



MEMORANDUM

September 28, 2015

To:

From:

Subject: Annual Breakdown of Instances in Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or His Designee Filling or Partially Filling the Amendment Tree, 1985-2015

This memorandum is intended to supplement information previously provided to you regarding filled amendment trees in the Senate. In a September 28, 2015, memorandum, CRS provided you with data documenting instances occurring since 1985 in which the Senate majority leader or his designee had used the right of first recognition to limit amendment opportunities by fully or partially filling the amendment tree. That document presented data on filled amendment trees in a narrative table format and in two charts, one showing the number of filled trees by two-year Congress, and another showing the number of amendment trees filled by each majority leader over the period. At your specific direction, in this memorandum CRS is presenting the same data contained in the September 28 memorandum in a chart showing the number of filled trees by calendar year, rather than by two-year Congress.

Research Method

As is noted in the September 28, 2015 memo referenced above, the examples of filling the amendment tree identified by CRS are those in which the Senate majority leader or a designee used the right of preferential floor recognition to limit the amending opportunities available to all Senators by proposing amendments such that some or all of the amendments permitted under the circumstances by the Senate's principles of precedence were simultaneously pending. Instances in which all possible amendments were offered (and thus, the amendment tree filled) by Senators through the normal deliberative process of considering a measure on the chamber floor are not included.

The data presented in the attached graph represents individual instances of trees being filled, not measures considered. Thus, measures on which a tree was filled more than once by the majority leader or designee are noted separately in the graph. In determining what constituted a separate instance of filling the tree, CRS counted as separate instances occasions when the leader or designee offered more than one amendment on a question or related questions at a single time, with the result of limiting amendment opportunities. It should be noted that other observers may count differently or have different definitions of "filling the tree," for example, including only those instances in which *every* possible amendatory motion

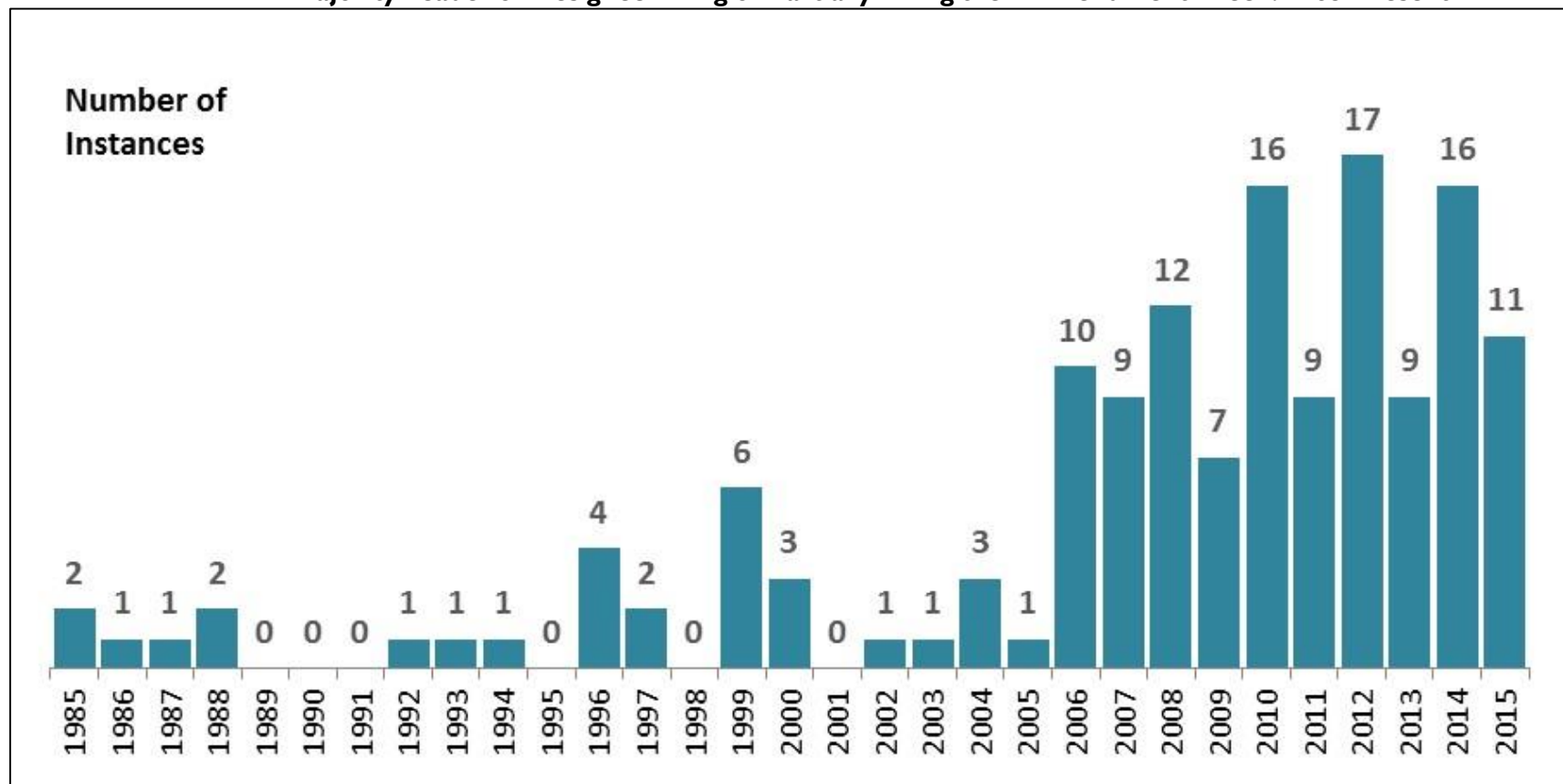
(including, for example, a motion to commit or recommit with instructions) has been offered to legislation.

In answering this request, CRS examined data from the Legislative Information System of the U.S. Congress (LIS) relating to the amendments offered by the majority leader between the 99th Congress (1985-1986) and September 24, 2015, of the 114th Congress (2015-2016). CRS's examination of these LIS data attempted to identify patterns in the offering of amendments that might suggest that an amendment tree was being filled or partially filled in the manner described above. These patterns include: the offering of amendments to a measure in sequence by the majority leader or his designee, including second-degree amendments; amendments offered to a measure that made small, technical, changes in the bill (such as changes in its effective date) or sequential amendments which differed in only slight, technical respects from each other; and amendments coupled with the offering of a motion to commit or recommit and/or the immediate filing of a cloture motion.

CRS also searched for instances in which the majority leader or a designee objected to a unanimous consent request to set aside a pending amendment so that another amendment might be offered. Finally, CRS conducted both electronic and manual searches of the *Congressional Record* as well as Lexis and ProQuest Congressional database searches of various media sources for instances in which Senators might have alluded to the amendment tree being filled. The daily, rather than the bound, edition of the *Record* is cited here because it is available to congressional offices online.

It should be noted that while care was taken to search for instances in which a designee of the majority leader may have filled a tree, such a search requires an examination of exponentially more amendments, and CRS cannot preclude the possibility that some instances in which designees acted were not identified. I trust this information meets your needs. Please do not hesitate to contact me at 7-0656 or cmdavis@crs.loc.gov if I can be of further assistance.

Figure 1. Instances in Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or Designee Filling or Partially Filling the “Amendment Tree”: 1985-Present



Source: Legislative Information System of the U.S. Congress (LIS).

Notes: This graph was prepared by CRS at the specific direction of the requester. Chart reflects all Senate majority leaders and designees between Jan 1, 1985 and Sep. 24, 2015. Details on the specific instances identified are available from CRS upon request.