

insights

Senate Parliamentarian

The nonpartisan official in charge of interpreting Senate rules regarding floor procedures and legislation.

I've Got New Rules

In March, we wrote about [budget reconciliation](#) and how it can be used to expedite the passage of budget-related legislation through the Senate with a simple majority, rather than the 60 votes required to overcome a filibuster. This mechanism was how Congress passed President Biden's [American Rescue Plan](#) in March.

An obscure figure at the center of reconciliation is the nonpartisan [Senate parliamentarian](#). The parliamentarian is appointed by the Senate Majority Leader and helps [interpret](#) Senate rules and procedures, including referring legislation to committees of jurisdiction and ensuring work is conducted in accordance with the rules of the chamber. During reconciliation, the parliamentarian determines what is germane to the budget and what is "extraneous" and must therefore be excluded (*i.e.*, [the Byrd Rule](#)). The House also has a parliamentarian chosen by the Speaker who serves a similar purpose.

Everybody Wants to Rule the Senate

The last time the Senate was split 50-50, as it is now, Republican leaders [fired](#) the Senate parliamentarian after growing frustrated with his rulings on budget matters. This was 2001, and as tensions related to reconciliation escalated, then-Republican Senator Jeffords (VT) [switched](#) parties and handed the Democrats the Senate majority. Though the parliamentarian is typically seen as an apolitical, above-the-fray figure, they can be fired by the Senate Majority Leader or have their decisions overruled by a simple majority of senators.

She's Got the Power

The current Senate parliamentarian, [Elizabeth MacDonough](#), will be at the center of federal policymaking in the coming months. She recently [ruled](#) that Democrats can use reconciliation twice more in the current 117th Congress, though how exactly that will work is still under discussion, according to Majority Leader Schumer. Democrats will likely need both opportunities to pass President Biden's ambitious legislative agenda, including his [infrastructure proposals](#).

How many policies the Democrats can squeeze into these bills largely depends on MacDonough's rulings. She has already come under fire from progressives who disagreed with her ruling that a provision to raise the minimum wage to \$15 could not be included in the last reconciliation bill. But President Biden and Senate Majority Leader Schumer have stated that they would not support firing her for her rulings. While Democrats could still technically overrule her, they would need the support of all 50 Senators in their caucus, which they did not come close to securing to prevail in the minimum wage fight. Keep an eye on MacDonough over the next few months because she is and will continue to be one of the most powerful people in Washington.

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