



Memorandum

October 7, 2011

TO:**FROM:****SUBJECT:** Measures on Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or His Designee Filling or Partially Filling the Amendment Tree: 1985-2011

This memorandum responds to your request that the Congressional Research Service (CRS) identify instances when the Senate majority leader or his designee may have limited available amending opportunities by filling, or partially filling, the “amendment tree.” The data in this memorandum may be used to respond to other congressional clients seeking identical information.

Background on The Amendment Trees

The amendment trees have developed over decades of practice in the Senate as a way of visualizing certain principles of precedence that govern the offering of, and voting on, amendments in that chamber. These principles of precedence are reflected in four charts published in *Riddick's Senate Procedure*, the official compilation of Senate precedents.¹ The four *Riddick* charts depict the maximum number and type of amendments that may be offered to a bill and simultaneously pending under various circumstances during its consideration. Which of the four charts will be applicable at a given point during consideration of a measure is dictated by the form of the first amendment that is offered — be it an amendment to insert, to strike, to strike and insert, or in the nature of a substitute.

While the four charts in *Senate Procedure* are the sole official guide to the precedents governing the Senate amendment process, the same principles of precedence are often depicted in four line diagrams whose component parts resemble the trunk of a tree (representing the legislative measure being considered) with limbs (representing the various possible amendments to the measure) growing out from the trunk. These diagrams are widely and colloquially referred to as “amendment trees.”

¹ 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), pp. 74-89.

An amendment tree may be said to be “filled” when all of the possible amendments permitted by these principles of precedence have been offered and are pending. Depending on which tree is in use in a given floor situation, an amendment tree might be filled by as few as two amendments, or as many as 11. Even if a majority leader does not fill all of the available limbs of a tree, he may limit some amending opportunities by strategically occupying some of them.

When an amendment tree is filled, the amendment process is, in effect, frozen — no additional floor amendments may be offered to the measure until action is taken to dispose of one or more of the amendments that are already pending. Pending amendments might be disposed of by being voted upon, withdrawn by their sponsor, tabled, or because they fall after the Senate invokes cloture (discussed below). The Senate might also choose to lay aside a pending amendment or amendments so that a Senator may offer another amendment to the same or to a different portion of the measure, notwithstanding the number already pending. While this latter practice is routine, laying aside a pending amendment requires unanimous consent, and thus, may be blocked by a single Senator’s objection.² In addition, should consent be granted to lay aside a full tree so that other amendments may be offered, the next amendment offered begins a different amendment tree that does not affect the “fullness” of the other tree. In this way, the Senate often “stacks” a series of amendments without the formality of requiring final action on each one before proceeding to consider the next.

A motion to commit or recommit a measure to committee may be offered even when an amendment tree on a bill is full. Such a motion may be offered with or without amendatory instructions. Those instructions, however, may also be amended in two degrees, a first degree amendment to the instructions and a second degree amendment to the amendment. Thus, it is also possible to “fill the tree” on such a motion, and a majority leader will often do so when trying to eliminate all opportunities for floor amendment.

Recognition and the Senate Majority Leader

Under paragraph 1(a) of Senate Rule XIX, the Presiding Officer “shall recognize the Senator who shall first address him.” Under traditions and practices observed since at least the late 1930s, however, the majority leader and minority leader are given preferential recognition when they seek the floor simultaneously with other Senators.³ As *Riddick’s Senate Procedure* notes, “... in the event that several Senators seek recognition simultaneously, priority of recognition shall be accorded the Majority Leader and Minority Leader, the majority [bill] manager, and the minority manager, in that order.”⁴ This preference in recognition afforded the majority leader is also given to a Senator serving as the designee of the leader. This custom is relevant to the amendment tree because the order of recognition can affect opportunities in the amendment process.

In keeping with Rule XIX, Senators offer amendments to a pending bill in the order they seek and obtain recognition to do so. When a Senator is recognized and has offered an

² *Ibid.*, pp. 41-42.

³ *Ibid.*, pp. 1093-1094, 1098.

⁴ *Ibid.*, p. 1093.

amendment, he or she has the right to withdraw or modify the amendment, but may not offer an amendment to his or her own amendment, until the Senate takes some action in relation to it.⁵ After action has been taken on the amendment, its author loses the unilateral right to withdraw or modify it, but gains the right to offer an amendment to it. Accordingly, if a Senator offering an amendment can secure recognition a second time, he or she can secure some Senate action on his or her own amendment (such as obtaining the yeas and nays) and then offer an amendment to it, as long as the new amendment is in keeping with the principles of precedence described above.

The question of recognition, then — who is recognized, and in what order — can be an important influence on both the substance of legislation as well as progression of the amendment process on the Senate floor, including the potential filling of the amendment tree. It is precisely in the matter of securing recognition that the Senate majority leader has an advantage over other members of the chamber.

While any Senator (or group of Senators acting in concert) might potentially “fill the amendment tree,” the custom of granting the leader preferential recognition means that a determined majority leader will always be recognized before other Senators, and, as a result, the majority leader alone is *guaranteed* the ability to fill up the amendment tree on a pending measure by being repeatedly recognized in turn to offer amendments until no further amendments are in order under the principles of precedence. The majority leader’s preferential recognition also means that he can often prevent other Senators, or a group of Senators acting in concert, from filling up the tree with amendments.

Motivation for Filling the Amendment Tree

A Senate majority leader might pursue a strategy of “filling the amendment tree,” for several reasons, including, but not limited to:

- obtaining advantage in the negotiation of a unanimous consent request for the further consideration of a measure;
- fending off non-germane (and perhaps politically controversial) amendments to a measure until cloture can be invoked;⁶
- attempting to expedite overall Senate consideration of legislation;
- obtaining the first recorded vote on a policy provision in the exact form desired; and,

⁵ “Action” includes ordering the yeas and nays on the amendment, adopting, rejecting, or tabling it, amending it, or entering into a unanimous consent request specific to that amendment. See *Senate Procedure*, p. 65.

⁶ Once the amendment tree has been filled, a Senator may file a cloture petition, either on a pending amendment or on the underlying measure. If cloture is invoked on the measure, it limits amendments that may be offered to those that are germane and also establishes a 30-hour time limit for further consideration of the bill. By keeping the amendment tree full until cloture is invoked, a majority leader may be able to prevent action on an already pending non-germane amendment, prevent all non-germane amendments from being offered, or even prevent amendments altogether.

- instituting some measure of leadership control over the subject and/or sequence of floor amendments offered.

112th Congress Leadership Colloquy

On January 27, 2011, majority leader Harry Reid and minority leader Mitch McConnell conducted a colloquy on the Senate floor during which the majority leader pledged to use the procedural option of filling the amendment tree “infrequently” in the 112th Congress (2011-2012). In the same colloquy, the minority leader pledged to “... use our procedural options with discretion.” Both floor leaders further pledged to do all they could to see that Senators in their respective party caucuses respected the terms of the colloquy. According to Senators Reid and McConnell, this informal agreement was entered into, “in the interests of comity and [a] more open process in the Senate.”⁷

Research Method

The instances of “filling the amendment tree” identified in this memorandum 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 amending legislation in such a way that some or all of the amendments permitted under the circumstances by the Senate’s principles of precedence were pending. The definition used in this memorandum does not include instances in which all possible amendments were offered and an amendment tree filled by Senators in the normal process of considering a measure. The table and attached graph are organized by *measures* on which trees were filled, not individual *instances* of tree filling. Thus, measures on which a tree was filled more than once by the majority leader are counted just once on the table and the accompanying graph. It should be noted that other observers may count differently or have somewhat 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) have been offered to legislation as examples of the practice.

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 the present. 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 petition.

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 electronic and manual searches of the *Congressional Record* as well as a *Lexis* database search of various media sources for instances in which Senators might have alluded to the amendment tree being filled. The

⁷ *Congressional Record*, daily edition, vol. 157, Jan. 27-2011, p. S325.

daily, rather than the bound, edition of the *Record* is cited here because it is electronically searchable and also 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, within the time available for this research, 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.

Table 1. Measures on Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or His Designee Filling or Partially Filling the “Amendment Tree”⁸: 1985-2011⁸

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
99 th (1985-1986)	Robert J. Dole (R-KS)	S.Con.Res. 32, Concurrent Resolution on the Budget for FY 1986 S. 1714, Agriculture, Food, Trade, and Conservation Act of 1985 H.J.Res. 668, Increasing the Statutory Limit on the Public Debt	Sen. Dole filled the “amendment in the nature of a substitute” tree with amendments SA37-39, SA41-42 and the tree on the motion to recommit with instructions with amendments SA43-44. (<i>Congressional Record</i> , daily edition, vol. 131, Apr. 30, 1985, p. S4986.) Sen. Dole filled the tree on the motion to recommit with instructions with amendments SA939-940. Cloture was filed on the motion. (<i>Congressional Record</i> , vol. 131, Oct. 31, 1985, p. 30087.) Sen. Dole filled the tree on the motion to commit with instructions with amendments SA2231-2232. (<i>Congressional Record</i> , daily edition, vol. 132, Jul. 25, 1986, p. S9664.)
100 th (1987-1988)	Robert C. Byrd (D-WV)	S. 1420, Omnibus Trade and Competitiveness Act of 1987 S. 2, Senatorial Election Campaign Act of 1987	Sen. Byrd, working in concert with Sen. Howard M. Metzenbaum, filled the “strike and insert” tree with a series of amendments, SA435-439. (<i>Congressional Record</i> , vol. 133, Jul. 8, 1987, pp. 18871-18876.) Media reports indicate the goal was to obtain a straight vote on a compromise proposal requiring advance notice of certain plant closings. (“Senate Passes Measure on Plant-Closing Notice,” <i>The Washington Post</i> , July 9, 1987, p. E1.) Sen. Byrd, working in concert with Sen. David L. Boren, filled the “motion to recommit” tree with amendments, SA1403-1405. In debate, Sen. Byrd indicated his goal was to displace several non-germane amendments to S. 1 relating to funding for the Nicaraguan contras, thus returning the Senate to consideration of the subject of the underlying bill. (<i>Congressional Record</i> , vol. 134, Feb. 17, 1988, p. 1481.)

⁸ As of Oct. 6, 2011. Information from the Legislative Information System of the U.S. Congress (LIS) and cited issues of the *Congressional Record*.

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		S. 2488, Parental and Medical Leave Act of 1988	Sen. Byrd filled the "motion to recommit" tree with amendments, SA3308-3310. In floor debate, Sen. Byrd indicated that he had done so in response to a continued inability to secure a time agreement on the offering of amendments, including a requirement for germaneness or relevancy. He characterized the motion and the amendments to it as an attempt to place S. 2488 back before the Senate in a form containing several specific policy provisions. (<i>Congressional Record</i> , vol. 134, Sep. 29, 1988, pp. 26523-26588.)
101 st (1989-1990)	George J. Mitchell (D-ME)	None identified	None identified
102 nd (1991-1992)	George J. Mitchell (D-ME)	S. Con. Res. 106, Concurrent resolution setting forth the congressional budget for FY 1993, 1994, 1995, 1996, & 1997	Sen. Mitchell filled the "insert" tree with two amendments, SA1778-1779 offered to a substitute amendment for S. Con. Res. 106, SA1777, which appears to have been treated as an original text for the purposes of amendment. Floor debate suggests a unanimous consent agreement was entered into laying out this approach with the goal of controlling and structuring the consideration of policy alternatives relating to entitlement reform. (<i>Congressional Record</i> , vol. 134, Apr. 10, 1992, pp. 9283-9284.)
103 rd (1993-1994)	George J. Mitchell (D-ME)	H.R. 1335, Emergency Supplemental Appropriations for FY 1993	Sen. Robert C. Byrd, acting on behalf of the majority leader, filled the tree on the substitute to the measure, offering SA271-272. (<i>Congressional Record</i> , daily edition, vol. 139, Mar. 25, 1993, p. S3715.)
		S. 1491, FAA Authorization Act of 1994	On multiple occasions during consideration of this measure, Sen. Mitchell or his designee offered second-degree amendments, for example, SA1776, 1779, and 1781, to non-germane first-degree amendments dealing with the subject of President William J. Clinton and the Whitewater Development Corporation. On each occasion, this action filled the "insert" tree and prevented a straight vote on the first-degree amendment. (<i>Congressional Record</i> , daily edition, vol. 140, June 15, 1994, pp. S6890-6894.)

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104 th (1995-1996)	Robert Dole (R-KS)	S.J. Res. 21, Constitutional Amendment to Limit Congressional Terms	Acting as the designee of the majority leader, Sen. Fred Thompson offered a series of amendments, SA3692-3397, to the committee substitute for S.J.Res 21, filling the amendment tree. He then offered a motion to recommit the joint resolution and proceeded to offer amendments SA3698-3699 to the motion, filling the tree on the motion. In debate, Sen. Thompson indicated that he did so to prevent non-germane amendments from being offered to the measure and to ensure that Senate debate would focus on the subject of congressional term limits. (<i>Congressional Record</i> , daily edition, vol. 142, Apr. 19, 1996, pp. S3715-3717.)
		S. 1664, Immigration Control and Financial Responsibility Act of 1996	Acting as the designee of the majority leader, Sen. Alan K. Simpson offered a series of second-degree amendments to a number of "stacked" first degree amendments, filling the amendment tree on them. He also filled the recommit tree on the underlying bill, offering SA3725-3726. In debate, Sen. Simpson indicated that he did so to prevent the offering of non-germane second-degree amendments on subjects such as the minimum wage and Social Security. (<i>Congressional Record</i> , daily edition, vol. 142, Apr. 24, 1996, pp. S4012-4016.)
		H.R. 2937, White House Travel Office Reimbursement	Sen. Dole offered a series of amendments, SA3952-3956, first to the bill and then to a motion to refer the bill, filling the tree on both. Sen. Dole indicated that he took this action to prevent non-germane amendments to the measure. Sen. Dole filed for cloture on the measure and indicated his willingness to enter into negotiations on possibly permitting a non-germane amendment relating to the minimum wage to be offered. (<i>Congressional Record</i> , daily edition, vol. 142, May 3, 1996, pp. S4670-4672.)
		H.R. 1296, To provide for the administration of certain Presidio properties at minimal cost to the federal taxpayer	On Mar. 26, 1996, Sen. Dole filled the tree on the motion to commit the bill with SA3653-3654 and immediately filed cloture on the motion. Floor debate suggests that this action was taken in an attempt to block non-germane amendments to the measure on the subject of the minimum wage. (<i>Congressional Record</i> , daily edition, vol. 142, Mar. 26, 1996, pp. S2898-2899.)

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105 th (1997-1998)	Trent Lott (R-MS)	S. 25, Bipartisan Campaign Reform Act of 1997	Sen. Lott offered a series of amendments, SA1258-1265, to the bill and to a motion to recommit the bill, filling both the "strike and insert" tree and the recommit tree. In debate, Sen. Lott indicated he did so to bar all amendments to the measure except those negotiated between himself and supporters of S. 25. The agreement provided for a modified form of the bill and one Lott amendment to it containing provisions of the so-called "Paycheck Protection Act," (<i>Congressional Record</i> , daily edition, vol. 143, Sept. 29, 1997, pp. S10106-10114.)
		S. 1663, Paycheck Protection Act	On Feb. 24, 1998, Sen. Lott offered a series of amendments, SA1648-1650, along with a motion to commit, which he then filled with amendments SA1651-1653. The leader then filed cloture on the motion. (<i>Congressional Record</i> , daily edition, vol. 143, Feb. 24, 1997, pp. S939-940.)
106 th (1999-2000)	Trent Lott (R-MS)	S. 280, Education Flexibility Partnership Act of 1999	Sen. James Jeffords, as the designee of Sen. Lott, filled the tree on the measure on Mar. 10, 1999 with SA66-68. (<i>Congressional Record</i> , daily edition, vol. 145, Mar. 10, 1999, p. S2489-2490.) Media reports claimed he did so to prevent certain minority party Senators, "from offering amendments reflecting their education goals including the hiring of 100,000 additional teachers." (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," <i>CQ Daily Monitor</i> , Nov. 29, 1999.)
		S. 557, An original bill to provide guidance for the designation of emergencies as a part of the budget process	On Apr. 20, 1999, Sen. Lott filled the tree by offering two amendments on behalf of another Senator, SA254-255 and then immediately filing cloture. Floor debate suggests he did this to block the offering of amendments relating to a Social Security and Medicare "lockbox." (<i>Congressional Record</i> , daily edition, vol. 145, Apr. 20, 1999, p. S3896.)

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		S. 544, Emergency Supplemental Appropriations Act for Fiscal Year 1999	On Mar. 19, 1999, Sen. Lott proposed a second-degree amendment, SA124, "prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations." This amendment filled the insert tree and he then filed cloture on the amendment. In floor debate, Sen. Lott indicated he took this action to ensure that there would be a debate on the subject of Yugoslavia, but added that he wanted to continue to negotiate a time agreement for Senate consideration of the measure. (<i>Congressional Record</i> , daily edition, vol. 145, Mar. 19, 1999, pp. S2995-2996.)
		S. 96, The Y2K Act	Sen. Lott filled the tree on the measure, offering SA268-271. In debate, he indicated his willingness to have a pending amendment on the filled tree laid aside so that germane amendments could be offered. (<i>Congressional Record</i> , daily edition, vol. 145, Apr. 27, 1999, pp. S4232-4234.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from proposing non-germane amendments relating to gun control. (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," <i>CQ Daily Monitor</i> , Nov. 29, 1999.)
		H.R. 1501, Juvenile Justice Reform Act of 1999	On July 26, 1999, Sen. Lott filled the tree on the measure, offering amendments SA1344-1348. In debate, Sen. Lott indicated he filled the tree with amendments consisting of the Senate version of the bill. (<i>Congressional Record</i> , daily edition, vol. 146, July 26, 1999, pp. S9209-9210.)
		H.R. 434, African Growth and Opportunity Act	Sen. Lott filled the tree on the measure on Oct. 27, 1999, offering SA2332-2335. In debate, he expressed regret at "having to" do so, and indicated he would agree to lay aside a pending amendment if a Senator wished to offer relevant amendments. (<i>Congressional Record</i> , daily edition, vol. 146, Oct. 27, 1999, pp. S13202-13203.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering non-germane amendments on the subjects of minimum wage and campaign finance reform. (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," <i>CQ Daily Monitor</i> , Nov. 29, 1999.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 4577, Labor-HHS-Education Appropriations	Sen. Lott filled the tree on the motion to commit the bill, offering amendments SA3598-3600. During debate, he indicated his desire to negotiate a time agreement for the consideration of amendments dealing with the ergonomic standard issued by the Occupational Safety and Health Administration (OSHA). The motion to commit was later withdrawn when such a time agreement was successfully negotiated. (<i>Congressional Record</i> , daily edition, vol. 146, June 22, 2000, pp. S5628-5629.)
		S. 2045, American Competitiveness in the Twenty-First Century Act	Sen. Lott filled the "strike and insert" tree twice on this bill as well as the tree on a motion to recommit the measure. In doing so, Sen. Lott called up an amendment filed by a minority party Senator, SA 4183. In debate, Sen. Lott indicated followed this course because of an inability to reach a time agreement governing the further consideration of the measure. (<i>Congressional Record</i> , daily edition, vol. 146, Sept. 15, 2000, pp. S9026-9029.)
107 th (2001-2002)	Thomas A. Daschle (D-SD)	H.R. 5005, Homeland Security Act of 2002	Sen. Daschle filled the tree on the motion to commit with instructions by offering amendments SA4742-4743. In debate, he indicated he did so to "keep in place the current parliamentary circumstances" while Senators tried to negotiate a time agreement for the further consideration of amendments. (<i>Congressional Record</i> , daily edition, vol. 148, Sept. 25, 2002, pp. S9205.)
108 th (2003-2004)	William H. Frist (R-TN)	S. 14, Energy Policy Act of 2003	On July 30, 2003, the majority leader offered a motion to commit the bill to the Energy and Natural Resources Committee with instructions. He filled the tree on the motion to commit with instructions with amendments SA1433-1434 and filed cloture on the motion. In debate, the Senator indicated he did so to try to bring the underlying bill to a final vote prior to the August recess period. (<i>Congressional Record</i> , daily edition, vol. 149, July 30, 2003, p. S10251.)

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		S. 2062, Class Action Fairness Act	On July 7, the majority leader offered two amendments to the bill, SA3548-3549, filling the insert tree. He then offered a motion to commit the bill with instructions and filled the tree on the motion with amendments SA3550-3551. The majority leader filed cloture on the bill. Floor debate suggests that Sen. Frist pursued this course in response to an inability to secure a time agreement structuring the offering of amendments to the bill, including a relevancy requirement. (<i>Congressional Record</i> , daily edition, vol. 150, July 7, 2004, pp. S7698-7699.)
		S. 1637, Jumpstart our Business Strength Act	On Mar. 22, 2004, the majority leader offered a motion to commit the bill with instructions that the committee report back the measure with an amendment specified in the motion. Senators filed amendments SA2898-2899 to those instructions, filling the tree. After cloture on the motion subsequently failed, the majority leader offered another motion to commit, and offered amendments SA3011-3013 to it, filling the tree. Floor debate suggests these efforts were attempts to expedite consideration of the bill. (<i>Congressional Record</i> , daily edition, vol. 150, Mar. 22, 2004, pp. S2852-2853.)
109 th (2005-2006)	William H. Frist (R-TN)	S. 397, Protection of Lawful Commerce in Arms Act H.R. 4297, Tax Relief Extension Reconciliation	On July 27, 2005, the majority leader offered amendments to the bill SA1605-1606 filling the tree. Senators asked unanimous consent to set aside pending amendments to offer additional amendments. This request was objected to each time. Floor debate suggests that this action was undertaken pending the negotiation of a time agreement relating to the consideration of amendments, including a germaneness requirement. (<i>Congressional Record</i> , daily edition, vol. 151, July 27, 2005, p. 9087.) On Feb. 2, 2006, the majority leader offered amendments SA2707-2709, filling the tree on the bill. He then offered a motion to commit the bill with instructions, and proceeded to fill the tree on the motion with amendments SA2710-2711. In floor debate, Sen. Frist indicated he did this in order to structure floor consideration and potentially reach a timely final vote on the measure. (<i>Congressional Record</i> , daily edition, vol. 152, Feb. 2, 2006, pp. 472-473.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		S. 271, USA PATRIOT Act Amendments	On Feb. 16, 2006, the majority leader filled the insert tree on the measure with amendments SA2895-2896. The majority leader then filed a cloture petition on the bill and objected to unanimous consent requests to lay aside any of the pending amendments. In debate, one Senator charged that the leader undertook this action to block amendments to the bill. (<i>Congressional Record</i> , daily edition, vol. 152, Feb. 16, 2006, pp. 1379-1380.)
		S. 1955, Health Insurance Marketplace Modernization Act	On May 10, 2006, the majority leader filled the insert tree with amendments SA3886-3887. He then offered a motion to recommit the bill with instructions and offered amendments SA3888-3890 to fill the tree on the motion. In debate, Sen. Frist explained that he did this because there had, "been attempts or suggestions that we use this bill as a Christmas tree for all sorts of amendments ... amendments that don't relate to the underlying bill." (<i>Congressional Record</i> , daily edition, vol. 152, May 10, 2006, pp. S4285-4295.)
		S. 3711, Gulf of Mexico Energy Security Act of 2006	On Jul. 27, 2006, the majority leader filled the insert tree with amendments SA4713-4714. The majority leader then filed cloture on the bill. Remarks made in floor debate suggests he did so to exert some control over the subject of energy amendments offered to the bill. (<i>Congressional Record</i> , daily edition, vol. 152, Jul. 27, 2006, p. S8334.)
		S. 2454, Securing America's Borders Act	On Mar. 29, 2006, SA3192 was offered as a substitute to the measure. Senators then offered amendments to SA3192, filling the tree. Senators attempted to offer additional amendments by asking unanimous consent to set aside the pending amendments, but objection was heard in each instance. On Apr. 5, 2006 the majority leader moved to commit the bill to the Judiciary Committee with instructions that the committee report back forthwith with an amendment. He then offered amendments to the motion SA3424-3426 filling the tree. (<i>Congressional Record</i> , daily edition, vol. 152, Apr. 5, 2006, p. S2895-2896.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 6061, Secure Fence Act of 2006	On Sep. 21, 2006, the majority leader filled the insert tree on the bill with amendments SA5031-5032. On Sep. 25, 2006, the majority leader withdrew his first degree amendment (rendering the second degree amendment moot), and then filled the tree again with amendments SA5036-5037. He then filed cloture on the first degree amendment and offered a motion to commit the bill with instructions, and filled the tree on that motion, offering amendments, SA5038-5040. Floor debate suggests this action was taken while the leaders attempted to negotiate an agreement for the consideration of amendments relating to terrorist detainees. (<i>Congressional Record</i> , daily edition, vol. 152, Sept. 21, 2006, pp. S10097-10098)
		S. 403, Child Interstate Abortion Notification Act	On Sep. 27, 2006, Sen. Bennett, acting on behalf of the majority leader, filled the tree on the House amendment to the measure with amendments SA5090-5091. He also filed for cloture on the House amendment. (<i>Congressional Record</i> , daily edition, vol. 152, Sept. 27, 2006, pp. S10616-10618.)
		H.R. 6111, Tax Relief and Health Care Act of 2006	On Dec. 8, 2006, Sen. Frist filled the tree on the motion to concur in the House amendment to the Senate amendment to the measure, with SA5236-5237. He also filed for cloture on the motion. (<i>Congressional Record</i> , daily edition, vol. 152, Dec. 8, 2006, pp. S11658-11659.)
110 th (2007-2008)	Harry M. Reid (D-NV)	H.J.Res. 20, Revised Continuing Appropriations Resolution 2007	On Feb. 8, 2007, Sen. Reid filled the tree on the measure with SA237-241. Debate suggests the strategy was pursued in order to speed consideration of the measure. (<i>Congressional Record</i> , daily edition, vol. 153, Feb. 8, 2007, p. S1746.)
		H.R. 2206, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007	On May 15, 2007, Sen. Reid filled the tree on the measure and the motion to commit, offering SA1123-1128. Floor debate indicates this was an action taken with the knowledge and cooperation of the minority leader, in an attempt to structure floor consideration and move the measure to conference in a timely way. (<i>Congressional Record</i> , daily edition, vol. 153, May 15, 2007, p. S6116-S6117.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		S. 1348, Comprehensive Immigration Reform Act of 2007	On June 7, 2007, Sen. Reid used his right of first recognition to offer two amendments to the measure, SA1492-1493. While this action does not appear to have completely filled the amendment tree, remarks made by the Senator in debate (“What I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered”) suggest it was done to limit or obtain a measure of control over the next amendment offered by filling some available limbs and refusing consent to lay aside amendments. (<i>Congressional Record</i> , daily edition, vol. 153, June 7, 2007, p. S7303-7304)
		S. 1639, A bill to provide comprehensive immigration reform, and for other purposes.	On June 26, 2007, Sen. Reid proposed SA1934, and filled the insert tree multiple times when the amendment was subsequently divided into several components, an action which some colloquially referred to as the “clay pigeon.” It appears that a motion to commit was technically still available on this measure. (<i>Congressional Record</i> , daily edition, vol. 153, June 26, 2007, p. S8534.)
		S.1, Honest Leadership and Open Government Act of 2007	On July 31, 2007, Sen. Reid filled the tree on the motion to concur in the House amendment to the measure, offering amendments SA2589-2590. The leader then filed cloture on the motion. (<i>Congressional Record</i> , daily edition, vol. 153, July 31, 2007, pp. S10400-10401.)
		H.R. 1585, FY 2008 National Defense Authorization Act	On Sept. 25, 2007, Sen. Reid offered SA3038-3040 to the motion to commit the bill, filling the tree. (<i>Congressional Record</i> , daily edition, vol. 153, Sept. 25, 2007, p. S12024.)
		H.R. 976, Children’s Health Insurance Program Reauthorization Act of 2007	On Sept. 26, 2007, Sen. Reid moved to concur in the House amendment to the Senate amendment to H.R. 976. He then filed cloture on the motion and filled that tree, offering SA3071-3072. (<i>Congressional Record</i> , daily edition, vol. 153, Sept. 26, 2007, pp. S12122-12123.)
	H.R. 2419 Farm, Nutrition, and Bioenergy Act of 2007		On Nov. 6, 2007, Sen. Reid filled the “strike and insert” tree as well as the tree on the motion to commit tree, offering SA3509-3514. In debate, the Senator indicated he would be willing to lay aside pending amendments in order for Senators to offer germane or relevant amendments. (<i>Congressional Record</i> , daily edition, vol. 153, Nov. 6, 2007, pp. S13946-13949.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 6, Energy Independence and Security Act of 2007	On Dec. 12, 2007, Sen. Reid filled the tree on the motion to concur with two amendments, SA3841-3842 and immediately filed cloture on the motion. (<i>Congressional Record</i> , daily edition, vol. 153, Dec. 12, 2007, p. S15218.)
		H.R. 5140, Economic Stimulus Act of 2008	On Feb. 5, 2008, Sen. Reid filled the insert tree as well as on the tree on the motion to commit with amendments SA3983-3987. (<i>Congressional Record</i> , daily edition, vol. 154, Feb. 5, 2008, p. S656.)
		H.R. 2881, FAA Reauthorization Act of 2007	On May 1, 2008, Sen. Reid filled the tree on the measure with amendments SA4628-4631 and on the motion to commit with instructions with SA4636-4637. (<i>Congressional Record</i> , daily edition, vol. 154, May 1, 2008, p. S3581-3582.)
		H.R. 2642, Supplemental Appropriations Act, 2008	On May 20, 2008, Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4803-4804. (<i>Congressional Record</i> , daily edition, vol. 154, May 20, 2008, p. S4475.)
		S.3036, Lieberman-Warner Climate Security Act of 2008	On June 4, 2008, Senator Reid filled the tree on the amendment in the nature of a substitute, as well as on the motion to commit with instructions, with amendments SA4826-4632. (<i>Congressional Record</i> , daily edition, vol. 154, June 4, 2008, pp. S5017-5019.)
		H.R. 3221, Foreclosure Prevention Act of 2008	On June 26, Sen. Reid made a motion to concur in a House amendment to the Senate amendment to H.R. 3221, and filled the tree with SA5067-5068. (<i>Congressional Record</i> , daily edition, vol. 154, June 26, 2008, p. S6224.) On July 23, Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the House amendment to the Senate amendment to H.R.3221 with SA5103-5104. (<i>Congressional Record</i> , daily edition, vol. 154, Jul. 23, 2008, p. S7131.)
		S. 3268, Stop Excessive Energy Speculation Act of 2008	Sen. Reid filled the insert tree with SA5098-5099, and the tree on the motion to recommit with instructions with SA5100-5102. (<i>Congressional Record</i> , daily edition, vol. 154, Jul. 23, 2008, pp. S7129-7130.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		S. 3001, National Defense Authorization Act for FY2009	Sen. Reid filled the insert tree with SA5290-5291, and the tree on the motion to recommit with instructions with SA5292-5294. (<i>Congressional Record</i> , daily edition, vol. 154, Sep. 9, 2008, pp. S8159-8160.)
		H.R.2638 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009	Sen. Reid filled the insert tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA5660-5661. (<i>Congressional Record</i> , daily edition, vol. 154, Sep. 26, 2008, p. S9622.) Subsequently, Senator Sheldon Whitehouse, acting as the designee of the majority leader, filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with Reid amendments SA5670-5671. (<i>Congressional Record</i> , daily edition, vol. 154, Sep. 26, 2008, p. S9850.)
		H.R.2095 Railroad Safety Enhancement Act of 2008	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to H.R. 2095 with SA5677-5678. (<i>Congressional Record</i> , daily edition, vol. 154, Sep. 27, 2008, p. S10019.)
111 th (2009-2010)	Harry M. Reid (D-NV)	S. 22, Omnibus Public Land Management Act of 2009	Sen. Reid filled the insert tree with SA15-16 and the tree on the motion to commit with instructions with SA17-19. (<i>Congressional Record</i> , daily edition, vol. 155, Jan. 12, 2009, p. S299.)
		H.R. 2346, Supplemental Appropriations Act, 2009	Sen. Reid offered second-degree amendment SA1201 to first-degree amendment SA1167. This filled the insert tree until cloture was invoked and SA1167 fell, having been ruled non-germane. (<i>Congressional Record</i> , daily edition, vol. 155, May 20, 2009, p. S5691.)
		S. 1023, Travel Promotion Act of 2009	Sen. Reid filled the tree on the bill with SA1348-1350, and the tree on the motion to recommit with instructions with SA1351-1353. (<i>Congressional Record</i> , daily edition, vol. 155, June 19, 2009, p. S6840.)
		H.R. 3548, Worker, Homeownership, and Business Assistance Act of 2009	Sen. Reid filled the tree on the bill with SA2712-2716, and the tree on the motion to commit with instructions with SA2717-2719. (<i>Congressional Record</i> , daily edition, vol. 155, Oct. 29, 2009, p. S10910.)

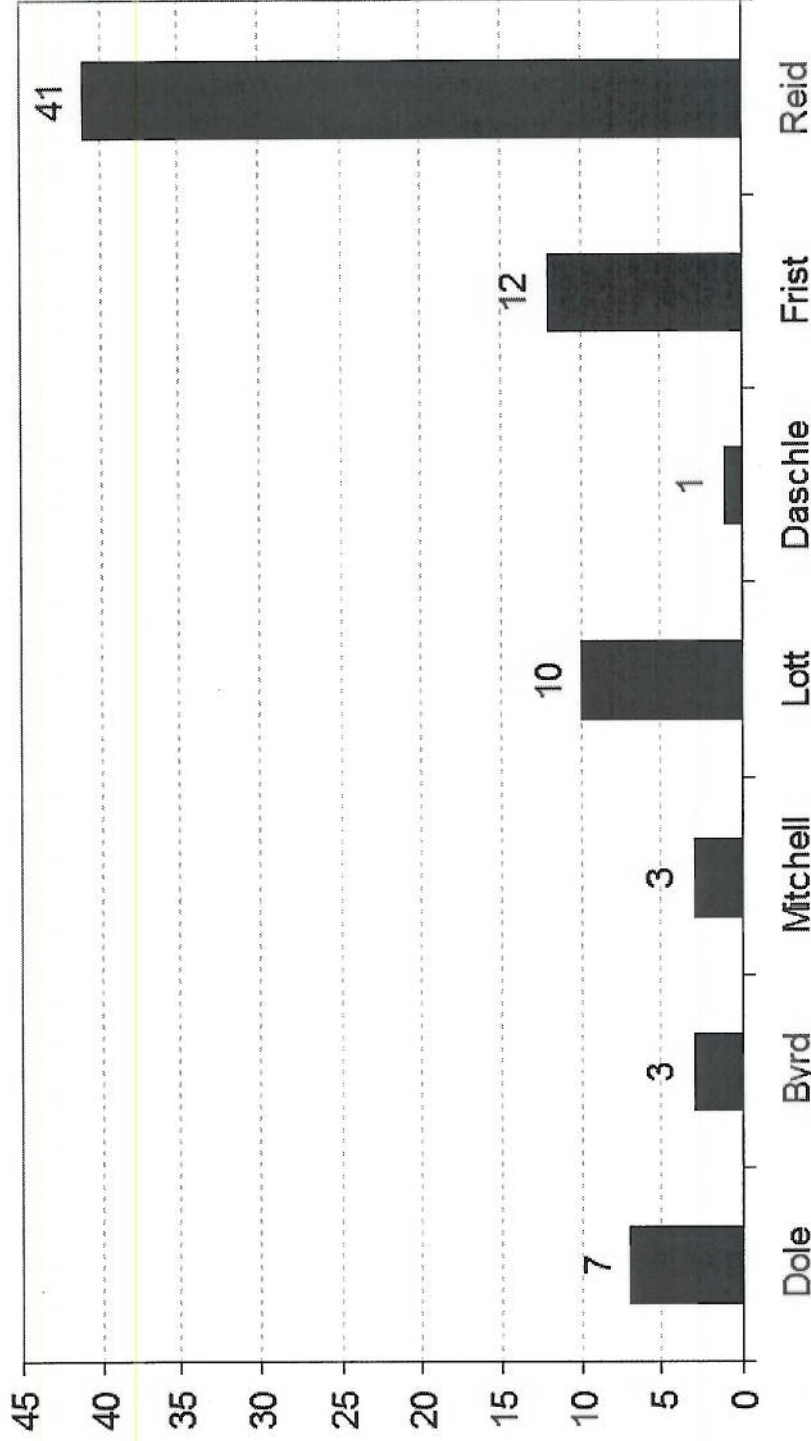
Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 3326, Department of Defense Appropriations Act, 2010	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to H.R. 3326 with SA3248 & SA3252, and on the motion to refer with SA3249-3251. (<i>Congressional Record</i> , daily edition, vol. 155, Dec. 16, 2009, pp. S13295-13296.)
		H.R. 3590, Patient Protection and Affordable Care Act	Sen. Reid filled the tree on the bill with SA3276-3279, and the tree on the motion to commit with instructions with SA3280-3282. (<i>Congressional Record</i> , daily edition, vol. 155, Dec. 19, 2009, pp. S13477-13478.)
		H.R. 2847, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA3310-3311, and the tree on the motion to refer with instructions with SA3312-3314. Subsequently, the Assistant Majority Leader made a motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendments to the bill and filled the tree with SA3498-3499 and the Senate amendments to the bill and filled the tree with SA3500-3502 (<i>Congressional Record</i> , daily edition, vol. 156, Feb. 11, 2010, pp. S559-560 and Mar. 11, 2010, pp. S1479-1480.)
		H.R. 1299, the U.S. Capitol Police Administrative Act	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA3326-3327, and the tree on the motion to refer with instructions with SA3328-3330. (<i>Congressional Record</i> , daily edition, vol. 156, Feb. 23, 2010, pp. S725-726.)
		H.R. 4213, American Jobs and Closing Tax Loopholes Act of 2010	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4386-4387, and on the motion to refer with instructions with SA4388-4390. (<i>Congressional Record</i> , daily edition, vol. 156, June 23, 2010, pp. S5310-5311.) Subsequently, Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4425-4426 and on the motion to refer with instructions with SA4427-4429. (<i>Congressional Record</i> , daily edition, vol. 156, June 29, 2010, p. S5525.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 5297, Small Business Lending Fund Act of 2010	Sen. Reid filled the tree on the bill with SA4402-4406, and on the motion to commit with instructions with SA4407-4409. (<i>Congressional Record</i> , daily edition, vol. 156, June 29, 2010, pp. S5515-5516.) Subsequently, Sen. Reid filled the tree on the measure a second time with SA4499-4503, and on the motion to commit with instructions with SA4504-4506. (<i>Congressional Record</i> , daily edition, vol. 156, July 21, 2010, p. S6072-6073.) On July 27, the majority leader filled the tree on the bill, with SA4519-SA4523, and on the motion to commit with SA4524-4526. (<i>Congressional Record</i> , daily edition, vol. 156, July 27, 2010, p. S6293-6204.) On August 5, the majority leader again filled the tree on the bill with SA4594-4598, and on the motion to commit the SA4599-4601. (<i>Congressional Record</i> , daily edition, vol. 156, Aug. 5, 2010, p. S6272-6973.)
		H.R. 1586, FAA Air Transportation Modernization and Safety Improvement Act	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4567-4568 and on the motion to refer with instructions with SA4569-4571. (<i>Congressional Record</i> , daily edition, vol. 156, July 29, 2010, p. S6498-6499.) After the first motion to concur was tabled, Sen. Reid filled the tree on a second motion to concur in the House amendment to the Senate amendment to the bill with SA4575-4576 and on the motion to refer with instructions with SA4577-4579. (<i>Congressional Record</i> , daily edition, vol. 156, Aug. 2, 2010, p. S6572-6573.)
		H.R. 4853, Middle Class Tax Relief Act of 2010	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4727-4728, and on the motion to refer with instructions with SA4729-4731. (<i>Congressional Record</i> , daily edition, vol. 156, Dec. 2, 2010, p. S8391-8392.) Subsequently, the Majority Leader again filled the tree on the motion to concur with SA4753-4754 and on the motion to refer with instructions with SA4755-4757. (<i>Congressional Record</i> , daily edition, vol. 156, Dec. 9, 2010, p. S8702.)
	H.R. 5281, Removal Clarification Act of 2010		Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment numbered 3 with SA4822-4823, and on the motion to refer with SA4824-4826. (<i>Congressional Record</i> , daily edition, vol. 156, Dec. 16, 2010, pp. S10385-10386.)

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.R. 2965, SBIR/STTR Reauthorization Act of 2009	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment with SA4827-4828, and on the motion to refer with SA4829-4831. (<i>Congressional Record</i> , daily edition, vol.156, Dec. 16, 2010, pp. S10386-10387.)
		H.R. 3082, Full-Year Continuing Appropriations Act, 2011	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA4885-4886, and on the motion to refer with SA4887-4889. (<i>Congressional Record</i> , daily edition, vol.156, Dec. 19, 2010, pp. 10770-10771.)
112 th (2011-2012)	Harry M. Reid (D-NV)	S. 23, America Invents Act	Senator Reid filled the “insert tree” on the bill, with SA143 and SA152. (<i>Congressional Record</i> , daily edition, vol. 157, March 7, 2011, p. S1324.) Floor debate suggests this action was taken with the knowledge of all Senators as part of an agreement to conclude consideration of the bill.
		S. 493, SBIR/STTR Reauthorization Act of 2011	Sen. Landrieu, acting as the majority bill manager, filled the “insert tree” by demanding the regular order and then offering SA244 to pending amendment SA183. The Senator’s amendment proposed to change an enactment date. (<i>Congressional Record</i> , daily edition, vol. 157, Mar. 17, 2011, p. S1781.)
		S. 990, Small Business Additional Temporary Extension Act of 2011	Sen. Reid filled the tree on the motion to concur in the House amendment to S. 990 with SA347, and on the motion to refer with instructions with SA348-351. (<i>Congressional Record</i> , daily edition, vol. 157, May 24, 2011, pp. S3262-3263.) Debate suggests this action was taken with the agreement of the minority leader.
		S. 1323, A bill to express the sense of the Senate on shared sacrifice in resolving the budget deficit	Sen. Reid filled the “insert tree” on the bill with SA529 and SA530, and the tree on the motion to commit with instructions with SA531-533. (<i>Congressional Record</i> , daily edition, vol. 157, July 11, 2011, pp. S4477-4478.)
		S. 627, Budget Control Act of 2011	Sen. Reid filled the tree on the motion to concur in the House amendment to the bill with SA589-590 and on the motion to refer with instruction with SA591-593. (<i>Congressional Record</i> , daily edition, vol. 157, July 29, 2011, pp. S5062-5063.)

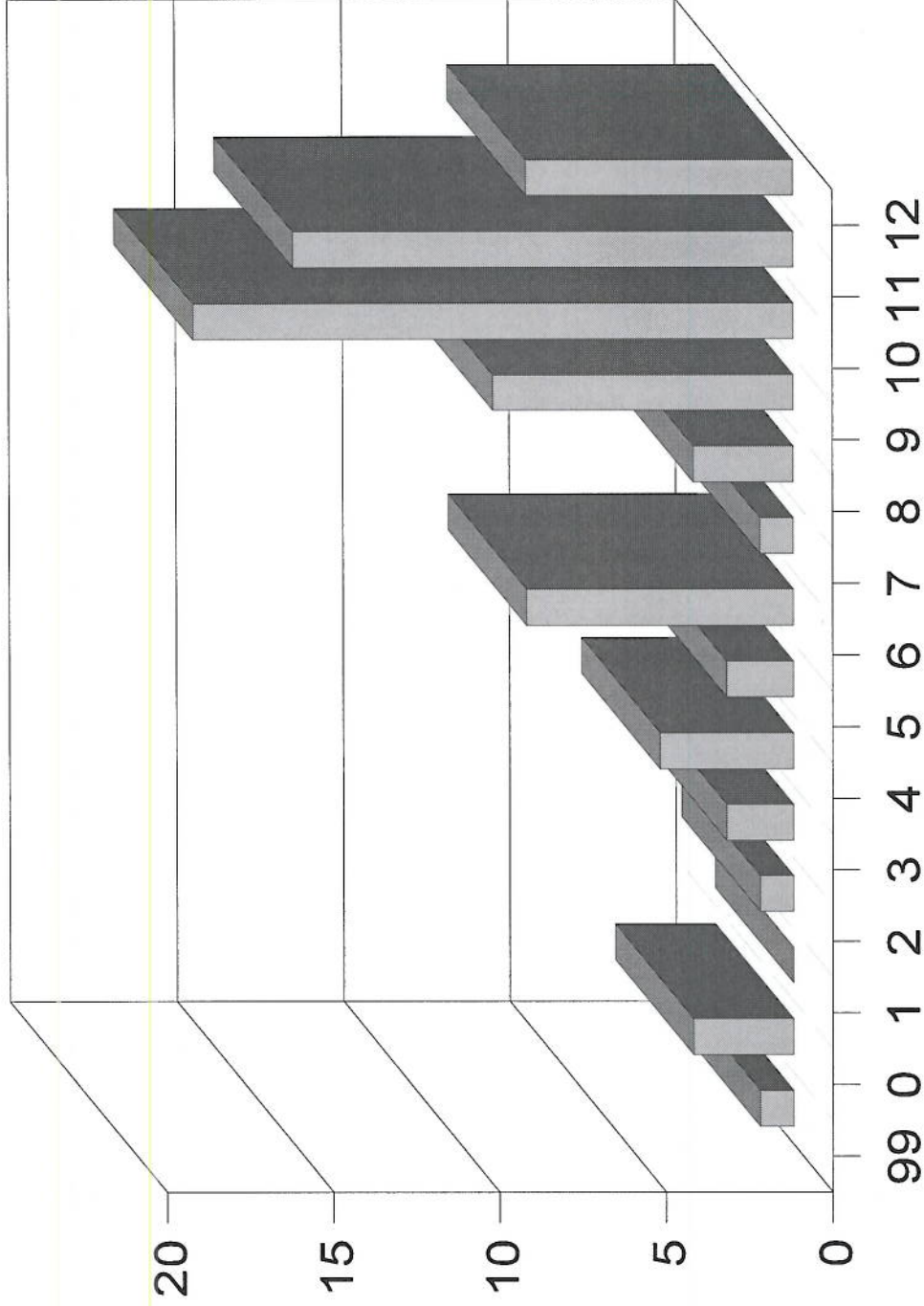
Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		H.J. Res. 66, Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003	Sen. Reid filled the tree on the bill with SA602-606 and on the motion to commit with instruction with SA607-609. (<i>Congressional Record</i> , daily edition, vol. 157, Sep. 15, 2011, pp. S5617-5618.)
		H.R. 2608, Continuing Appropriations Act, 2012	Sen. Reid filled the tree on the motion to concur in the House amendment to the Senate amendment to the bill with SA655-657 and on the motion to refer with instructions with SA657-660. (<i>Congressional Record</i> , daily edition, vol. 157, Sep. 23, 2011, pp. S5921-5922.)
		S. 1619, Currency Exchange Rate Oversight Reform Act of 2011	Sen. Reid filled the tree on the bill with SA694-695 and on the motion to commit with instructions with SA696-697. (<i>Congressional Record</i> , daily edition, vol. 157, Oct. 4, 2011, p. S6069.)

Figure 1. Measures Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or Designee Filling the "Amendment Tree": 99th-112th Congress⁹



⁹ Between Jan 1, 1985 and Oct. 6, 2011. Information from the Legislative Information System of the U.S. Congress (LIS). X (horizontal) axis represents the two-year Congress: "99" being the 99th Congress (1985-1986), "0" being the 100th Congress (1987-1988), "1" being the 101st Congress (1989-1990), etc. The Y (vertical) axis represents the number of instances in which amendment trees were filled or partially filled by the leader or designee.

Figure 2. Measures on Which Opportunities for Floor Amendment Were Limited by the Senate Majority Leader or Designee Filling the “Amendment Tree”: 99th-112th Congress¹⁰



¹⁰ As of Oct. 6, 2011. Information from the Legislative Information System of the U.S. Congress (LIS). X (horizontal) axis represents the two-year Congress: “99” being the 99th Congress (1985-1986), “0” being the 100th Congress (1987-1988), “1” being the 101st Congress (1989-1990), etc. The Y (vertical) axis represents the number of measures on which amendment trees were filled by the leader or designee.