

GLOSSARY OF LEGISLATIVE TERMS

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Our newest addition to the glossary:

Continuing Resolution - The Senate website defines a continuing resolution (or CR) as legislation "to provide budget authority for Federal agencies and programs to continue in operation until the regular appropriations acts are enacted." That is a fancy way of saying that both houses of Congress cannot agree on a future budget plan, but they both agree that they do not want to government to shut down. An archived version of the Obama White House website explains, "In 2013, the government shut down for 16 days - forcing employees to be furloughed, national parks to close, childcare and other services for military families to shutter, and loans to small businesses to stall. In fact, the last government shutdown cost our government billions of dollars in lost productivity and revenue." Thus, to avoid such an event, Congress passes a resolution that continues government spending at its existing levels for a designated period of time.

PREVIOUS DEFINITIONS

APPROPRIATIONS - The Constitution gives the power of the purse to the House of Representatives. In Article I, Section 9, Clause 7 it says, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time." Appropriations set spending limits for departments, agencies and programs. They are usually voted on for a single fiscal year.

AUTHORIZATIONS - This is another type of budgeting legislations, usually more about rules than actually setting dollar amounts. Authorizations make rules about how appropriated funds can and cannot be spent. The Senate's glossary of terms says "law that establishes or continues one or more Federal agencies or programs, establishes the terms and conditions under which they operate, authorizes the enactment of appropriations, and specifies how appropriated funds are to be used. Authorizations acts sometimes provide permanent appropriations."

AUTHORIZATIONS FOR USE OF MILITARY FORCE - The Constitution gives the power to declare war to the Congress. Amidst a long list of Congressional responsibilities, Article I, Section 8 of the Constitution says "The Congress shall have power...to declare war." But it also says, in Article II, Section 2, "The President shall be commander in chief of the Army and Navy of the United States." This check and balance, which was meant to protect the population by ensuring that any war was well debated and supported by the majority, lead to several conflicts. After the conflict in Viet Nam, a "police action" where Congress never declared war, Congress decided to take legislative action. In 1973 they passed the War Powers Resolution. Now, when Congress wants to authorize hostilities, they pass legislation called "Authorization for Use of Military Force" or AUMF. After the 9/11 attacks, the Congress passed Authorization for Use of Military Force against Terrorists, in 2002. That AUMF is still in effect, and has been interpreted as giving the last three presidents the right to take military action not just in the Middle East and Afghanistan, but also in the Philippines, Georgia, Yemen, Djibouti, Kenya, Ethiopia, Eritrea, and Somalia.

BLUE SLIP - When the president selects a nominee for a judicial seat, notice is sent to both of the Senators from the home state of the judge. Those Senators get a "blue slip" in which they will note whether their opinion of the judicial nominee is favorable or unfavorable. While the Senate Judiciary committee may technically move ahead with a nominee without receiving the approval of both home state Senators (there have been six rule changes relating to this in the past 100 years), they usually do not bring a nominee to the

floor without two approving blue slips. And a Senator does not need to object to stall a nomination - some Senators have simply not returned a blue slip at all to delay the process.

CLOTURE - This is the process of the Senate taking a vote to cut off debate. Current rules for cloture requires a simple (50% + 1) majority for debate pertaining to executive or judicial nominations, but 60% of members to get cloture on debate pertaining to legislation.

CONFERENCE - A conference occurs when the two branches of the legislature both pass a bill, but the contents of the bills are different. The parties gather to work out the differences. [LexisNexis](#) defines conference as a process where "the leadership in both Chambers appoints conferees to meet in conference. Conferees usually come from the Chamber's committee with jurisdiction over the original bill, although someone who successfully offered a major amendment to the bill also might be appointed a conferee. The conferees negotiate a resolution of the differences in the two versions of the bill, producing a compromise version that must be accepted without change by both Chambers before it can be sent to the President."

FILIBUSTER - This is what it is called when a member of the Senate holds the floor and talks (and talks, and talks) and will not release the floor so that a cloture vote can be called. Actually having a physical filibuster these days is rare. Usually, if forty-one Senators have indicated that they do not support some legislation, that would be enough for the others to know that a filibuster is possible, so the legislation would not be brought to the floor in such a circumstance.

MARK-UP - After a bill has been introduced, the committees to which the bill has been assigned will often have hearings from experts and interested parties. After those hearings are held, the committee may have a "mark-up session" where they make revisions to the original bill. If you are using Govtrack.org or Congress.org to check on the status of a particular bill, it may still have the initial status of "introduced". If, however, you go into the "Text" section of the bill and see that there are multiple versions of the bill and it has been amended, you can infer that the Committee has had a mark-up session, and is thus giving this bill some level of attention.

ORDERED REPORTED - This is a legislative step that occurs after a committee votes on a bill, but before it moves over to the full House or Senate. The Report is kind of like a position paper, in that it explains the purpose and justification for the bill, details how it changes the current laws on its topic, and usually budgets out how much it will cost to implement the bill. Depending on the session of Congress, only between 1/8 and 1/4 of bills ever make it to the reporting stage.

RECONCILIATION - In the 1970s a new process was created to allow bills related to finance and spending (like budgets and debt limit bills) to pass via a simple majority, without giving the opposition party any ability to filibuster them. The limit on this process is that the parliamentarian decides whether the bill is indeed strictly spending related, or if it contains prohibited policy content.

ROLL CALL VOTE - This is probably the kind of vote you have in mind when you picture voting in Congress. Each Representative or Senator is called by name, and they have to vote Yea, Nay or Present. Present basically counts as a "no", but it is a tool used so that a legislator can say "I never voted against " even though they didn't vote for it, either. Whenever you see a vote tally, you know it was a roll call vote.

SENATE PARLIAMENTARIAN - The rules, regulations and customs in the Senate are a dense tangle of precedent and parliamentary procedure. It is so complex that the Senate has an "Office of the Parliamentarian of the United States Senate", where a small staff of employees works to advise the presiding

senator of correct procedure. There is always a parliamentary staff member on hand to provide advice. The first parliamentarian was appointed in 1949, and he compiled a register of Senate procedures. A book based on his research, Riddick's Senate Procedure, is still in use today. When a Parliamentarian rules on appropriate procedure, it is within the rights of the presiding Senator to disregard that advice, but it is perishingly rare. The last time a Parliamentarian's ruling was set aside was in 1975.

SUPER-MAJORITY - When the vote to pass a Congressional action takes more than 50% of members present plus one, it is called a super-majority. The Constitution defines a number of actions that would require a supermajority. Those include: overriding a presidential veto; the removal of federal officers via impeachment proceedings (part two of which requires a 2/3 vote in the Senate); ratifying treaties; expelling members from the House of Representatives or the Senate; proposing Constitutional amendments; permitting anyone who has participated in an "insurrection or rebellion" from holding government office (entered into the Constitution via the 14th amendment); determining if the President is unable to fulfill his responsibilities via incapacity (introduced into the Constitution via the 25th amendment).

VOICE VOTE - This is the standard kind of vote used in the Senate, per Senate rules, unless a certain number of Senators present ask for a roll call vote. A voice vote is what it sounds like; people just say "Yea" or "Nay" aloud. It is traditionally used for uncontroversial topics, or for issues that have been pre-negotiated. Whenever you see a unanimous vote, chances are it was a voice vote.