record*, p. 9973-74; Mar. 15, 1945, 78-1, *Record*, pp. 2245, 2249; Mar. 24, 1944, 78-2, *Record*, pp. 3074-75; Dec. 8, 1943, 78-1, *Record*, pp. 10411, 10432; Apr. 7, 1942, 77-2, *Record*, pp. 3386-87; June 12, 1941, 77-1, *Record*, p. 5085; Apr. 29, 1941, 77-1, *Record*, p. 3398; Aug. 4, 1939, 76-1, *Record*, pp. 11016, 11028; Apr. 5, 1938, 75-3, *Journal*, p. 277, *Record*, pp. 4727, 4735; Mar. 7, 1938, 75-3, *Journal*, p. 203, *Record*, p. 2905; Aug. 24, 1935,

After a motion to suspend the rules to offer legislation to an appropriation bill has been agreed to, it requires only a majority vote to adopt an amendment proposed to a general appropriation bill.<sup>34</sup>

### **Voting Rule May Not Be Suspended:**

The Presiding Officer is precluded from entertaining any request to suspend the rule on rollcall votes so as to interrupt the call to allow debate, even by unanimous consent.<sup>35</sup>

### **Withdrawal of Motion, or an Amendment After Suspension:**

*See also* "Withdrawal of Amendments," pp. 119-123.

A motion to suspend the rules, upon which the yeas and nays have been ordered, can only be withdrawn by unanimous consent,<sup>36</sup> nor may the mover withdraw an amendment if the rules were suspended for the purpose of offering it.<sup>37</sup>

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74-1, *Record*, pp. 14451, 14465; Feb. 18, 1921, 66-3, *Journal*, pp. 120, 121, *Record*, pp. 3366, 3372; Jan. 11, 12, and 13, 1915, 63-3, *Journal*, pp. 52, 53, *Record*, pp. 1357, 1382, 1395, 1503-13; *see also* Apr. 28, 1949, 81-1, *Record*, p. 5233; June 28, 1916, 64-1, *Record*, pp. 10136-45; Dec. 20, 1928, 70-2, *Record*, p. 917; Sept. 12, 1959, 86-1, *Record*, p. 19347; Mar. 11, 1958, 85-2, *Record*, p. 3940; Mar. 10, 1958, 85-2, *Record*, p. 3765; Aug. 1 and 2, 1955, 84-1, *Record*, pp. 12615-16, 12842-58; Aug. 21, 1961, 87-1, *Record*, pp. 16461; July 7, 1969, 91-1, *Record*, p. 18480; Oct. 10, 1967, 90-1, *Record*, p. 28375.

<sup>34</sup> *See* Oct. 10, 1967, 90-1, *Record*, p. 28375.

<sup>35</sup> July 31, 1888, 50-1, *Record*, p. 7069.

<sup>36</sup> *See* Aug. 29, 1940, 76-3, *Record*, p. 11216.

<sup>37</sup> *See* Aug. 4, 1939, 76-1, *Record*, pp. 11017-18, 11020.