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INTERPRETATION OF LEGISLATION

See also "Interpretation of Legislation," pp. 1029–1030; "Interpretation of Bills," pp. 235, 880; "Interpretation of Amendments," p. 64.

The Presiding Officer has no authority to interpret legislation.[1] The Presiding Officer has no authority to explain the substance of an amendment, or to indicate the respective subject matters of the divisions of an amendment.[2]

INTERROGATION BY SPEAKING SENATOR

See "Interrogation by Senators in Possession of the Floor," pp. 748–749.

INTRODUCTION OF BILLS

See "Introduction," pp. 235–238.

INTRODUCTION OF RESOLUTIONS

See "Submittal of Resolutions," pp. 1210–1211.

INVESTIGATIONS AND INQUIRIES

See also "Departmental Inquiries," p. 799; for other characteristics, including consideration of Senate resolutions, *see* Resolutions," pp. 1202–1213, "Contingent Fund," pp. 691–692.

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[1] Aug. 5, 1966, 89–2, *Record*, p. 18370; July 8, 1969, 91–1, *Record*, p. 18564; Nov. 19, 1970, 91–2, *Record*, p. 38133; Oct. 13, 1972, 92–2, *Record*, pp. 35933–34; *see* Oct. 12, 1979, 96–1, *Record*, pp. 28027–32.

[2] Dec. 9, 1985, 99–1, *Record*, p. 35327.

The authority of Congress and its committees to make investigations and inquiries is to be found in the Constitution in the powers granted to Congress to legislate.

The Senate itself could investigate or hear witnesses as it has on rare occasions when witnesses were subpenaed to appear at the bar of the Senate. Since this procedure is too cumbersome and would be too time consuming for the Senate as a body to perform this activity, it authorizes investigations and inquiries to be done by its committees.

All of the standing committees of the Senate and any subcommittees thereof are authorized to hold hearings and make investigations essential to develop the necessary information to legislate. Coupled with that authority, committees may "require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents . . ." as they deem advisable. They are granted funds for such purposes and allowed staffs to aid in such undertakings.

From time to time the Senate creates a special or select committee to make investigations and inquiries. Such committees are usually given the same powers and authority as the standing committees to make investigations and inquiries together with necessary expenditures.

Expenses for all such committees are generally paid from the contingent fund of the Senate upon vouchers approved by the chairmen.

If a committee of the Senate makes an investigation or an inquiry and does not have the authority to report legislation thereon, or if in some cases a standing committee fails to report legislation thereon, it files a report of recommendation to the Senate as to whether legislation on this subject should or should not be enacted.

Rule XXV, Paragraph 1(n)(1)8

[Committee on Rules and Administration Has Jurisdiction Over Contingent Fund Expenditures]

Committee on Rules and Administration, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

Rule XIV, Paragraph 6

[Resolutions Lie Over One Day for Consideration]

All other resolutions shall lie over one day for consideration, if not referred, unless by unanimous consent the Senate shall otherwise direct. When objection is heard to the immediate consideration of a resolution or motion when it is submitted, it shall be placed on the Calendar under the heading of "Resolutions and Motions over, under the Rule," to be laid before the Senate on the next legislative day

when there is no further morning business but before the close of morning business and before the termination of the morning hour.

Payments From Contingent Fund of Senate

(Title 2 U.S.C. Sec. 68–68d)

[Committee on Rules and Administration Passes on Payments Out of Contingent Funds]

SEC. 68. Payments from contingent fund of Senate.

No payment shall be made from the contingent fund of the Senate unless sanctioned by the Committee on Rules and Administration of the Senate. Payments made upon vouchers or abstracts of disbursements of salaries approved by said Committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government: *Provided,* That no payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the Senate.

SEC. 68–1. Designation of Committee employee or employees to approve vouchers for payments from Senate contingent fund.

The Committee on Rules and Administration may authorize its chairman to designate any employee or employees of such Committee to approve in his behalf, all vouchers making payments from the contingent fund of the Senate, such approval to be deemed and held to be approval by the Committee on Rules and Administration for all intents and purposes.

SEC. 68–2. Appropriations for contingent expenses of Senate; restrictions.

Appropriations made for contingent expenses of the Senate shall not be used for the payment of personal services except upon the express and specific authorization of the Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of the Senate, and the General Accounting Office shall apply the provisions of this section in the settlement of the accounts of expenditures from said appropriations incurred for services or materials.

SEC. 68–3. Separate accounts for "Secretary of the Senate" and for "Sergeant at Arms and Doorkeeper of the Senate"; establishment within contingent fund of the Senate; inclusion of funds in existing accounts.

(a) Effective October 1, 1983—

(1) there shall be, within the contingent fund of the Senate, a separate account for the "Secretary of the Senate", and a separate account for the "Sergeant at Arms and Doorkeeper of the Senate";

(2) the account for "Automobiles and Maintenance", within the contingent fund of the Senate, is abolished, and funds for the purchase, lease, exchange, maintenance, and operation of vehicles for the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and

(3) the account for "Postage Stamps", within the contingent fund of the Senate, is abolished; and funds for special delivery postage of the Office of the Secretary of the Senate shall be included in the separate account, established by paragraph (1), for the "Secretary of the Senate"; funds for special delivery postage of the Sergeant at Arms and Doorkeeper of the Senate shall be included in the separate account, established by paragraph (1), for the "Sergeant at Arms and Doorkeeper of the Senate"; and postage stamps for the Secretaries for the Majority and the Minority and other offices and officers of the Senate, as authorized by law, shall be included in the account for "Miscellaneous Items", within the contingent fund of the Senate.

(b) Any provision of law which was enacted, or any Senate resolution which was agreed to, prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Secretary of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Secretary of the Senate"; and any provision of law which was enacted prior to October 1, 1983, and which authorizes moneys in the contingent fund of the Senate to be expended by or for the use of the Sergeant at Arms and Doorkeeper of the Senate, or his office (whether generally or from a specified account within such fund) may on and after October 1, 1983, be construed to authorize such moneys to be expended from the separate account, within such fund, established by subsection (a)(1) for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 68-4. Deposit of moneys for credit to account within Senate contingent fund for "Sergeant at Arms and Doorkeeper of the Senate".

Any provision of law which is enacted prior to October 1, 1983, and which directs the Sergeant at Arms and Doorkeeper of the Senate to deposit any moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for "Miscellaneous Items", or for "Automobiles and Maintenance" shall, on and after October 1, 1983, be deemed to direct him to deposit such moneys in the United States Treasury for credit to the account, within the contingent fund of the Senate, for the "Sergeant at Arms and Doorkeeper of the Senate".

SEC. 68-5. Purchase, lease, exchange, maintenance, and operation of vehicles out of account for Sergeant at Arms and Doorkeeper of the Senate within contingent fund of Senate; authorization of appropriations.

For each fiscal year (commencing with the fiscal year ending September 30, 1985) there is authorized to be appropriated to the account, within the contingent fund of the Senate, for the Sergeant at Arms and Doorkeeper of the Senate, such funds (which shall be in addition to funds authorized to be so appropriated for other purposes) as may be necessary for the purchase, lease, exchange, maintenance, and operation of vehicles as follows: one for the Vice President, one for the President pro tempore of the Senate, one for the Majority Leader of the Senate, one for the Minority Leader of the Senate, one for the Majority Whip of the Senate, one for the Minority Whip of the

Senate, one for the attending physician, one as authorized by Senate Resolution 90 of the 100th Congress such number as is needed for carrying mails, and for official use of the offices of the Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, the Secretary for the Majority, and the Secretary for the Minority, and such additional number as is otherwise specifically authorized by law.

SEC. 68–6. Transfers from appropriations accounts for expenses of the Office of the Secretary of the Senate and Office of the Sergeant at Arms and Doorkeeper of the Senate.

(a) The Secretary of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, for expenses of the Office of the Secretary of the Senate, such sums as he shall specify to the Senate appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Secretary"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

(b) The Sergeant at Arms and Doorkeeper of the Senate is authorized, with the approval of the Senate Committee on Appropriations, to transfer, during any fiscal year, from the appropriations account, within the contingent fund of the Senate, such sums as he shall specify to the appropriations account, appropriated under the headings "Salaries, Officers and Employees" and "Office of the Sergeant at Arms and Doorkeeper"; and any funds so transferred shall be available in like manner and for the same purposes as are other funds in the account to which the funds are transferred.

SEC. 68a. Materials, supplies, and fuel payments from Senate contingent fund.

Payments from the contingent fund of the Senate for materials and supplies (including fuel) purchased on and after July 8, 1935, through the Administrator of General Services shall be made by check upon vouchers approved by the Committee on Rules and Administration of the Senate.

SEC. 68b. Per diem and subsistence expenses from Senate contingent fund.

No part of the appropriations made under the heading "Contingent Expenses of the Senate" on and after June 27, 1956, may be expended for per diem and subsistence expenses (as defined in section 5701 of Title 5) at rates in excess of the rates prescribed by the Committee on Rules and Administration for travel beyond the limits of the continental United States, and (2) in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate, reimbursement for such expenses may be made on an actual basis of not to exceed the daily rate prescribed by the Committee on Rules and Administration in the case of travel within the continental limits of the United States. This section shall not apply with respect to per diem or actual travel expenses incurred by Senators and employees in the office of a Senator which are reimbursed under section 58 of this title.

SEC. 68c. Computation of compensation for stenographic assistance of committees payable from Senate contingent fund.

Compensation for stenographic assistance of committees paid out of the items under "Contingent Expenses of the Senate" on and after June 27, 1956, shall be computed at such rates and in accordance with such regulations as may be computed at such rates and in accordance with such regulations as may be prescribed by the Committee on Rules and Administration, notwithstanding, and without regard to any other provision of law.

SEC. 68d. Liquidation from appropriations of any unpaid obligations chargeable to rescinded unexpended balances of funds

If at the close of any fiscal year there is an unexpended balance of funds which were appropriated for such year (or for prior fiscal years) and which are subject to disbursement by the Secretary of the Senate for any purpose, then, if such unexpended balance is by law rescinded, any unpaid obligations chargeable to the balance so rescinded (or to appropriations for such purpose for prior years) shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

Payments for Expenses of Committees

(Title 2 U.S.C. Sec. 69)

[Reports by Chairman on Expenditures From Contingent Fund]

When any duty is imposed upon a committee involving expenses that are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of such chairman for any sum advanced to him or his order out of said contingent fund by the Secretary of the Senate for committee expenses not involving personal services shall be taken and passed by the accounting officers of the Government as a full and sufficient voucher; but it shall be the duty of such chairman, as soon as practicable, to furnish to the Secretary of the Senate vouchers in detail for the expenses so incurred.

Adoption of Resolution—Reference to Committee Waived by Unanimous Consent:

A resolution providing for the payment of money out of the contingent fund of the Senate should be referred to the Committee on Rules and Administration but the adoption of the resolution by unanimous consent, however, would operate as a waiving of the rule.[1]

[1] *See* July 3, 1935, 74-1, *Journal*, p. 499, *Record*, p. 10689.

Amendments to Expenditure Resolutions:

A resolution providing for the payment of money out of the contingent fund of the Senate is not subject to amendment prior to its reference to the Committee on Rules and Administration but may be amended after it has been reported back from that committee.[2]

Consideration of Resolution on Investigation or Expenditures:

An objection to the consideration of a resolution providing for a special committee of investigation or providing for the expenditure of money from the contingent fund when submitted carries the resolution over under the rule.[3]

Under a unanimous consent agreement providing for a final vote on a bill and that in the meantime such bill should not be laid aside except for privileged matters, a Senate resolution providing for an investigation can only be taken up by unanimous consent.[4]

Extension of Time To File Report on an Investigation:

A motion for an extension of time in which a committee was required to submit a report is in the nature of a resolution and upon objection must lie over 1 day.[5] It is not in order in such a case to move to amend the original resolution so as to extend the time for such report, as that could be done only by reconsidering the vote by which the resolution was adopted.[6]

Recommittals of Resolutions on Investigations:

See also "Recommit," pp. 1106–1123.

When a committee, pursuant to a Senate resolution, submitted a report of an investigation upon which no action was required to be taken by the Senate, it is not in order to recommit such report to the committee with instructions.[7]

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[2] Jan. 7, 1916, 64-1, *Journal*, p. 93, *Record*, pp. 651–52.
[3] May 27, 1913, 63-1, *Record*, pp. 1758, 1759; Jan. 4, 1926, 69-1, *Record*, pp. 1406–07.
[4] May 2, 1950, 81-2, *Record*, pp. 6145–46–47.
[5] June 5, 1913, 63-1, *Record*, p. 1900.
[6] *See* June 5, 1913, 63-1, *Record*, p. 1900.
[7] July 20, 1950, 81-2, *Record*, pp. 10690, 10692–96.

Reconsideration of Resolutions on Investigations:

When a motion has been made to reconsider the vote on a resolution directing a government agency to make an investigation, a motion requesting the return of such resolution is not required under the rules; [8] the Senate may determine whether it will first order the papers returned or vote on the motion to reconsider.[9]

Reference to Two Committees—Substantive and Committee on Rules:

A resolution involving expenditures from the contingent fund of the Senate must first be referred to the committee "having charge of substantive matters of that nature" or having jurisdiction of the subject matter,[10] and then, under the law and rules of the Senate, it must be referred to the Committee on Rules and Administration (previously the Committee To Audit and Control the Contingent Expenses of the Senate).[11]

Such a resolution reported by a substantive committee, providing for the payment of money out of the contingent fund of the Senate, must be referred to the Committee on Rules and Administration (previously the Committee To Audit and Control the Contingent Expenses of the Senate) before the Senate considers it unless unanimous consent is given to the contrary.[12]

Such a resolution when reported from a substantive committee, must on objection, under the rule, lie over a day before reference to the Committee on Rules and Administration.[13] It is not in order to consider a resolution of investigation prior to the submission thereof together with a budget estimate to the Committee on Rules and

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[8] Jan. 20, 1932, 72-1, *Record*, pp. 2305-07.

[9] *Ibid.*

[10] July 31, 1939, 76-1, *Record*, p. 10491; Dec. 2, 1918, 65-3, *Record*, pp. 3-5; *see also* Jan. 7, 1916, 64-1, *Journal*, p. 93, *Record*, pp. 651-652. This portion of rule was amended in 1933 to go first to substantive committee.

[11] Jan. 27, 1919, 65-3, *Journal*, p. 96, *Record*, pp. 2118-21; Jan. 4, 1926, 69-1, *Record*, pp. 1406-07; Aug. 26, 1913, 63-1, *Record*, p. 3736; May 16, 1913, 63-1, *Record*, p. 1610. In 1913, Vice President Marshall ruled that a resolution providing for the appointment of a special committee of investigation with authority to hold hearings and subpoena witnesses, but without provision for expenditures, had to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate—now the Committee on Rules and Administration (May 27, 1913, 63-1, pp. 1758-59); *see also* July 3, 1935, 74-1, *Journal*, p. 499, *Record*, p. 10689; Apr. 3, 1933, 73-1, *Record*, p. 1101; Feb. 6, 1930, 71-2, *Record*, p. 3165; Dec. 19, 1927, 70-1, *Record*, p. 816; Sept. 6, 1913, 63-1, *Record*, p. 4331.

[12] Jan. 10, 1935, 74-1, *Record*, p. 257; Dec. 21, 1891, 52-1, *Journal*, p. 38, *Record*, pp. 87-88; Nov. 15, 1919, 66-1, *Journal*, p. 279.

[13] Feb. 19, 1889, 50-1, *Record*, p. 2034.

Administration, after the committee having jurisdiction of that subject matter has reported it.[14]

Such a resolution reported from a substantive committee may be referred on the same day by unanimous consent to the Committee on Rules and Administration, instead of lying over 1 day under the rule.[15]

Under the practice of the Senate, the Committee on Rules and Administration (previously the Committee To Audit and Control the Contingent Expenses of the Senate) does not pass upon the merits of a resolution of inquiry, but merely upon the expenditure of funds.[16]

In 1926, in one instance, after the Senate by unanimous consent had agreed to a resolution authorizing a payment from the contingent fund, a point of order that the resolution should first go to the Committee To Audit and Control the Contingent Expenses of the Senate (now Rules and Administration) was sustained, and the resolution was so referred.[17]

In 1934, the Chair ruled a resolution providing for an investigation of a Federal Land Bank is not subject to amendment by including another bank, if an additional expense is thereby included; [18] otherwise, the resolution would be subject to amendment as in the case of any other resolution.[19]

On August 3, 1939, the adoption of a resolution providing for an investigation and the payment of expenses from the contingent fund of the Senate, which had not been considered by the Committee To Audit and Control the Contingent Expenses of the Senate (now the Committee on Rules and Administration), was reconsidered and by unanimous consent it was then ordered that the resolution be referred to the committee and that it be unanimously reported therefrom, and it was again adopted.[20]

A resolution providing for an investigation of the official conduct of James A. Farley, Postmaster General, with authority to summon witnesses, hold hearings, employ experts, and incur other expenses, but making no

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[14] Apr. 8, 1947, 80-1, *Record*, pp. 3214-15.

[15] Apr. 19, 1954, 83-2, *Record*, p. 5258.

[16] *See* Jan. 5, 1926, 69-1, *Record*, pp. 1462-69; Dec. 19, 1927, 70-1, *Record*, p. 816; Mar. 15, 1938, 75-3, *Record*, p. 3380.

[17] May 19, 1926, 69-1, *Record*, p. 9672; *see also* Jan. 5, 1928, 70-1, *Record*, p. 1005; Dec. 5, 1928, 70-2, *Record*, p. 56.

[18] June 16, 1934, 73-2, *Journal*, p. 608, *Record*, p. 12080.

[19] *See* Mar. 15, 1938, 75-3, *Record*, p. 3380.

[20] Aug. 3, 1939, 76-1, *Record*, pp. 10924, 10928.

provisions for the payment of expenses from the contingent fund of the Senate, was referred to the Committee on Post Offices and Post Roads as having jurisdiction of the subject matter.[21]

A Senate resolution calling for information from a governmental agency, or investigation, where no expenditures of money is called for, is not required to be referred to the Committee on Rules and Administration (formerly the Committee To Audit and Control the Contingent Expenses of the Senate).[22]

Reports on an Investigation:

A report on an investigation required to be submitted by a committee pursuant to an order of the Senate may be filed with the Secretary where a Senator having the floor refuses to yield for the submittal of such report.[23]

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[21] Feb. 12, 1935, 74-1, *Journal*, p. 114, *Record*, p. 1829.

[22] May 28, 1928, 70-1, *Journal*, p. 558, *Record*, p. 10222; Jan. 14, 1928, 70-1, *Record*, p. 1474; Apr. 12, 1913, 63-1, *Record*, pp. 165-170.

[23] Mar. 3, 1927, 69-2, *Journal*, p. 208, *Record*, p. 5512.