

referred to the appropriate committees of the House of Representatives or the Committee on the Budget of the Senate,¹⁶⁹² as the case may be; and such Committee shall report the joint resolution to its House without amendment on or before the fifth day on which such House is in session after the date on which the joint resolution is introduced.¹⁶⁹³ If the Committee fails to report the joint resolution within the five-day period referred to in the preceding sentence, it shall be automatically discharged from further consideration of the joint resolution, and the joint resolution shall be placed on the appropriate calendar.

§ 258(a)(4)

(4) CONSIDERATION OF JOINT RESOLUTION. —

§ 258(a)(4)(A)

(A) A vote on final passage of a joint resolution reported to the Senate or discharged pursuant to paragraph (3) shall be taken on or before the close of the fifth calendar day of session after the date on which the joint resolution is reported or after the Committee has been discharged from further consideration of the joint resolution.¹⁶⁹⁴ If

¹⁶⁹² See, e.g., 137 CONG. REC. S11,550, S11,580 (daily ed. July 31, 1991); *id.* at S5352 (daily ed. May 6, 1991); *id.* at S1053, S1097 (daily ed. Jan. 23, 1991).

¹⁶⁹³ See, e.g., 137 CONG. REC. S12,921, D1079 (daily ed. Sept. 12, 1991); *id.* at S5406, D538 (daily ed. May 7, 1991); *id.* at S1158, D93 (daily ed. Jan. 24, 1991).

¹⁶⁹⁴ If the Senate has not voted on the joint resolution by midnight of the fifth day, then the Chair of its own initiative will call for a vote on the joint resolution at that time. See 132 CONG. REC. S12,949-50 (1986); Senate Precedent PRL19860919-001 (Sept. 19, 1986) (LEGIS, Rules database) (inquiry of Democratic Leader Byrd regarding a sequester resolution pursuant to section 274(f)); 132 CONG. REC. S13,086-89 (1986); Senate Precedent PRL19860919-019 (Sept. 19, 1986) (LEGIS, Rules database) (the Chair put the vote). The Chair will call for a vote even if the Senate is on another privileged matter at midnight of the fifth day. See 132 CONG. REC. S12,949-50 (1986); Senate Precedent PRL19860919-001 (Sept. 19, 1986) (LEGIS, Rules database) (inquiry). If the Senate is taking a roll call vote at midnight, the Chair will merely delay calling for a vote on the joint resolution. See 132 CONG. REC. S13,086-89 (1986); Senate Precedent PRL19860919-019 (Sept. 19, 1986) (LEGIS, Rules database) (the Chair put the vote at about 12:10 a.m.). It (continued...)

¹⁰⁰⁴(...continued)

follows that the Chair should rule out of order of its own initiative a motion to adjourn or recess to a time after midnight of the fifth day if the Senate has not yet voted on the joint resolution.

The precedents cited here arose on September 19, 1986, in connection with a joint resolution to implement a sequester under section 274(f) of Gramm-Rudman-Hollings, which provides procedures in the event that a court has invalidated the sequestration procedures under Gramm-Rudman-Hollings. *See infra* pp. 687-688. Section 274(f)(4) (*see infra* p. 688) provides that the procedures that now appear at section 258(a)(4) shall govern such joint resolutions. That day, Democratic Leader Byrd propounded a parliamentary inquiry of the Chair:

Mr. BYRD. Mr. President, while the distinguished majority leader [Senator Dole] is still on the floor, with respect to the sequester resolution, may I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. What will occur at midnight this day in the event a reconciliation resolution has not been passed by that time or by the close of business today?

The PRESIDING OFFICER. The Chair will put the question on the passage of the sequester resolution.

Mr. BYRD. Would that occur precisely at the hour of midnight?

The PRESIDING OFFICER. If the Senate is in session, yes.

Mr. BYRD. And if the reconciliation measure has not been disposed of or has been disposed of, in either case?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Does the distinguished majority leader have any question?

Mr. DOLE. I agree with that.

132 CONG. REC. S12,949-50 (daily ed. Sept. 19, 1986).

Soon after midnight later that day, the following occurred:

The PRESIDING OFFICER. Under the provisions of Public Law 99-177 [Gramm-Rudman-Hollings], the hour of 12 midnight having arrived, the Senate will now turn to the consideration of Senate Joint Resolution 412
(continued...)

prior to the passage by one House of a joint resolution of that House, that House receives the same joint resolution from the other House, then —

¹⁰⁰⁴(...continued)
[the sequester resolution].

The clerk will report

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 412) complying with the requirements of section 274(f)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985, Public Law 99-177, the joint resolution is no longer debatable, nor may it be amended.

The joint resolution will be read for a third time.

The joint resolution was read a third time.

The PRESIDING OFFICER. The question is on final passage of the joint resolution.

The Senator from Florida.

Mr. CHILES. Mr. President, how much time is available now?

Mr. DOLE. None.

The PRESIDING OFFICER. No time is available. All time has expired.

The question is on the passage.