

CRS Report for Congress

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Calling Up Measures on the Senate Floor

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The Senate takes up measures under procedures set in Senate rules and by long-standing customs, thereby giving it flexibility in setting its floor agenda. This report first treats those processes or customs most often used by the Senate and then discusses some procedures less often used to call up measures. This report will be revised as events in the Senate warrant. For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].

Offering Agenda-Setting Motions and Requests

Under the rules, any Senator may offer the necessary agenda-setting motions “to proceed to the consideration” of a bill or resolution or item of executive business. However, by long-established custom, only the majority leader or a designee offer agenda-setting motions. Items called up are generally those on the Senate’s legislative or executive calendars, either reported by committee or placed on the calendar directly under Rule XIV (see CRS Report 98-389, *Senate Rule XIV and Placing Measures Directly on the Senate Calendar*).

Holds, Clearance, and Unanimous Consent

Holds, long recognized by custom, are notices from Senators to their party floor leaders that they intend to object to any unanimous consent request to bring a matter up for consideration on the Senate floor. Holds also serve to identify controversial bills, or controversial items within a bill (see CRS Report 98-712, *Holds in the Senate*).

Leaders also invite Senators to file “requests to be consulted” with the staff of the respective party secretaries. Through these requests, Senators join in talks about compromise versions of bills and potential amendments, about the Senate’s floor schedule, and conditions of floor action. When consulted Senators no longer report any concerns, a bill is said to have “cleared both sides of the aisle.” Such bills are generally called up by unanimous consent, considered, and agreed to by voice vote. This informal process has virtually ended calendar calls provided for in Rules VII and VIII.

Through negotiations inherent in the hold and consultation process, floor leaders can often get Senators to agree to take up a bill despite the reservations some have about key provisions in it. Thus, usually, the majority leader or his designee will ask unanimous consent to proceed to the consideration of a measure pending on the Senate calendar.

Alternatively, the majority leader may move to proceed to the consideration of the measure or matter. Normally, this motion is debatable. Debate on the motion can be ended only by unanimous consent or through cloture. If the motion to proceed is agreed to, consideration of the bill begins without debate limits (unless also imposed by unanimous consent or cloture).

Under very limited circumstances, a motion to proceed is not debatable. Motions to take up certain privileged items of business (discussed in the next section) are not debatable. Debate is also prohibited on motions to proceed offered on the beginning of a new legislative day during the Morning Hour after the completion of Morning Business (Rule VIII). Under that procedure, the motion to proceed is not debatable; if agreed to, the measure becomes the pending business before the Senate. At the end of the Morning Hour, any unfinished legislative business pending on the previous day when the Senate adjourned will displace the measure just taken up. The non-debatable motion to proceed under Rule VII poses many parliamentary difficulties and is, therefore, rarely used by the majority leader. The Senate usually begins a new legislative day and the Morning Hour with a stipulation that no non-debatable motion to proceed will be in order.

Other Procedures

Privileged Business. Motions to take up privileged items of business are not debatable and, hence, usually are taken up by unanimous consent. Among the items of privileged business are: general appropriations bills, budget resolutions, reconciliation bills, conference reports, measures to resolve election contests and measures to impose disciplinary sanctions against Senators. Motions to go into executive session to consider executive business (items on the Senate Executive Calendar, typically nominations and treaties) are also privileged and non-debatable.

Special Orders. On the motion of any Senator, a measure or matter can be made a special order of business at some future specified date. Such motions are rarely used because they are debatable without limit and need a two-thirds vote for approval.

Resolutions and Motions Over, Under the Rule. If there is objection to considering a resolution immediately when offered, the resolution goes over until the start of the next legislative day. Such resolutions are automatically laid before the Senate during Morning Business on the next legislative day, unless a unanimous consent request provides otherwise. Items pending at the end of Morning Business return to the calendar and can be called up later by motion or unanimous consent.

Discharge Motion. Motions to discharge committees from the further consideration of any measure or matter (for example, a nomination or treaty) must lie over for one day, and debate on the motion is not limited.