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How Unanimous Consent Agreements Regulate Senate Floor Action

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The Senate often regulates consideration of a measure by means of a unanimous consent agreement, which is also called a “UC agreement” or “consent agreement.” A consent agreement typically regulates one or more of the following: (1) initiating consideration, (2) limiting time for debate, (3) offering amendments, (4) the use of motions, (5) concluding consideration, and (6) subsequent proceedings. A consent agreement also may affect consideration of more than one measure. For information on consent agreements generally, see CRS Report 98-225, *Unanimous Consent Agreements in the Senate*. For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].

The Senate uses consent agreements because its Rules place few limits, either of time or substance, on the consideration of measures. Nor is there any motion to impose such limits for a particular measure, except for cloture, which requires a super-majority vote and imposes a single prescribed set of constraints. In earlier decades, UC agreements often were entered into before the Senate began considering a measure, covered all phases of consideration, and followed a model standardized as “the usual form.” Today’s consent agreements are more often reached only after consideration begins and address only selected aspects. Consent agreements for considering measures are not to be confused with unanimous consent requests for a single immediate purpose, such as to dispense with reading an amendment or with further proceedings under a quorum call.

Initiating Consideration. Most measures reach the Senate floor through unanimous consent requests that the chamber proceed to consider them. These requests are usually considered consent agreements only when they also include further provisions regulating consideration. When a consent agreement is made in advance of consideration, however, it can include provision for taking up the measure. Typical provisions are that the measure come before the Senate: (1) at a date (and time) certain; (2) at a time determined by the majority leader (often after consultation with the minority leader, or, occasionally, with his concurrence); (3) only after (or perhaps only before) a date certain; or (4) upon disposition of some other measure. A consent agreement also may provide that consideration of a measure that was previously considered, and laid aside, resume under one of the conditions listed. Finally, UC agreements may include waivers of any points of order to which a measure might otherwise be subject.

Debate Time. Consent agreements that include limitations on time available for debate are also called “time agreements.” A time agreement may establish an overall limit on debate of a measure, or may regulate only a certain day or portion of consideration. Usually, it specifies a length of time for debate of a measure, “equally divided and controlled” by the majority and minority bill managers. Occasionally, other Senators may also control blocks of this “bill time,” or it may be divided unequally among Senators controlling it. When time on a question is controlled, a Senator can be recognized to speak on that question only when a colleague who controls time first yields a portion of it to the Senator. Also, until all time on a question is used or yielded back, no vote can occur on the question, nor can an amendment or motion to table be offered.

Amendments. UC agreements often provide that amendments may be offered only: (1) if relevant (or, sometimes, germane) to the measure; or (2) as identified (e.g., by sponsor, subject, or number) in the consent agreement itself. (See CRS Report 98-310, *Senate Unanimous Consent Agreements: Potential Effects on the Amendment Process*.) Time agreements may provide separate blocks of controlled time for each amendment. Also, a Senator controlling “bill time” may yield some of it to supplement that available for debate of an amendment, motion, or other question.

Motions. The “usual form” of time agreement specifies an amount of time for any “debatable motion, appeal, or point of order” that may arise. UC agreements may also prohibit or restrict the use of quorum calls or of various motions, such as motions to table or reconsider amendments, or to recommit the bill. Some adjust the time stipulated by Senate rules for filing cloture motions, for voting on them, or for filing amendments to be considered under cloture. A few regulate the use of cloture in other ways, such as by providing that a cloture motion be deemed to have been filed (perhaps in advance of consideration); that the Senate take up some other measure in the middle of considering one measure under cloture; or even that cloture be deemed to have been invoked.

Concluding Consideration. A UC agreement may provide that votes on amendments be postponed until a specified time, then “stacked” to occur in immediate succession. It may also provide for an automatic vote on final passage at a specified time or stage, such as when all available time is exhausted, or upon disposition of all listed amendments. Alternatively, it may provide for a final vote at a date and time certain. (Paragraph 4 of Senate Rule XII requires a quorum call before unanimous consent is granted for this purpose, but is often waived — by unanimous consent.) On the other hand, a UC agreement may stipulate that when a specified time or stage is reached, the measure being considered will be laid aside, or returned to the calendar, pending specified action on another measure, or until a date certain, or until the majority leader so determines.

Subsequent Actions. Consent agreements often provide that, if the Senate passes the measure regulated, it then take up a House-passed companion bill, substitute the Senate text, and pass the House bill in that form. Some stipulate instead that the Senate bill be held at the desk until such a House bill is received, and that similar action then be deemed to have occurred. Other provisions also appear for regulating the “hookup” of a Senate with a House measure in order to resolve differences. Finally, a UC agreement may provide that, after specified proceedings on one measure are completed, some unrelated measure shall automatically be taken up, or other action shall occur thereon.