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The Senate "Two-Hour Rule" Governing Committee Meeting Times

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Summary

Paragraph 5(a) of Senate Rule XXVI, sometimes referred to as the "two-hour rule," restricts the times that most Senate committees and subcommittees can meet when the full Senate is in session. The rule is intended to help balance the Senate's committee and floor work and to minimize the logistical conflicts that Senators face between participating in committee hearings and markups and attending to their duties on the chamber floor.

Under the terms of the rule, no Senate committee or subcommittee (except the Committees on Appropriations and Budget and their subcommittees) can meet after the Senate has been in session for two hours or past 2:00 p.m. unless one of the following things occur: (1) the Senate grants unanimous consent for them to meet; (2) both the majority and minority leaders (or their designees) agree to permit the meeting, and their agreement has been announced on the Senate floor; or (3) the Senate adopts a privileged motion to allow the meeting. Should a committee meet during a restricted time period without being granted permission, any action that it takes—such as ordering a bill or nomination reported to the Senate—is considered "null, void, and of no effect."

Senate rules restricting committee meeting times have existed for over 70 years and have evolved over time. A rule limiting committees from sitting while the Senate is in session was first enacted in Section 134(c) of P.L. 79-753, the Legislative Reorganization Act (LRA) of 1946. Rules regulating the meeting times of Senate committees were amended in 1964 and again in 1970. The Senate adopted the present form of the two-hour rule on February 4, 1977, via Section 402 of S.Res. 4, a resolution implementing the recommendations of the Temporary Select Committee to Study the Senate Committee System.

Permission for committees to sit during the hours restricted by the rule is routinely granted in the Senate. On occasion, however, the two-hour rule is invoked, most often as a form of protest or in order to delay committee action on a particular measure or matter. Invoking the rule for these reasons has increased in recent years. Permission to sit during times prohibited by the rule is now most often granted by joint leadership agreement instead of by unanimous consent, a change from prior practice.

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The "Two-Hour Rule"

Paragraph 5(a) of Senate Rule XXVI, sometimes referred to as the "two-hour rule," restricts the times that most Senate committees and subcommittees can meet when the full Senate is in session.[1] The rule, which has evolved over the years, is intended to help balance the Senate's committee and floor work and to minimize the logistical conflicts that Senators face between participating in committee hearings and markups and attending to their duties on the chamber floor. The two-hour rule applies to all committee meetings, including hearings and markups.

Pursuant to paragraph 5(a) of Senate Rule XXVI, no Senate committee or subcommittee (except for the Appropriations and Budget Committees and their subcommittees) can meet after the Senate has been in session for two hours or past 2:00 p.m. unless both the majority and minority leaders (or their designees) agree to permit the meeting and their agreement has been announced on the floor.[2] The Senate can also, by unanimous consent, grant permission for committees to meet,[3] and until recently the practice was for a Senator to ask unanimous consent that committees be authorized to meet, rather than for the leaders to announce their agreement that meetings be permitted. A third but arguably impractical option is for the Senate to adopt a privileged motion to allow the meeting.[4]

Senate Rule XXVI, paragraph 5(a); The "Two-Hour Rule"

Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

[1] U.S. Senate, *Senate Manual*, 113th Cong., 1st sess., S.Doc. 113-1 (Washington: GPO, 2014), p. 43.

[2] Under the rule, an announcement by the floor leaders that committees are permitted to meet is considered highly privileged and has the same priority as the filing of a cloture motion—that is, a Senator holding the floor in debate could be temporarily interrupted in order for such an announcement to be made.

[3] Any objection to a unanimous consent request for committees to meet has to be made at the time each consent request to waive the rule is made; a Senator could not make a "blanket" objection to committees meeting in the future. A unanimous consent request for a committee to meet while the Senate is in session would also have to be renewed each day unless the particular request granted gave permission for the committee to meet for longer periods of time.

[4] In this context, the term *privileged* means that the motion can be made on the floor without having to lie over for a day and can interrupt the pending business of the Senate. Providing permission for a committee to meet by motion is arguably impractical, however, in that such a motion is debatable. Because the motion is subject to extended debate, a vote on it could easily be delayed beyond the time during which the committee wished to meet. See Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 1st sess., S.Doc. 101-28 (Washington: GPO, 1992), p. 408. In theory, the rule might also be waived via the Suspension of the Rules procedure. Doing so, however, would require one day's written notice and a two-thirds vote. These factors, coupled with the fact that such motions are debatable, makes this approach equally unrealistic.

Invoking the Two-Hour Rule

Most of the time, the restrictions of the two-hour rule are not invoked. It is a routine, often daily, occurrence for committees to be given permission to meet during periods proscribed by the rule after agreements are announced on the Senate floor that grant them the authority to do so.[5] Committee staff, when preparing for a hearing or a markup, routinely notify floor staff of the time and date of the meeting to ensure it is included in any unanimous consent agreement or joint leadership announcement.

Sometimes, however, the two-hour rule's restrictions on committee meeting are insisted upon, most commonly as a form of protest or to delay a committee's action on a specific measure or matter.[6]

To invoke the rule does not necessarily require any formal parliamentary action. Senators can object if a unanimous consent agreement for committees to meet is propounded on the floor. In practice, however, informal communication with leadership is likely required to invoke the rule. This is true not only because the leaders alone could grant permission for committees to meet but also because, from a practical perspective, it would be difficult for Senators to predict when any unanimous consent agreement might be propounded so that they could arrange to be present to object.

It was the long-standing practice of the Senate that, after receiving the requests from committees and clearing them with the minority leader, the majority leader (or a designee) would state on the floor

> I have [number] unanimous consent requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders. I ask consent that these requests be agreed to and these requests be printed in the *Record*.

If no Senator objected, the *Congressional Record* would print, as if they were spoken on the floor, a series of unanimous consent requests for each committee to meet at stated times, each request being ordered "without objection."

Perhaps partly due to this practice, it was widely understood in the Senate that unanimous consent was necessary to permit committees to meet after the Senate was in session for two hours or past 2:00 p.m.[7] If leaders usually honored any request to prevent committees from meeting, then that practice would also leave the impression that unanimous consent was required.

Currently, permission for Senate committees to sit during times prohibited by the two-hour rule is being granted almost exclusively by joint leadership agreement instead of by unanimous consent, a change from prior practice.[8] A Senator on the floor now typically states

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[5] For example, during the 114th Congress (2015-2016), the *Congressional Record* recorded over 200 instances in which one or more Senate committees were granted permission to meet during times restricted by the two-hour rule.

[6] See Niels Lesniewski, "GOP Deploys Two-Hour Rule to Stall IRS Nominee Hearing," *Roll Call*, December 10, 2013; Kelly Cohen, "Democrats Use Procedure to Delay Sessions Vote Again," *Washington Examiner*, January 31, 2017. In the latter case, Senators reportedly engaged in lengthy opening statements in the markup to extend the meeting beyond the first two hours of Senate session, forcing the panel to adjourn without voting to report the nomination.

[7] Unanimous consent was necessary to print the requests in the *Congressional Record* as if they had been separately propounded on the floor.

[8] Between 1947 and 1970, unanimous consent appears to be the only practical mechanism by which the Senate could provide such permission.

> I have [number] requests for committees to meet during today's session of the Senate. They have the approval of the majority and minority leaders.

The presiding officer responds, "duly noted" to the Senator; no opportunity is afforded for a Senator to object, because unanimous consent is not requested. The list of committees authorized to meet is then printed in the *Congressional Record* following the statement made on the floor. Joint leadership permission has been used over 130 times since November 30, 2016, to authorize one or more Senate committees to meet during restricted hours and now appears to be the preferred way to provide a waiver of the rule.[9] The change in practice might be in response to an apparent increase in invoking the rule, discussed in the final section of this report.

Options If the Rule Is Invoked

The consequences for a Senate committee of violating the two-hour rule are potentially significant. Any action taken by a committee during a meeting prohibited by the rule is "null, void, and of no effect."[10] For example, a nomination reported by a committee when it did not have authority to meet "is not properly before the Senate and, on a point of order, will be returned to committee."[11] If a Senate committee was meeting without permission, it would immediately have to adjourn when the restricted hour arrived in order to comply with the rule.

In response to the two-hour rule being invoked, a Senate committee could cancel its meeting or reschedule it to periods not covered by the rule—for example, meeting early in the morning before the Senate has convened or after it has adjourned.

The Senate could also recess or adjourn in order for a committee to sit during the hours restricted by the two-hour rule, and in some cases it has done so in order for a committee to hear testimony or act on an important measure or matter.[12]

There are examples of Senate committees adjourning an official hearing pursuant to the two-hour rule and continuing to interact with witnesses in a non-formal setting, characterized as a "briefing" or "listening session."[13] Such gatherings are not official, however, and do not enjoy the same powers and protections of actual Senate hearings. For example, witnesses could not testify under oath at such a meeting, and no official transcript of the interactions would be kept.

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[9] As of March 1, 2018.

[10] Riddick and Frumin, *Riddick's Senate Procedure*, p. 406.

[11] Riddick and Frumin, *Riddick's Senate Procedure*, p. 406. In the precedent cited, a point of order was made in relation to Senate consideration of PN274 (100th Congress), the nomination of M. Peter McPherson to be Deputy Secretary of the Treasury, on the grounds that that the nomination was ordered reported by the Finance Committee during a time prohibited by the two-hour rule. Because the committee was meeting without permission at the time of the vote to report, the point of order was sustained, and the nomination was recommitted. The Finance Committee subsequently met and voted a second time to order the McPherson nomination reported. The nomination was later confirmed by the Senate. See *Congressional Record*, vol. 133 (August 3, 1987), p. 21957.

[12] See **Table 1** for examples, including on April 28, 2005, when the majority leader moved to adjourn the Senate in order to allow a Judiciary Committee hearing and markup on circuit court judges to continue.

[13] See **Table 1** for examples, including in June 1997, when the Judiciary Committee continued proceedings as a "briefing," and in October 2000, when the Finance Committee continued to allow witness statements to be given in an unofficial capacity.

Origin and Evolution of the Senate Two-Hour Rule

Senate rules restricting committee meeting times have existed for over 70 years and have evolved over time. A rule limiting committees from sitting while the Senate is in session was first enacted in Section 134(c) of P.L. 79-753, the Legislative Reorganization Act (LRA) of 1946, which stated

> No standing committee of the Senate or the House, except the Committee on Rules of the House, shall sit without special leave, while the Senate or the House, as the case may be, is in session.[14]

The stated intent of the1946 rule was to reduce scheduling conflicts between committee and floor work. The Senate committee report accompanying the 1946 act predicted that the new rule would "make for closer concentration on committee work, on the one hand, and for fuller attendance on the floor, on the other."[15] Under the 1946 form of the rule, all Senate committees had to cease sitting when the Senate went into session unless the unanimous consent of the Senate to meet was obtained.

The provisions of the 1946 LRA were superseded on January 30, 1964, by Senate adoption of S.Res. 111, which placed an amended restriction on committee meetings in (then) paragraph 5 of Rule XXV of the standing rules of the Senate. As adopted, S.Res.111 stated

> Sec.1 No standing committee shall sit without special leave while the Senate is in session after (1) the conclusion of the morning hour, or (2) the Senate has proceeded to the consideration of unfinished business, pending business, or any other business except private bills and the routine morning business, whichever is earlier.
>
> Sec.2 Section 134(c) of the Legislative Reorganization Act of 1946 shall not be applicable to the standing committees of the Senate.[16]

The 1964 amendment to the standing rules was intended to provide additional periods for Senate committees to meet. Legislative history documents accompanying S.Res.111 make clear that many Senators felt the 1946 LRA rule had been too restrictive and had impeded the ability of committees to conduct their work. As two Senators noted in individual views in the committee report accompanying S.Res.111

> Every Senator has had the experience of having consideration of a measure in which he is vitally interested repeatedly put off because of the inability of standing committees to meet ... while the Senate is in session. The problem has now assumed a chronic and persistent character. Objections against committees sitting are lodged as a matter of course, and often it is only in the exceptional case that a committee is able to secure unanimous consent to sit.... As the sessions of the Congress drag on through the year, the problem of finding time for committee work grows progressively worse. Daily sessions of the Senate begin earlier and end later, occupying an increasingly greater share of the working hours of the day. And, as if matters were not bad enough, as the time available for committee work decreases, the need for time to clear committee dockets before the end of the session grows more urgent.[17]

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[14] P.L. 79-753, 60 Stat. 831-832. Although in statute, these provisions operated as rules of the Senate.

[15] U.S. Senate, Special Committee on the Organization of Congress, report to accompany S. 2177, S.Rept. 1400, 79th Congress, 2nd, sess. (Washington: GPO, 1946), p. 7.

[16] U.S. Congress, Senate, *Journal of the Senate of the United States*, 1964, 88th Cong., 2nd sess. (Washington: GPO, 1964), p. 49.

[17] U.S. Senate, Committee on Rules and Administration, report to accompany S.Res.111, S.Rept. 506, 88th Cong., 1st sess. (Washington: GPO, 1963), p. 3.

Whereas, under the 1946 LRA provision, no Senate committee could meet at any time that the Senate was in session, the 1964 amendment effected by S.Res. 111 permitted committees to sit during the first two hours of Senate session on a new legislative day (a period known as the "Morning Hour")[18] and immediately thereafter if the Senate was engaged in routine "housekeeping" business or the processing of private bills.

Subsequently, Section 117(a) of P.L. 91-510, the Legislative Reorganization Act of 1970, enacted on October 26, 1970, established a provision in law that supplemented the 1964 version of the rule contained in paragraph 5 of Senate Rule XXV. That statutory provision stated

> Except as otherwise provided in this subsection, no standing committee of the Senate shall sit, without special leave, while the Senate is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. In the event of the absence of either of such leaders, the consent of the absent leader may be given by a Senator designated by such leader for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate.[19]

The cumulative effect of the 1970 statutory provision and the still-existing provisions of Senate Rule XXV adopted in 1964 were to exempt the Appropriations Committee from any restrictions on meeting and to permit a committee to sit during a restricted period not just if it obtained the unanimous consent of the Senate to do so but also if the majority and minority leaders (or their designees) jointly authorized it to do so.[20]

The present form of the two-hour rule, which combined the provisions of the 1964 standing rule and the 1970 statutory provision, was adopted by the Senate on February 4, 1977, via Section 402 of S.Res. 4, a resolution implementing the recommendations of the Temporary Select Committee to Study the Senate Committee System.[21] The 1977 rules change added an exception for the Committee on the Budget, created in 1974, from the existing restrictions on meeting.

Subsequent Senate action relocated the two-hour rule unchanged from Rule XXV to its current place in Section 5(a) of Rule XXVI.[22]

Recent Use of the Two-Hour Rule

Table 1 lists examples identified by CRS of the enforcement of the two-hour rule between 1985 and 2017. The table includes the date the rule was invoked; where possible, an identification of the committee or committees affected; a summary of the proceedings; and a citation to the

[18] Paragraphs 1 and 2 of Senate Rule VII contemplate that, when the Senate convenes after an adjournment, thus beginning a new legislative day, it is to engage in a two-hour period known as the "Morning Hour," during which it will undertake a list of routine business specified in the rule, such as the presentation of petitions and memorials and the filing of committee reports. It has been many years since the Senate has regularly followed the procedures as laid out in these paragraphs. In current practice, the Senate does not hold a Morning Hour at the beginning of each new legislative day but instead routinely deems the Morning Hour to have expired by unanimous consent.

[19] P.L. 91-510, 84 Stat. 1155. Section 132(b) of the Legislative Reorganization Act of 1970 also moved the 1964 version of the two-hour rule from paragraph 5 of Senate rule XXV to paragraph 7 of the same rule. See 84 Stat. 1165.

[20] The first time the new joint leadership permission for committees to meet was invoked was on July 13, 1978. See *Congressional Record*, vol. 124 (July 13, 1978), pp. 20793-20842.

[21] U.S. Senate, *Journal of the Senate of the United States*, 1977, 95th Cong., 1st sess. (Washington: GPO, 1977), p. 402.

[22] S.Res. 274, 96th Congress, as agreed to November 14, 1979.

Congressional Record page, news account, or hearing transcript used to identify the table entry. In preparing the table, CRS conducted full-text searches in the *Congressional Record* and electronic news databases for either discussion of the rule or instances of objection to unanimous consent requests authorizing committees to meet. Not included in the table are instances where Senators or their staff indicated an intention to invoke the two-hour rule but for which no further evidence demonstrates that the rule was enforced.

CRS cannot guarantee that these records are comprehensive of all instances of the two-hour rule being invoked. First, as discussed above, public action is not necessary to invoke the rule. As seen from the cases in **Table 1**, sometimes no statement regarding authority for committees to meet was made on the floor. The majority leader was simply made aware that there was not an agreement and therefore no consent request or announcement was ever made on the floor. In 2017, in contrast, announcements were sometimes made when agreement was *not* reached, an apparently new practice that could affect results. Second, because the research is necessarily partly dependent on news accounts, variations in the nature of reporting on Senate action could potentially affect the results, although it is reasonable to expect unexpected adjustments to committee meetings and schedules to be newsworthy over the entire period under study. Third, and finally, various full-text search strategies employed may not necessarily identify every reported instance or every objection to a unanimous consent request made on the floor.

Nevertheless, the cases identified suggest two general trends in the use of the two-hour rule. First, as has been noted, for the life of the two-hour rule, it has been a routine occurrence for committees to be given permission to meet during restricted periods. In recent years, however, it appears that the restrictions on sitting contained in the rule are being invoked more frequently. Over the 32-year period examined, CRS identified 47 occasions where one or more Senate committees had a meeting restricted by invocation of the two-hour rule. Over half of these instances have occurred since 2005. The eight instances identified by CRS as occurring in 2017 represent the highest number in any year over the period. Second, these data suggest that, since 1985, when the two-hour rule restrictions on committee meetings have been invoked, it appears to have been done in a large majority of cases as a form of protest or to delay committee action on a specific measure or matter. Invoking the rule to delay the consideration of judicial nominations has been particularly common.

Table 1. Examples of Enforcement of Paragraph 5(a) of Senate Rule XXVI, the "Two-Hour Rule"

1985-2017

Date	Committee	Description	Citation
06/04/85	Agriculture, Nutrition, and Forestry	Minority Leader Robert Byrd (D-WV) objected to a request made by Majority Leader Robert Dole (R-KS) that the "the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, June 5; Thursday, June 6; and Friday, June 7; to mark up S. 616, the farm bill and related issues."	*Congressional Record*, vol. 131 (June 4, 1985), p. S7326.
06/05/85	Agriculture, Nutrition, and Forestry	Minority Leader Robert Byrd (D-WV) again objected to a request made by Majority Leader Robert Dole (R-KS) that the Agriculture Committee be permitted to sit on Thursday, June 6, to mark up S. 616, the farm bill.	*Congressional Record*, vol. 131 (June 5, 1985), p. S7482.

Date	Committee	Description	Citation
06/06/85	Agriculture, Nutrition, and Forestry	Senator Alan Simpson (R-WY) requested unanimous consent that the Agriculture Committee be permitted to meet during the session of the Senate on Thursday, June 6, and Friday, June 7, to mark up S. 616, the farm bill and related issues. Senator Paul Simon (D-IL), on behalf of the ranking member of the committee, objected, noting that the request had "not been cleared on this side." A later request that the committee be permitted to sit on Friday, June 7, was also objected to.	*Congressional Record*, vol. 131 (June 6, 1985), p. S7575, S7685.
10/16/85	Energy and Natural Resources	Democratic Leader Robert Byrd (D-WV), on behalf of another unnamed senator, objected to a unanimous consent request made by Senator James McClure (R-ID) that the Energy and Natural Resources Committee be permitted to meet "solely for the purpose of reporting the nomination of Anthony G. Sousa, to be reappointed as a Federal Energy Regulatory Commission Commissioner."	*Congressional Record*, vol. 131 (October 16, 1985), p. S13311.
06/16/87	Finance	Senator Jesse Helms (R-NC) objected to a unanimous consent request by Majority Leader Robert Byrd (D-WV) that the Finance Committee be permitted to sit at a restricted hour to consider the nomination of M. Peter McPherson to be Deputy Secretary of the Treasury.	*Congressional Record*, vol. 133 (June 16, 1987), p. S8134.
09/22/88	Foreign Relations; Energy and Natural Resources	Republican Leader Robert Dole (R-KS) objected to a unanimous consent request made by Democratic Leader Robert Byrd (D-WV) that two committees meet for purposes of a "brief business meeting." Requests that five other committees be permitted to sit at the same time were agreed to.	*Congressional Record*, vol. 134 (September 22, 1988), p. S13121.
07/12/89	Foreign Relations	Senator Steve Symms (R-ID), on behalf of "another Republican colleague," objected to a unanimous consent request by Democratic Leader George Mitchell (D-ME) that the Foreign Relations Committee be permitted to meet in order to report the foreign assistance authorization bill.	*Congressional Record*, vol. 135 (July 12, 1989), p. S7748.
03/17/97	Energy and Natural Resources	According to one news account, Democratic Senators invoked the rule to delay committee consideration and a vote on S. 104, the Nuclear Waste Policy Act of 1997.	"Senate Energy Panel Approves Yucca Mt. Interim Waste Storage Facility Again," *Inside Energy*, March 17, 1997.
06/26/97	Judiciary	According to one news account, Senator Lauch Faircloth (R-NC) invoked the rule, causing a Judiciary Committee hearing on tobacco settlement litigation to adjourn. The committee reportedly continued to interact with witnesses in an unofficial "briefing."	"Faircloth Seeks to Halt Tobacco Settlement Hearing," *National Journal's Congress Daily*, June 27, 1997.

Date	Committee	Description	Citation
09/04/97	Judiciary	According to an unofficial transcript, Judiciary Committee proceedings related to online copyright infringement had to conclude early due to invocation of the rule by an unnamed Senator. Committee Chairman Orrin Hatch (R-UT) limited the time allowed for witness testimony and Member questions in order to complete the hearing before the prohibited hour arrived.	"Hearing of the Senate Judiciary Committee on Copyright Infringement Online," unofficial transcript, *Federal News Service*, September 4, 1997.
09/23/97	Governmental Affairs	According to an unofficial transcript, the Governmental Affairs Committee had to adjourn its investigatory hearing on campaign finance early due to an invocation of the rule by an unidentified Senator.	"Hearing of the Senate Governmental Affairs Committee: Campaign Finance Investigation," unofficial transcript, *Federal News Service*, September 23, 1997.
10/05/00	Finance	According to an unofficial transcript, at a Finance Committee Subcommittee on International Trade hearing on trade policy, Chairman Chuck Grassley (R-IA) stated, "I've been informed that the two-hour rule has been invoked, which means that this hearing will officially end at 11:30. However, I intend to proceed unofficially after 11:30. The only difference will be that there won't be an official court reporter taking everything down. We will then have everybody's statement put in the record. And any additional questions and responses thereto will be submitted for the record, so that when we get done with Governor Ventura and our second panel, we will still have the official record, have the official statements. The only thing that we won't have would be the exchange that would have gone on as far as the court reporter is concerned."	"Hearing of the International Trade Subcommittee of the Committee on Finance: Trade Policy Challenges in 2001," unofficial transcript, *Federal News Service*, October 5, 2000.
04/05/01	Judiciary	Senator Kent Conrad (D-ND) objected to a unanimous consent request made by Senator Don Nickles (R-OK) that the Judiciary Committee be permitted to sit in order to conduct a hearing.	*Congressional Record*, vol. 147 (April 5, 2001), p. S3462.
12/12/01	Finance	Senator Robert Byrd (D-WV) objected to a unanimous consent request to allow the Finance Committee to meet for purposes of marking up legislation providing "fast track" trade negotiating authority to the President. In floor remarks, Senator Byrd indicated he was invoking the rule because the chairman of the committee had declined his request to allow him and other opponents of the legislation to appear before the committee prior to the markup.	*Congressional Record*, vol. 147 (December 12, 2001), p. S12996.

Date	Committee	Description	Citation
03/20/02	Judiciary; Governmental Affairs; HELP	According to news accounts, Republican Senators invoked the rule to "pressure" the Democratic majority to schedule committee hearings on eight of President George W. Bush's circuit court nominees. According to one article, the "Senate Governmental Affairs Committee was holding an Enron-related hearing and decided to continue meeting in an unofficial capacity. The Health, Education, Labor, and Pensions (HELP) Committee was preparing its pension reform bill but had to stop."	CNN Washington Staff, "GOP Protest Closes Senate Hearings," CNN.com, March 20, 2002; David Nather, "Two-Hour Meeting Rule Causes Trouble in Senate," *CQ Weekly*, March 23, 2002, p. 791.
05/16/02	Commerce, Science, and Transportation; Others	According to a news account, Republican Leader Trent Lott (R-MS) invoked the rule in opposition to consideration of S. 2201, the Online Personal Privacy Act. In response, the committee reportedly rescheduled the markup for early the next morning.	Peter Cohn, "Hollings' Privacy Bill Wins Senate Panel's Approval," *Congressional Quarterly Daily Monitor*, May 17, 2002.
07/18/02	Foreign Relations	According to a news account, an unnamed Senator invoked the rule to block committee consideration of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women. According to the article, the committee responded by rescheduling the markup for early the next morning.	Niels C. Sorrells, "Senate Panel to Try Again with Women's Rights Treaty," *Congressional Quarterly Daily Monitor,* July 19, 2002.
10/08/02	Judiciary, Others	According to one news account, unnamed Senators invoked the rule for all committees in order to limit meetings while the Senate was debating legislation regarding possible military action in Iraq. The restrictions reportedly delayed, among other business, a scheduled Judiciary Committee vote on the nomination of Dennis Shedd to be judge for the Fourth Circuit.	David Freddoso, "Strom's Last Word," *Human Events Online,* June 6, 2003.
02/13/03	Judiciary	Minority Whip Harry Reid (D-NV), on behalf of Senator Edward Kennedy (D-MA), objected to a unanimous consent request that the Committee on the Judiciary be permitted to meet to conduct a markup during hours restricted by the rule. The committee was forced to end its markup without acting on all of the business listed on its tentative agenda.	*Congressional Record*, vol. 149 (February 13, 2003), p. S2379.
07/17/03	Judiciary	According to one news account, an unnamed Senator's invoking of the rule delayed committee consideration of William Pryor to be circuit judge for the Eleventh Circuit.	Jesse Holland, "Judiciary Committee Spars over Investigating Pryor Fund-raising Activity," Associated Press, July 17, 2003.

Date	Committee	Description	Citation
11/24/03	Judiciary; Others	According to a news report, Democrats invoked the two-hour rule, delaying committee consideration of F. Dennis Saylor's nomination to be district judge for the District of Massachusetts.	Lee Hammel, "Squabble Sidetracks Judge's Confirmation; Saylor Must Wait for January Meeting," *Telegram & Gazette*, November 26, 2003.
07/15/04	Judiciary	Minority Whip Harry Reid (D-NV) objected to a unanimous consent request by Majority Leader Bill Frist (R-TN) for the Judiciary Committee to meet during restricted hours for purposes of continuing a markup. According to floor debate, requests for 12 other committees to meet during prohibited times were granted. The Judiciary Committee reportedly planned to mark up four judicial nominations and a "constitutional amendment on flag desecration."	*Congressional Record*, vol. 150 (July 15, 2004), p. S8179.
07/22/04	Commerce, Science, and Transportation	According to a news account, Senator Ron Wyden (D-OR) invoked the rule in order to delay consideration of the nomination of Deborah P. Majoras to be chair of the Federal Trade Commission. The article stated that the committee was also "unable to amend several bills it had not gotten to before recess."	Toni Johnson, "Wyden Blocks Committee Action on FTC Nominee with Tactic that Irks McCain," *Congressional Quarterly Today*, July 22, 2004; *Communications Daily*, "Senate Commerce Moves VOIP, SVIA and Other Legislation," July 23, 2004.
04/28/05	Judiciary	According to an unofficial transcript, Chairman Arlen Specter (R-PA) temporarily suspended a Judiciary Committee hearing and markup on circuit court judges in response to the invocation of the two-hour rule. The hearing reconvened after an hour-and-a-half delay when the majority leader moved to adjourn the Senate in order to allow the panel to sit.	*CQ Transcriptions*, "U.S. Senator Arlen Specter (R-PA) Holds Hearing on Pending Business, Including Circuit Court Judge Nominations," April 28, 2005.

Date	Committee	Description	Citation
05/18/05	Judiciary; Energy; EPW; Others	According to news accounts, Democratic Leader Harry Reid (D-NV) announced his intention to insist that the two-hour rule be enforced, compelling committees to conclude hearings and markups early. One article stated that Senator Reid did so to protest Republican threats to invoke the so-called "nuclear option," a parliamentary action to end debate (invoke cloture) on certain judicial nominations by simple majority vote rather than the supermajority threshold called for in Senate Rule XXII.	Alex Kaplun, "Federal Judiciary: Senate Leaders Begin Fight Over 'Nuclear Option,'" *Environment and Energy Daily*, May 19, 2005; Wolf Blitzer et. al., "Senate Judicial Showdown Begins," *CNN Wolf Blitzer Reports*, May 18, 2005.
08/03/06	Judiciary	According to one news account, Democrats invoked the rule to prevent the Judiciary Committee from considering four bills dealing with electronic surveillance. The delay reportedly forced the committee to postpone its markup until after the August recess. According to the article, several Democrats on the committee triggered the restriction on meeting times because they feared the surveillance bills would unfairly "broaden the President's powers to spy on Americans and conduct random searches without warrants."	*Washington Internet Daily*, "Democrats Block Vote on Specter Surveillance Bill," August 4, 2006.
09/07/06	Judiciary	According to one news account, Democrats invoked the two-hour rule, forcing the Judiciary Committee to truncate its markup of S. 2453, the National Security Surveillance Act of 2006. The article stated that it was "the second time in two months" Democrats had invoked the rule to prevent consideration of the measure.	"Sen. Cornyn Condemns Obstruction of Terrorist Surveillance Bill," *U.S. Federal News*, September 7, 2006.
09/20/07	Finance	According to one news account, an unnamed Senator invoked the rule in order to force the Senate Finance Committee to halt its "mock" markup of legislation implementing the U.S.-Peru Free Trade Agreement after just 30 minutes. The committee reportedly rescheduled the mock markup for early the following morning. The article quoted sources as saying Senator Trent Lott (R-MS) raised the objection "because he objected to the way funds under the jurisdiction of the Finance Committee were being used in the reauthorization of the Federal Aviation Administration."	*Inside U.S. Trade*, "Senate Consideration of Peru FTA Delayed Over Unrelated Objection," September 21, 2007.
10/04/07	Finance	According to one news account, Senator Jim Bunning (R-KY) invoked the rule, forcing the Finance Committee to reschedule a markup of legislation providing tax credits for agriculture. The article stated that Senator Bunning "objected to a requirement in the bill that required facilities producing coal-to-liquid transportation fuel [to] safely sequester 75 percent of the carbon dioxide emissions to qualify for alternative fuel tax credits." The committee reportedly responded to the objection by holding its meeting late the same evening after the Senate had adjourned.	Geof Koss and Stephen Langel, "Senate Finance Committee Advances Farm Tax Package; Peru Trade Bill," *Congress Now*, October 4, 2007.

Date	Committee	Description	Citation
06/10/08	Judiciary	Senator Thad Cochran (R-MS), on behalf of the Republican leader, objected to a unanimous consent request made by Majority Leader Harry Reid (D-NV) that the Judiciary Committee be permitted to sit to hold a hearing on coercive interrogation techniques. In response to the objection, Senator Reid indicated that he would recess the Senate in the afternoon in order to allow the hearing to continue.	*Congressional Record*, vol. 154 (June 10, 2008), p. S5417.
06/26/08	Judiciary	According to one news account, Republicans invoked the rule, forcing the cancellation of a scheduled hearing by the Judiciary Committee's Subcommittee on Crime and Drugs. The article stated, "Republicans have been using the rule more and more as a political tactic as pay back for the Democrats not moving judges through the nominations process fast enough."	Douglas Graham, "2 Hour Rule, Senate Judiciary Committee," *Roll Call*, June 26, 2008.
03/24/10	Judiciary; Armed Services; Others	According to one news account, Republicans invoked the rule in order to delay Judiciary Committee consideration of the nomination of Goodwin Liu to the Ninth Circuit Court of Appeals. On the floor, Senator Richard Burr (R-NC), acting on behalf of his side of the aisle (rather than personally), objected to a unanimous consent request made by Armed Services Committee Chairman Carl Levin (D-MI) that the committee be permitted to meet to receive testimony. In making the request, Senator Levin noted that one witness scheduled to testify had travelled from South Korea, and a second witness travelled from Hawaii.	States News Service, "Liu Hearing to Proceed Friday as Scheduled," April 1, 2010; *Congressional Record*, vol. 156 (June 24, 2010), p. S1953
03/27/10	Multiple	According to one news account, Republican Senators triggered the rule twice during the week of March 22 "in a pique over the health-care debate."	Paul Kane, "Newer Members Aim to Fix 'Broken' Senate," *Washington Post,* March 27, 2010, p. A01.
06/30/11	Finance	Minority Leader Mitch McConnell (R-KY) objected to a unanimous consent request made by Majority Leader Harry Reid (D-NV) that the Finance Committee be permitted to sit during a period prohibited by the two-hour rule.	*Congressional Record*, vol. 157 (June 30, 2011), p. S4268.
10/19/11	HELP	Senator Rand Paul (R-KY) objected to a unanimous consent request made by Senator Tom Harkin (D-IA), chairman of the HELP Committee, that the committee be permitted to meet to mark up a bill to reauthorize the Elementary and Secondary Education Act. In floor debate, Senator Paul indicated his opposition to the committee marking up the bill "with only 48 hours to read it" and with "no hearings that involve teachers, no hearings that involve superintendents, no hearings that involve principals."	*Congressional Record,* vol. 157 (October 18, 2011), pp. S6720-S6721. Lyndsey Layton, "Senator Forces Halt in 'No Child,' Debate," *Washington Post*, October 20, 2011, p. A02.

Date	Committee	Description	Citation
05/08/13	HELP	Republicans reportedly invoked the rule in order to delay the HELP Committee from voting to report the nomination of Thomas Perez to be Secretary of Labor. One news account stated that in response to the rule being invoked, the markup of the Perez nomination was postponed by a week.	Josh Hicks, "Hearing on Labor Pick Is Postponed Again," *Washington Post*, May 9, 2013, p. A15.
12/10/13	Finance	Republicans reportedly objected to continuing a markup past noon in order to delay a committee vote on the nomination of John A. Koskinen to be commissioner of the IRS.	Niels Lesniewski, "GOP Deploys Two-Hour Rule to Stall IRS Nominee Hearing," *Roll Call*, December 10, 2013.
12/18/13	Judiciary	Republican Senators reportedly used the rule to block the Judiciary Committee from holding a confirmation hearing on five of President Obama's district court nominees. The committee cancelled the hearing, which was to occur at 2:30 p.m., and rescheduled it for 10:00 the following morning.	Andrew Cohen, "A New GOP Stall Tactic in the War Over Judicial Nominees," *The Atlantic,* December 18, 2013; Scott Dolan, "U.S. Bench Pick Gets Hearing," *Morning Sentinel* (Waterville, ME), December 20, 2013, p. 2B.
06/09/16	Multiple	Armed Services Committee Chairman John McCain (R-AZ) objected to a unanimous consent request propounded by Senator Jeff Flake (R-AZ) that five committees have permission to meet. In debate, Senator McCain stated, "For the benefit of my colleagues, until we finish [considering the FY 2017 National Defense Authorization Act], I don't want anybody doing anything but finishing this legislation." It appears that four Senate committees were later granted the authority to meet.	*Congressional Record*, vol. 162 (June 9, 2016), p. S3680.
01/31/17	Judiciary	Judiciary Committee Democrats reportedly used the two-hour rule to delay the committee's reporting of the nomination of former Senator Jeff Sessions (R-AL) to be Attorney General of the United States. The account claimed that the objection was made in order to protest the dismissal of Acting Attorney General Sally Yates.	Lydia Wheeler, "Dems Delay Sessions Vote," *The Hill,* January 31, 2017.

Date	Committee	Description	Citation
05/10/17	Foreign Relations; Others	According to an unofficial transcript, during a hearing of a Foreign Relations Subcommittee, Subcommittee Chairman Marco Rubio (R-FL) stated, "Just as a reminder to the members, the minority as it is the right under our rules, has invoked two-hour rules, so we will have to conclude this hearing at 11:30." Senator Rubio later reportedly stated, "I apologize.... Other topics we could have touched on, we got this situation here today where the two-hour rule has been invoked, and so that would end our hearing here and any moment now." Senator Rubio then adjourned the subcommittee. According to a media report, Democratic Senators invoked the rule for all committees as part of a wider "slowdown" in Senate business to protest the firing of FBI Director James Comey.	*Political Transcript Wire*, "Senate Committee on Foreign Relations, Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues Hearing on External Influences in the Western Hemisphere," May 12, 2017; *The Frontrunner*, "As Activists Call for Trump's Impeachment, Democrats Demand Special Counsel," May 11, 2017.
06/20/17	Energy and Natural Resources; Others	According to an unofficial transcript, during a hearing on the FY2018 budget for the Department of the Interior, in which Secretary Ryan Zinke testified, Committee Chair Lisa Murkowski (R-AK) reportedly stated, "Unfortunately, we do not have consent to waive the two-hour rule, and so now that the hour 12 o'clock is upon us, I'm not allowed to continue the hearing. So you get off the hook that way, but I would certainly hope that you can provide me with some updates on not only these two areas, but some of the others." Senator Murkowski then adjourned the committee. According to a news account, Democrats invoked the rule for all panels as a protest of what they characterized as the Republican majority's "secrecy" related to health care legislation. The account stated, "Senate Democrats will begin objecting today to committees meeting beyond two hours after the Senate comes into session."	*Political Transcript Wire*, "S. Energy Hearing on Department of the Interior FY 2018 Budget," June 22, 2017; *Federal Information and News Dispatch*, "In Light of Continued GOP Secrecy Around Health Care Bill, Senate Democrats Invoke 2 Hour Rule," June 20, 2017.
06/21/17	Multiple	In floor debate, Majority Whip John Cornyn (R-TX) stated, "I have nine requests for committees to meet during today's session of the Senate. They do not have the approval of the Democratic leader; therefore, they will not be permitted to meet today beyond 2 p.m. But I ask unanimous consent that a list of the committees requesting authority to meet be printed in the *Record*."	*Congressional Record*, vol. 162 (June 21, 2017), p. S3668.

Date	Committee	Description	Citation
06/22/17	Multiple	In floor debate, Senator John Barrasso (R-WY) stated, "I have six requests for committees to meet during today's session of the Senate. They do not have the approval of the Democratic leader; therefore, they will not be permitted to meet, but I ask unanimous consent that a list of committees requesting authority to meet be printed in the *Record*."	*Congressional Record*, vol. 162 (June 22, 2017), p. S3712.
06/28/17	Judiciary; Others	According to one news account, Minority Leader Chuck Schumer (D-NY) reportedly invoked the rule to prevent the Judiciary Committee from holding a hearing in which Senators intended to "press" intelligence officials "for further details about the Obama White House's steps to 'unmask' members of the Trump campaign and transition officials." On the same day, during floor debate, Majority Leader Mitch McConnell (R-KY) stated, "I have nine requests for committees to meet during today's session of the Senate. They do not have the approval of the Democratic leader for the seventh consecutive legislative day, therefore, they will not be permitted to meet after 2 p.m. I ask unanimous consent that the list of committees requesting authority to meet be printed in the *Record* for today's session and the previous 2 days."	*The Frontrunner*, "Schumer Blocks Meeting on Obama Officials' Umasking Trump Officials," June 29, 2017; *Congressional Record*, vol. 162 (June 28, 2017), p. S3835.
06/29/17	Multiple	In floor debate, Senator Bob Corker (R-TN) stated, "I have six requests for committees to meet during today's session of the Senate. They do not have the approval of the Democratic leader for the eighth consecutive legislative day; therefore, they will not be permitted to meet after 1 p.m. I ask unanimous consent that the list of committees requesting authority to meet be printed in the *Record*."	*Congressional Record*, vol. 162 (June 29, 2017), p. S3842.

Source: CRS full-text electronic searches of the *Congressional Record* and various electronic news databases.

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