UNANIMOUS CONSENT AGREEMENTS

Much of the routine activity on the Senate floor occurs as a result of simple unanimous consent agreements, including the following examples: dispensing with quorum calls, waiving the reading of amendments, setting aside amendments, the yielding by Senators in debate for any purpose other than a question, conducting morning business, and inserting materials into the *Congressional Record*.

The Senate will frequently enter into more complex unanimous consent agreements which will govern its consideration of one or more specified matters. These agreements can be limited to the conditions for the consideration of one amendment or motion, or they may be so comprehensive as to govern weeks of legislative activity by arranging for the scheduling of and terms of consideration of several measures. There is a fundamental difference between the Senate operating under a unanimous consent agreement and the Senate operating under the Standing Rules. Whereas the Standing Rules permit virtually unlimited debate, and very few restrictions on the right to offer amendments, these agreements usually limit time for debate and the right of Senators to offer amendments.

The purpose of these agreements is to establish a framework whereby the consideration of a measure or measures will occur in a more regulated manner than would otherwise be the case. Frequently a limit is placed on the time for debate both on a measure and on amendments and motions to it. It is customary to assign control of equal amounts of time on a measure to the managers (the chairman and ranking minority member of the committee or subcommittee that reported the measure), and likewise to divide the time on each amendment and assign control to its sponsor and the majority manager. Amendments may be limited to those specified on a list (usually identified by sponsor and subject matter), to those considered germane or relevant to the measure or amendment, or by any combination of factors. The order in which amendments can be offered may also be specified. In addition to these limitations placed on the rights of Senators to debate and offer amendments, an agreement can affect Senators' rights to make points of order, or to suggest the absence of a quorum.

A unanimous consent agreement changes all Senate rules and precedents that are contrary to the terms of the agreement, and creates a situation on the Senate floor very different from that which exists in the absence of such agreement. Unanimous consent agreements are designed to suit each individual situation, and frequently are the result of prolonged negotiations among many Senators. They serve the interest of the Senate as a body by expediting floor operations while protecting the rights of all Senators.

Unanimous consent agreements have been used so frequently and have become so important to the Senate that a body of

precedents has developed that governs how they are to be interpreted and applied in various situations.

[Forms of Agreements—Examples of Forms Which Have Been Used by the Senate]

Ordered, by unanimous consent, that on the calendar day of _____, 19____, at not later than _____ o'clock p.m. the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (_____),

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_____ through the regular parliamentary stages to its final disposition; and that after the hour of _____ o'clock p.m., on said calendar day, no Senator shall speak more than once or longer than ____ minutes upon the bill, or more than once or longer than ____ minutes upon any amendment offered thereto.

Ordered, That, effective on _____, 19____, at the conclusion of routine morning business, during the further consideration of the bill

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debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to ____ hours, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion; the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to ____ hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered, That when the Senate proceeds to the consideration, of _____, a bill, _____

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debate on any amendment in the first degree shall be limited to ___ hour (except _____ amendments by the Senator from _____ (_____), on _____, on each of which there shall be ____ hours), to be equally divided and controlled by the mover of such and the manager of the bill; debate on any amendment in the second degree shall be limited to ____ minutes, to be equally divided

and controlled by the mover of such and the manager of the bill; and debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to ____ minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event that the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to ____ hours, to be equally divided and controlled, respectively, by the Senator from _____ (_____) and the Senator from _____ (_____): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Adjournment and Unanimous Consent Agreements:

An adjournment of the Senate does not affect in any way or set aside a unanimous consent agreement providing for a limitation of debate and control of time on a bill,[1] nor would an adjournment have any effect upon such an agreement limiting debate on the unfinished business; at the expiration of two hours following an adjournment, under such a unanimous consent agreement, the unfinished business would be automatically laid before the Senate.[2]

Where a division of time has been ordered under a unanimous consent agreement between the hour of meeting of the Senate and a certain hour, to be controlled by certain Senators, the adjournment of the Senate of the preceding day will not affect the terms of the agreement, but annuls the Morning Hour.[3]

Alter:

A unanimous consent agreement can be set aside by another unanimous consent agreement.[4]

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[1] *See* June 10, 1952, 82-2, *Record*, p. 6891.
[2] June 9 and 10, 1952, 82-2, *Record*, pp. 6891-92, 6906.
[3] *See* Mar. 28, 1950, 81-2, *Record*, p. 4230.
[4] *See* Feb. 2, 1965, 89-1, *Record*, p. 1825.

Amendments:

See also "Amendments to a Unanimous Consent Agreement—Out of Order," p. 1328.

There is no rule providing for amendment of unanimous consent requests.[5]

Amendments—Consideration of Under Unanimous Consent Agreements:

See also "Amendments—Debate of, Under Unanimous Consent Agreements," pp. 1323-1328; "Modification of," pp. 64-70; "Strike Out and Insert," pp. 82-95.

Under a unanimous consent agreement limiting debate and controlling time, an amendment or motion cannot be proposed to a pending amendment or motion, if open to amendment, until the time on the pending amendment or motion has been exhausted or relinquished,[6] including motions to strike out portions thereof,[7] except by unanimous consent.[8] When an amendment is being considered

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[5] June 1, 1926, 69-1, *Record*, p. 10397.

[6] Mar. 29, 1976, 94-2, *Record*, pp. 8411-12; Mar. 20, 1975, 94-1, *Record*, p. 7808; June 26, 1963, 88-1, *Record*, p. 11681; May 3, 1978, 95-2, *Record*, p. 12395; May 15, 1979, 96-1, *Record*, p. 11253; Mar. 18, 1977, 95-1, *Record*, pp. 8149-50; Mar. 23, 1977, 95-1, *Record*, p. 8831; Oct. 7, 1977, 95-1, *Record*, p. 32894; Sept. 23, 1963, 88-1, *Record*, p. 17737; July 23, 1964, 88-2, *Record*, p. 16727; June 22, 1965, 89-1, *Record*, p. 14344; Aug. 4, 1965, 89-1, *Record*, p. 19319; Sept. 14, 1965, 89-1, *Record*, pp. 23721-22; Dec. 12, 1969, 91-1, *Record*, pp. 38739, 38742; Jan. 26, 1970, 91-2, *Record*, pp. 1174-76; Feb. 17, 1970, 91-2, *Record*, pp. 3576, 3587; Sept. 22, 1970, 91-2, *Record*, pp. 33079-80; Nov. 17, 1970, 91-1-2, *Record*, p. 37621; Nov. 15, 1971, 92-1, *Record*, pp. 41258-59; Mar. 19, 1973, 93-1, *Record*, pp. 8466-72; *see* July 16, 1979, 96-1, *Record*, p. 18669; Mar. 12, 1979, 96-1, *Record*, p. 4601; Mar. 16, 1978, 95-2, *Record*, p. 7161; July 26, 1978, 95-2, *Record*, pp. 22737-39; Sept. 27, 1978, 95-2, *Record*, p. 31859; Aug. 18, 1978, 95-2, *Record*, pp. 26909-10; June 20, 1972, 92-2, *Record*, pp. 21602-03; July 27, 1972, 92-2, *Record*, pp. 25450-51; Aug. 10, 1972, 92-2, *Record*, p. 27796; Mar. 20, 1973, 93-1, *Record*, pp. 8813, 8826; Mar. 7, 1967, 90-1, *Record*, p. 5658; May 27, 1968, 90-2, *Record*, p. 15132; July 20, 1968, 90-2, *Record*, pp. 22445-46; Sept 16, 1968, 90-2, *Record*, pp. 26904, 27123; Aug. 6, 1969, 91-1, *Record*, p. 22469; Sept. 29, 1969, 91-1, *Record*, p. 27522; Dec. 3, 1969, 91-1, *Record*, p. 36662; Dec. 9, 1969, 91-1, *Record*, p. 37901; Feb. 17, 1970, 91-2, *Record*, p. 3576; Aug. 25, 1970, 91-2, *Record*, p. 29955; May 19, 1971, 92-1, *Record*, p. 15905; June 9, 1971, 92-1, *Record*, pp. 18921-23; Aug. 2, 1971, 92-1, *Record*, pp. 28749-50; Oct. 6. 1971, 92-1, *Record*, p. 35255; Nov. 2, 1971, 92-1, *Record*, p. 38856; Nov. 13, 1971, 92-1, *Record*. p. 41095; Mar. 23, 1972, 92-2, *Record*, pp. 9906-9911; June 19, 1952, 82-2, *Record*, p. 7609; May 19, 1961, 87-1, *Record*, p. 8440; June 20, 1960, 86-2, *Record*, p. 13381; Aug. 19, 1959, 86-1, *Record*, p. 16377; Aug. 17, 1959, 86-1, *Record*, pp. 16013-14, 16025-26; July 22 and 23, 1959, 86-1, *Record*, pp. 13995, 14078; July 8, 1959, 86-1, *Record*, pp. 12944-45; Aug. 12, 1958, 85-2, *Record*, pp. 17072, 17092; Mar. 26, 1958, 85-2, *Record*, p. 5428; Mar. 27 and June 11, 1957, 85-1, *Record*, pp. 4483, 8828; Aug. 1, 1957, 85-1, *Record*, p. 13349; June 29, 1956, 84-2, *Record*, p. 11360; May 18, 1956, 84-2, *Record*, pp. 8477, 8507-08; Mar. 9 and 12, 1956, 84-2, *Record*, pp. 4394-95, 4477; July 1, 1954, 83-2, *Record*, pp. 9465-66; June 30, 1954, 83-2, *Record*, p. 9302; Mar. 25, 1955, 84-1, *Record*, pp. 3754-55; Aug. 15, 1961, 87-1, *Record*, pp. 15903-05; July 26, 1961, 87-1, *Record*, p. 13575; Feb. 7, 1962, 87-2, *Record*, pp. 1931-32.

[7] *See* June 30, 1977, 95-1, *Record*, p. 21827.

[8] *Ibid.*, *see also* Aug. 17, 1961, 87-1, *Record*, p. 16144; Aug. 25, 1970, 91-2, *Record*, pp. 29998-99, 29950, 29955; May 17, 1971, 92-1, *Record*, pp. 15337-38; May 19, 1971, 92-1,

Continued

under a unanimous consent agreement limiting debate thereon, it is not in order to offer an amendment thereto until the time on the amendment has expired or been yielded back.[9] When no time remains, a Senator may propose an amendment and debate the same under the terms of the agreement.[10]

A Senator who controls time on a matter or amendment may yield time to another Senator, and having been yielded to that latter Senator may offer an amendment, under the conditions set forth in the above paragraph.[11]

Under a unanimous consent agreement providing for the consideration of a bill and amendments thereto, limiting the debate on each, to be equally divided and controlled, through its regular parliamentary stages and to proceed to vote on the measure after a certain hour to its final disposition (vote on amendments and the bill), amendments may be offered thereafter and voted upon but not debated.[12] Under an agreement providing for a vote on amendments after a certain hour without debate, amendments may be proposed but not debated.[13]

Under the precedents of the Senate when a unanimous consent agreement is entered into to vote on a bill at a certain hour, after that hour arrives, no further debate is in order, but amendments, unless excluded by the agreement, may be offered and voted on; and an amendment to an amendment in the first degree would be in order but not debatable.[14]

The Senate has provided by unanimous consent that an amendment be deemed agreed to.[15]

After debate has been concluded, under a unanimous consent agreement limiting debate and controlling time on a particular or specific amendment, amendments, and motions, or appeals related thereto would be in order unless specifically precluded by the agreement, but any

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Record, p. 15905; April 4, 1973, 93-1, *Record*, p. 11039; June 23, 1972, 92-2, *Record*, pp. 22237-38; May 2, 1978, 95-2, *Record*, pp. 12747-48; May 6, 1980, 96-2, *Record*, p. S 4655.

[9] May 20, 1982, 97-2, *Record*, pp. 11024, 11030.

[10] June 28, 1963, 88-1, *Record*, p. 11680.

[11] Dec. 3, 1985, 99-1, *Record*, p. 33901; May 20, 1982, 97-2, *Record*, pp. 11032-33.

[12] July 22, 1946, 79-2, *Record*, pp. 9632-33; Aug. 18, 1922, 67-2, *Record*, p. 11584; Aug. 8, 1940, 76-3, *Record*, p. 10068; *see also* Mar. 8, 1926, 69-1, *Record*, p. 5215; Feb. 20, 1933, 72-2, *Record*, p. 4489; Sept. 13, 1949, 81-1, *Record*, p. 12811; Mar. 31, 1950, 81-2, *Record*, pp. 4451-52; June 29 and 30, 1949, 81-1, *Record*, pp. 8577, 8612, 8693; May 4, 1953, 83-1, *Record*, p. 4382; Dec. 10, 1971, 92-1, *Record*, p. 46118; July 26, 1979, 96-1, *Record*, p. 20818; Mar. 14, 1978, 95-2, *Record*, pp. 6779-80.

[13] *See* Mar. 21, 1947, 80-2, *Record*, pp. 2366-67.

[14] Aug. 2, 1972, 92-2, *Record*, pp. 26400-01.

[15] Oct. 16, 1986, 99-2, *Record*, pp. 32346-50.

further amendments or appeals would not be debatable unless time were given by unanimous consent.[16] When debate on a pending amendment is limited to one hour, the vote comes immediately after the hour expires unless some other amendment is offered thereto, or except by unanimous consent.[17] If an agreement to limit debate on a specific amendment has been reached, motions or amendments thereto, which are not in order until that time expires, would not be debatable.[18]

Likewise, if an agreement sets time for debate on specific amendments without including any time for debate on amendments to those amendments, whose amendments could be offered at the proper time but there would be no time for the debate of them.[19]

An agreement to vote on an amendment at a specified time without further debate does not preclude the offering of an amendment to such amendment or making a motion or taking an appeal, unless so specified in the agreement, if done before the vote begins but further debate thereon would not be in order.[20]

When the Senate is operating under a unanimous consent agreement to vote on an amendment at a time certain, when that time arrives amendments to the amendment may be offered and voted on without debate.[21]

When a unanimous consent agreement sets the time for a vote on an amendment, an amendment to that amendment would be in order after the debate had terminated or after the time for the vote had arrived but no further debate would be in order.[22]

When a bill is considered under unanimous consent agreements that permit the consideration of certain amendments identified by subject matter and sponsor, and specify the sequence in which they are to be voted on, there is no guarantee that any such amendment can be called up prior to a scheduled cloture vote.[23]

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[16] Sept. 1, 1970, 91-2, *Record*, pp. 30714-17; Sept. 11, 1975, 94-1, *Record*, p. 28676.

[17] Aug. 25, 1970, 91-2, *Record*, pp. 29954-55; June 15, 1961, 87-1, *Record*, pp. 10532-34; Dec. 10, 1969, 91-1, *Record*, pp. 38285-89, 38314; Sept. 30, 1971, 92-1, *Record*, p. 34247; *see also* May 17, 1971, 92-1, *Record*, pp. 15337-38.

[18] Sept. 30, 1971, 92-1, *Record*, p. 34247.

[19] July 1, 1977, 95-1, *Record*, pp. 22006-13.

[20] Aug. 30, 1949, 81-1, *Record*, p. 12518; Nov. 8, 1971, 92-1, *Record*, pp. 39874-76; *see* May 17, 1971, 92-1, *Record*, pp. 15337-38.

[21] Dec. 20, 1982, 97-2, *Record*, pp. 32639-41.

[22] May 3, 1976, 94-2, *Record*, p. 12185; June 22, 1971, 92-1, *Record*, pp. 21306-07.

[23] Mar. 1, 1983, 98-1, *Record*, p. 3257.

The fact that an amendment is on a list of amendments authorized to be offered does not permit such amendment to be offered to language which has already been amended.[24]

When operating under a unanimous consent agreement scheduling action on various amendments and setting the time on each with the provision that when one amendment is finished, the Chair will lay before the Senate another amendment, another or an original amendment from the floor not scheduled in the agreement would not be in order except by unanimous consent.[25]

When the Senate is operating under a unanimous consent agreement setting time on an amendment and any amendments to that amendment, with the time on amendments to the amendment to be taken from the time on the original amendment, it is in order for a Senator to offer an amendment to the amendment whenever he can get recognized.[26]

When there is a unanimous consent agreement to begin voting at a certain hour on pending amendments with all of the time for the debate thereof under control after the pending business is laid down up to the hour when the vote is to begin, no other amendments would be in order until that time set for the voting, except by unanimous consent, and if amendments should then be submitted at that time to the amendments on which the agreement to vote had been reached, they must be presented and voted on without debate.[27]

An agreement providing that at a certain hour the Senate should proceed to vote without further debate upon a joint resolution or any amendment or motion thereto, an amendment offered after that hour must be voted upon without debate.[28] If an agreement provides that at a certain hour the Senate, without further debate, would proceed to vote upon a bill and all pending amendments, or to vote upon the bill and any pending amendment, or any amendment that might be offered thereto, it would be in order to propose amendments after such hour, but without further debate.[29]

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[24] July 21, 1987, 100-1, *Record*, p. S 10282.
[25] June 21, 1971, 92-1, *Record*, pp. 21034-35.
[26] June 22, 1971, 92-1, *Record*, pp. 21298-99.
[27] Sept. 26, 1972, 92-2, *Record*, pp. 32203-05, 32237.
[28] Aug. 6, 1940, 76-3, *Journal*, p. 544, *Record*, p. 10067.
[29] May 10, 1924, 68-1, *Record*, p. 8267; *see also* Feb. 20, 1925, 68-2, *Record*, p. 4237.

Under the practices of the Senate, a unanimous consent agreement to vote at a time certain on the passage of a bill would not prohibit amendments being called up and voted on after that hour, but no further debate would be in order.[30]

Under a unanimous consent agreement providing for a vote on an amendment at not later than a certain hour without further debate, and upon any amendment thereto, an amendment may be offered after such hour, but must be decided without debate.[31] Amendments might be offered prior to such hour if the Senators having control of the time would yield time for such vote.[32]

Under a unanimous consent agreement prohibiting debate after a certain hour, and providing for a vote on the bill and all amendments thereto, it is in order to vote upon an amendment prior to such hour; it is in order, by unanimous consent, after the adoption of the agreement, to provide that no vote shall be taken prior to such hour on amendments; also an amendment could be offered after such hour, but it would not be subject to debate.[33]

When operating under a unanimous consent agreement limiting time for debate on amendments and the bill, with the right for those in charge of time on the bill to yield time on the amendments, and with the hour set for a vote on a specific amendment, and the time for debate on that amendment remaining being sufficient to carry the debate until the hour set for that vote, the Senators in charge of the time on the bill would not have a right to yield additional time on the amendment.[34]

When operating under a unanimous consent agreement, fixing the time for debate on each amendment, if a vote on a specific amendment is set at a time certain and time for debate of that amendment expires before the time certain arrives, the amendment will be considered as having been set aside and other amendments would be in order, unless the Senate by unanimous consent orders otherwise, or unless time is yielded from the bill generally.[35]

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[30] Mar. 14, 1978, 95-2, *Record*, pp. 6779-80.

[31] *See* June 29 and 30, 1949, 81-1, *Record*, pp. 8577, 8612, 8693; *see also* Nov. 13, 1971, 92-1, *Record*, p. 41095.

[32] *Ibid.*

[33] Sept. 26, 1949, 81-1, *Record*, pp. 13250-51.

[34] July 17, 1973, 93-1, *Record*, p. 24303.

[35] July 24, 1973, 93-1 *Record*, p. 25681.

Under a unanimous consent agreement to vote on an amendment at 4 o'clock after an hour of debate prior thereto, the Senate would proceed to consider that amendment at 3 o'clock regardless of what was pending at that time unless the unanimous consent agreement were modified.[36]

Under a unanimous consent agreement providing for a vote on an amendment at a certain hour and a motion pertaining thereto, the Vice President held that a motion to postpone consideration of the amendment was in violation of the unanimous consent agreement and not in order,[37] but under such an agreement to vote on an amendment at not later than a certain hour, if time is yielded back before that hour, the Senate could then proceed to vote.[38]

When a unanimous consent agreement specifies that only certain amendments identified by subject matter may be offered to a bill, the Chair should clarify the identity of an amendment when it is unclear if the amendment was contemplated in the agreement.[39]

An agreement for a vote on an amendment to and the final passage of a bill not later than a specified hour on a certain day was construed by the President pro tempore to mean that the Senate should begin to vote at that hour upon any amendments that might be offered thereto and then upon the bill.[40]

Where the Senate entered into a unanimous consent agreement limiting debate and providing that only those amendments that had been previously submitted and ordered to lie on the table and to be printed could be proposed, and amendments to such amendments, it was held that an amendment subsequently offered which had not been so submitted and printed was not in order except by unanimous consent.[41]

When a measure is considered under a statute which precludes amendments, the Presiding Officer must, on its own initiative, rule out of order all amendments, even those reported by the committee to which the measure was referred.[42]

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[36] *See* Oct. 4, 1966, 89-2, *Record*, 25111-13.
[37] Jan. 19, 1931, 71-3, *Journal*, p. 103, *Record*, p. 2544.
[38] *See* Aug. 23, 1960, 86-2, *Record*, p. 17176.
[39] July 26, 1983, 98-1, *Record*, p. 20774.
[40] *See* Feb. 10, 1913, 62-3, *Record*, p. 2920.
[41] Mar. 9, 1951, 82-1, *Record*, p. 2202.
[42] Apr. 2, 1987, 100-2, *Record*, p. S 4434.

Where a unanimous consent agreement on a bill (which was reported with a committee amendment in the nature of a substitute), provides that only certain amendments be in order, they need not be offered, and if not offered, the Senate would then proceed to vote on the committee substitute.[43]

When the Senate is considering an amendment under a unanimous consent agreement which provides that only two Senators were eligible to offer amendments thereto, it is not mandatory that those second degree amendments be offered.[44]

An amendment identified by sponsor and subject matter, which is on an exclusive list of amendments permitted to be offered to a bill pursuant to a unanimous consent agreement, may not be modified once it has been called up, but may be sent up in whatever form the sponsor wishes, provided that the amendment conforms with the description of the amendment authorized in the agreement.[45]

A unanimous consent agreement provided that only three amendments were in order to a bill, one to be offered by Mr. Schmitt, one to be offered by Mr. Armstrong, and a substitute for the Armstrong amendment to be offered by Senators Warner and Nunn. When Mr. Armstrong offered his as a second degree amendment to Mr. Schmitt's amendment, the Chair sustained a point of order against Mr. Armstrong's amendment on the grounds that the agreement in specifically identifying the Warner-Nunn amendment as a substitute for the Armstrong amendment, implicitly required that the Armstrong amendment be in the first degree. The Chair then informed Mr. Armstrong that he could offer his amendment upon the disposition of Mr. Schmitt's amendment, which he subsequently did.[46]

A unanimous consent agreement which prohibits any amendments to an amendment, does not prohibit an amendment to the language proposed to be stricken by the amendment.[47]

An amendment may not be disposed of when the yeas and nays have been ordered on the question of germane-

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[43] Aug. 4, 1980, 96-2, *Record*, pp. 21198-99.
[44] Nov. 13, 1980, 96-2, *Record*, p. 29482.
[45] Aug. 15, 1986, 99-2, *Record*, p. 21839.
[46] Feb. 4, 1980, 96-2, *Record*, pp. 1639, 1679-81.
[47] July 14, 1987, 100-1, *Record*, p. S 9830-31.

ness at a time when roll call votes are delayed until after a specified time.[48]

If a complete substitute for a bill is adopted, no further amendments to the bill are in order, including amendments specified in a unanimous consent agreement on the bill, and those amendments cannot be offered until the time on the pending amendment is used or yielded back.[49]

If a unanimous consent agreement specifies that among an exclusive list of amendments in order to a bill, an amendment is to be offered by either of two Senators, and another Senator offers it, the Chair will on its own initiative hold that amendment out of order.[50]

If a unanimous consent agreement specifies that an amendment is to be offered by one Senator and cosponsored by another Senator, the Chair will require that the amendment be sponsored and cosponsored by the specified Senators.[51]

When a unanimous consent agreement limits the amendments that may be offered to a measure and identifies them by sponsor and subject matter, a point of order will lie against an amendment ostensibly contemplated by that agreement which contains any significant matter in addition to that subject matter permitted to be addressed by its sponsor, as identified in the agreement.[52]

Under an agreement in 1946 providing for a final vote on a joint resolution at a given time and for the control of the intervening time by two Senators, it was held that amendments offered in the meantime should not be voted upon until the hour for voting arrived.[53]

When the Senate was considering an amendment under a unanimous consent agreement which provided for a vote no later than 5 o'clock that evening, a motion to recess for 2 days was in the opinion of the Chair not in order.[54]

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[48] Sept. 27, 1984, 98-2, *Record*, p. 27457.
[49] Nov. 13, 1985, 99-1, *Record*, pp. 31664, 31669.
[50] Oct. 18, 1985, 99-1, *Record*, p. 28048.
[51] June 5, 1985, 99-1, *Record*, p. 14144.
[52] June 20, 1986, 99-2, *Record*, pp. 14793-94.
[53] *See* July 22, 1946, 79-2, *Record*, pp. 9619, 9625.
[54] *See* May 29, 1946, 79-1, *Record*, pp. 5883-84, 5914-18. The Chair had initially declined to sustain a point of order against the motion to recess, but when an appeal from that ruling was taken and the Chair was asked whether "a motion to adjourn or to recess, either one, is now in order?" the Chair responded, "The Chair would think not, in view of the fact that the Senate had an agreement to vote at 5 o'clock today." Both the Majority and Minority Leaders then expressed their opinions that the motion

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When a vote on an amendment has been ordered to occur at a specific time, and that order is delayed by an order for a recess of the Senate, the regular order when the Senate reconvenes after the recess is the vote on the amendment.[55]

When unanimous consent is granted to set aside an amendment for no longer than a set time period for the consideration of another amendment, when that time period expires the second amendment is displaced without prejudice and may be called up whenever appropriate at a later time.[56]

Under a unanimous consent agreement in 1921 to vote, without further debate, at not later than a certain hour, upon a pending amendment and upon a bill through the regular parliamentary stages to its final disposition, it was decided by the Senate, upon appeal, that after such amendment had been agreed to, no further amendment was in order.[57]

When the two managers of a bill are by unanimous consent given joint authority to temporarily set aside committee amendments, they may do so at any time and any Senator may then seek recognition to offer an amendment to the bill after the disposition of which the previous committee amendment would then recur.[58]

An amendment specified in a unanimous consent agreement may be divided if it is susceptible of division.[59] Each division of a divided amendment is disposed of separately, even where a unanimous consent agreement has been entered which places a time limit on the "underlying" amendment.[60]

When a Senator had the right to offer one of only three amendments in order to a measure under a unanimous consent agreement, and that amendment was offered as a second degree amendment and ruled out of order on the grounds that the agreement implicitly required that it be a first degree amendment, the Chair informed the sponsor that the amendment could be called up as a first degree

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was in violation of the unanimous consent agreement, and the sponsor of the motion thereupon withdrew it.

[55] Nov. 3, 1987, 100-1, *Record*, p. S 15632.

[56] June 20, 1984, 98-2, *Record*, pp. 17502-04.

[57] Aug. 23, 1921, 67-1, *Journal*, p. 246, *Record*, pp. 5514-15.

[58] June 28, 1984, 98-2, *Record*, pp. 19557-58.

[59] June 6, 1985, 99-1, *Record*, p. 14684.

[60] June 30, 1987, 100-1, *Record*, p. S 8976.

amendment when the underlying amendment was disposed of.[61]

Amendments—Debate of, Under Unanimous Consent Agreements:

See also "Debate of Proposals Under Unanimous Consent Agreements," pp. 1337–1344; "Amendments, Consideration of Under Unanimous Consent Agreements," pp. 1314–1323.

The Majority Leader is entitled to time in opposition to an amendment to a budget resolution considered under the terms of the Congressional Budget Act of 1974 (which is modeled after a unanimous consent agreement in the usual form), since the leader or his designee is the manager of all measures.[62]

When a time agreement has been entered into in advance of the consideration of an amendment, time may not be yielded pursuant to that agreement before the amendment is offered.[63]

A unanimous consent agreement limiting debate on a bill or amendments thereto applies to an amendment to an amendment,[64] and would give the proposer of the amendment the time for debate provided for in the agreement on amendments.[65] Under such agreements committee amendments, unless excluded, would come within the terms of the agreement.[66]

When the Senate is considering a measure under a unanimous consent agreement which provides for an overall limit on the measure and amendments thereto, with that time divided and controlled, if an amendment is considered under its own time limit, the time consumed from that particular sublimit of time will be equally divided and subtracted from the overall time available to each side on the measure.[67]

Under an agreement providing for one and one-half hours of debate on any substitute for a measure, a substitute proposed for a substitute would be subject to the same limit of time.[68]

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[61] Feb. 4, 1980, 96–2, *Record*, pp. 1639, 1679–81.
[62] May 10, 1985, 99–1, *Record*, p. 11476.
[63] July 13, 1983, 98–1, *Record*, p. 18991.
[64] June 11, 1945, 79–1, *Record*, pp. 5867, 5872–73.
[65] *See* June 27, 1951, 82–1, *Record*, p. 7211.
[66] *See* Apr. 5, 1950, 81–2, *Record*, p. 4742.
[67] Mar. 27, 1986, 99–2, *Record*, p. 6411.
[68] *See* Apr. 2, 1952, 82–2, *Record*, pp. 3347–48.

Under a unanimous consent agreement providing for a vote on a substitute amendment or an amendment and amendments thereto at a specified hour without further debate, an amendment may be proposed after such hour but is not debatable.[69]

When a bill is being considered under a unanimous consent agreement that provided for 20 minutes on any amendment, a time limit on the bill, with disposition of the bill to occur by a time certain, when that time arrives amendments may be proposed but must be disposed of without debate.[70]

Likewise, an agreement providing for 1 hour limitation on each amendment and amendments thereto, would bar any additional time for debate in excess of the hour on amendments to an amendment.[71]

When the time for debate on an amendment is equally divided and controlled and that time extends over two or more days, the sum total of all the time allotted would have to be equally divided between the opponents and the proponents unless the unanimous consent agreement is modified, and calculations of the time would not start *de novo* each new day.[72]

When operating under a unanimous consent agreement limiting time for debate on amendments and on the bill but not authorizing Senators in charge of the time on the bill to yield that time for debate of amendments, then such procedure would not be in order.[73]

Under an agreement limiting debate on amendments but excluding substitutes for a bill, the limitation will apply to amendments proposed to the substitute;[74] or under an agreement limiting debate on the part of a Senator to one speech of not more than a specified time on any resolution or amendment thereto, a Senator may speak, on an amendment to an amendment.[75]

A Senator who controls time on a debatable matter under a unanimous consent agreement (such as that contained in the Congressional Budget Act of 1974), can dispose of that time as the Senator sees fit, and when that

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[69] Jan. 13, 1950, 81-2, *Record*, p. 370; Apr. 22, 1959, 86-1, *Record*, p. 6489.
[70] Dec. 3, 1985, 99-1, *Record*, p. 33909.
[71] *See* Aug. 18, 1960, 86-2, *Record*, p. 16694.
[72] June 14, 1971, 92-1, *Record*, p. 19669.
[73] Aug. 10, 1972, 92-2, *Record*, pp. 27771-72.
[74] Dec. 17, 1937, 75-2, *Record*, p. 1703.
[75] Mar. 26, 1942, 77-2, *Record*, pp. 2976, 2989; *see also* Feb. 26, 1947, 80-1, *Record*, p. 1439; Feb. 9, 1924, 68-1, *Journal*, p. 143.

Senator yields time to two other Senators, they are thereby authorized to seek recognition to use that time as they see fit, but they do not thereby gain the right of recognition over a member of the leadership.[76]

The withdrawal of an amendment, considered under a unanimous consent agreement limiting debate, would terminate the remaining time allotted for debate thereon; [77] a Senator who has exhausted his right to speak on a bill and amendment, which is subsequently withdrawn by him, is not entitled to speak again on the amendment when reoffered in the same form.[78]

If an amendment is withdrawn and subsequently reoffered, only the time not previously consumed would be available when resubmitted.[79]

Under an agreement limiting debate on amendments to a general appropriation bill, any unused time on an amendment ruled out of order as being legislation on a general appropriation bill, would be eliminated.[80]

Where an amendment proposed by a Senator to an amendment is accepted by the mover of the first amendment as a modification, further debate on such latter amendment is not in order,[81] nor does the modification of an amendment by a Senator give additional time for debate.[82]

Under a unanimous consent agreement limiting debate, a Senator who has exhausted his time on an amendment, which is subsequently modified, is not entitled to speak again thereon.[83]

When a Senator has been yielded time in opposition to an amendment considered under controlled time, that Senator is not precluded from speaking in favor of the amendment.[84]

When operating under a unanimous consent agreement a demand for a division of an amendment does not give additional time for debate unless the agreement should so specify.[85]

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[76] May 1, 1985, 99-1, *Record*, pp. 10033-34.
[77] *See* Apr. 2, 1952, 82-2, *Record*, p. 3347.
[78] May 14, 1929, 71-1, *Record*, p. 1254.
[79] *See* Aug. 15, 1961, 87-1, *Record*, pp. 15903-05.
[80] Aug. 4, 1961, 87-1, *Record*, pp. 14666-71.
[81] Sept. 12, 1950, 81-2, *Record*, p. 14593.
[82] Sept. 13, 1951, 82-1, *Record*, p. 11225; Oct. 6, 1971, 92-1, *Record*, p. 35255; *see also* June 10, 1952, 82-2, *Record*, pp. 6905, 6909; Oct. 8, 1963, 88-1, *Record*, pp. 18967-18970.
[83] *See* Feb. 19, 1929, 70-2, *Record*, p. 3736; Feb. 1, 1933, 72-2, *Record*, p. 3063.
[84] May 1, 1985, 99-1, *Record*, p. 10035.
[85] July 27, 1978, 95-2, *Record*, pp. 23004-06.

When working under a unanimous consent agreement limiting time on each amendment, if an amendment composed of several parts is offered and there has been some debate thereon following which a demand is made that the amendment be divided, the debate to be allowed thereon would be only to the extent allowed by the unanimous consent agreement on a single amendment. To qualify for the full time allowed on each amendment under the unanimous consent agreement, each part of the amendment would have to be offered as a separate amendment.[86]

Under an agreement limiting debate on amendments to a general appropriation bill, a Senator having control of that time cannot use time allotted to him on a committee amendment when an amendment to such amendment is pending; [87] in the case of a limitation of debate on an amendment and providing additional time for amendments proposed thereafter, it was held that such additional time did not apply to an amendment offered prior to the expiration of the period for debate; [88] under an agreement prohibiting debate on certain agricultural amendments to a bill after a certain hour, any amendment proposed thereafter would fall within the prohibition and would not be debatable.[89]

A Senator who is in charge of a bill and who is in favor of an amendment proposed thereto, will not, under the usual form of unanimous consent agreement currently made, be entitled to control the time in opposition thereto; [90] and the question has been raised as to the attitude of one of the Senators controlling time on an amendment.[91]

When the Senate is considering a bill under the Congressional Budget Act (whose provisions are comparable to a unanimous consent agreement in the usual form), time in opposition to any amendment is under the control of the majority manager, but the minority manager may use the time he controls on the bill itself to debate the amendment.[92]

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[86] Aug. 16, 1972, 92-2, *Record*, p. 28572.
[87] Aug. 24, 1951, 82-1, *Record*, pp. 10634-36.
[88] *See* Aug. 1, 1950, 81-2, *Record*, p. 11469.
[89] June 4, 1934, 73-2, *Journal*, p. 493, *Record*, pp. 10363, 10367.
[90] June 10, 1952, 82-2, *Record*, p. 6912.
[91] May 7, 1951, 82-1, *Record*, pp. 4953-54.
[92] July 22, 1982, 97-2, *Record*, p. 17523.

The Majority Leader designates the manager of a measure, and that Senator so designated controls time in opposition to a proposition if he or she opposes it.[93]

An agreement giving the author of an amendment 5 minutes to explain the same, and giving the chairman of the Interstate and Foreign Commerce Committee a like time in which to reply, has been interpreted to prevent a Senator offering an amendment to yield a part of his time to another Senator.[94]

When by unanimous consent the Senate has provided for a certain amount of time for debate on an amendment and has set a time for the vote thereon, should the debate begin late the vote will occur at the specified time, and the debate time will be reduced accordingly.[95]

When, by unanimous consent, the Senate has provided for a certain amount of time for debate on an amendment and specified a time for a vote, if the debate begins late, the vote will occur at the specified time and the debate time controlled by each side will be reduced proportionately.[96] In the same respect, when the Senate is considering a matter under a unanimous consent agreement which limits and assigns control of time, and no Senator yields time, the time expiring and otherwise available for debate will be deducted proportionately from those controlling the time.[97]

When a bill was being considered under a unanimous consent agreement which provided for a time limit on any amendment, a time limit on the bill, with disposition of the bill to occur by a certain time, and that a particular Senator be guaranteed the right to offer a first degree amendment before the time for debate on the bill had expired, any amendment called up prior to the time set for the vote, including the amendment so guaranteed, can be debated only up until that time so specified.[98]

An order stacking rollcall votes ordered on amendments prior to a time certain to occur back to back at that time, would result in the forfeiture of any remaining time on an amendment when that time arrives.[99]

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[93] May 1, 1985, 99-1, *Record*, pp. 10057, 10077.
[94] Mar. 29, 1950, 81-2, *Record*, pp. 4297, 4300.
[95] Aug. 12, 1986, 99-2, *Record*, p. 20885.
[96] July 9, 1987, 100-1, *Record*, p. S 9486; Oct. 16, 1987, 100-1, *Record*, p. S 14506; Nov. 13, 1987, 100-1, *Record*, p. S 16250; Aug. 3, 1988, 100-2, *Record*, p. S 10657.
[97] May 20, 1988, 100-2, *Record*, p. S 6332.
[98] Dec. 3, 1985, 99-1, *Record*, p. 33908.
[99] May 20, 1982, 97-2, *Record*, pp. 10654-55, 10895.

When the Senate was operating under a unanimous consent agreement which provided that rollcall votes ordered during a certain period of time be delayed to occur beginning at a future time in the order in which the yeas and nays were ordered, when the time arrived for the votes to begin a matter on which the yeas and nays were ordered during the specified period of time was considered nondebatable.[100]

Amendments Laid Aside by Unanimous Consent:

See "Laid Aside—Regular Order," pp. 41–43, 108.

Amendments—Modification of:

See also "Modification of," pp. 64–70.

Unanimous consent is required to modify an amendment after a unanimous consent agreement has been reached setting the time for debate of that specific amendment.[101]

Amendments to a Unanimous Consent Agreement—Out of Order:

See also "Debate of a Unanimous Consent Request," pp. 1336–1337.

A request for a unanimous consent agreement is not subject to amendment,[102] nor is a unanimous consent agreement for a vote on the final passage of a bill subject to amendment.[103] It could be modified by unanimous consent.

Appeal, Under Unanimous Consent Agreement:

An appeal from the ruling of the Chair as to the germaneness of an amendment under a unanimous consent agreement has been held to be debatable,[104] but would be subject to the limitation of debate provided in the unanimous consent agreement.[105]

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[100] June 24, 1986, 99–2, *Record*, pp. 14992–94.
[101] Apr. 27, 1972, 92–2, *Record*, p. 14809; Aug. 1, 1972, 92–2, *Record*, pp. 26238–39; Sept. 12, 1969, 91–1, *Record*, p. 25323; June 24, 1977, 95–1, *Record*, pp. 20857–61.
[102] June 9, 1950, 81–2, *Record*, p. 8411.
[103] Aug. 3, 1922, 67–2, *Record*, p. 10897; Sept. 18, 1922, 67–2, *Record*, p. 12833; Feb. 2, 1927, 69–2, *Record*. p. 2770.
[104] July 22, 1946, 79–2, *Record*, pp. 9634–35, 9640–41; Sept. 12, 1969, 91–1, *Record*, p. 25323.
[105] *See* June 12, 1952, 82–2, *Record*, pp. 7100–01.

Cloture:

If, after cloture has been invoked on a matter, the Senate considers an amendment thereto under a unanimous consent agreement limiting debate thereon, Senators are not entitled to use part of their hour for debate under cloture once the time has expired on that amendment.[106]

Commit:

See "Recommit," pp. 1106–1123.

Conference Report, Consideration During Operation of a Unanimous Consent Agreement:

See "To Adopt Debatable," p. 731.

Consideration:

A unanimous consent agreement simply to take up a matter does not bind the Senate to consider that proposition until it is finally disposed of; other matters could be brought up in such a situation; it is unlike a case when a unanimous consent agreement fixes the procedure on a bill for its consideration to be continued until it is finally disposed of.[107]

Consideration and Agreement to a Unanimous Consent Request:

See also "Debate of a Unanimous Consent Request," pp. 1336–1337.

A request for unanimous consent for the consideration of a matter may be made under the rules,[108] and may be proposed at any time; [109] but a Senator who is recognized during the transaction of morning business and presents a proposed unanimous consent agreement for a final vote on a bill cannot hold the floor upon objection being made to such request; [110] nor is such a proposal debatable at

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[106] May 27, 1982, 97–2, *Record*, p. 12236.
[107] *See* Aug. 5, 1912, 62–2, *Record*, p. 10201.
[108] Feb. 19, 1947, 80–1, *Record*, p. 1176.
[109] Jan. 9, 1913, 62–3, *Record*, p. 1256; July 28, 1948, 80–2, *Record*, p. 9446; *see also* Mar. 13, 1951, 82–1, *Record*, p. 2305.
[110] Aug. 3, 1922, 67–2, *Record*, pp. 10897–10901.

any time, except by unanimous consent or at the indulgence of the Senate.[111]

A request for unanimous consent to consider a bill having been announced as agreed to, the President pro tempore subsequently sustained an objection made by a Senator who had addressed the Chair prior to such announcement; [112] in another instance when the President pro tempore inquired if there were objection to a unanimous consent request, and an objection was made which he did not hear, and he proceeded to state an agreement to the request, he withdrew such statement upon attention being called to the objection in fact; [113] again upon a statement by a Senator that he reserved the right to object to such request, the Vice President withdrew his announcement with respect to the request.[114] However, on another occasion, when a Senator attempted to object after the Chair announced that a request had been granted, the Chair stated that the objection was not timely.[115]

Since there is no specified time period required for the determination of the existence of objections to a unanimous consent request, a Senator must be present on the floor to state an objection.[116]

Where a request for unanimous consent fixing a day for a final vote on a bill was submitted to the Senate and announced as agreed to, and objection was immediately thereafter made by a Senator intending to object but whose attention was momentarily diverted, the Senate after a lengthy discussion decided that the request should be resubmitted on the ground that the unanimous consent request had not in fact been previously given.[117]

A request for unanimous consent to recommit a nomination having been announced as agreed to, the Chair immediately recognized a Senator who had sought recognition prior to the announcement and permitted him to object to the request.[118]

It takes unanimous consent to withdraw or rescind a unanimous consent agreement.[119]

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[111] *See* "Debate of a Unanimous Consent Agreement," pp. 1336–1337.
[112] Apr. 7, 1924, 68–1, *Record*, pp. 5733–34.
[113] July 19, 1946, 79–2, *Record*, p. 9404.
[114] July 21, 1950, 81–2, *Record*, p. 10796.
[115] July 19, 1989, 101–1, *Record*, p. S 8163.
[116] Dec. 1, 1987, 100–1, *Record*, p. S 16830.
[117] Jan. 10 and 11, 1913, 62–3, *Record*, pp. 1324–29, 1354–56, 1388–95.
[118] Nov. 24, 1980, 96–2, *Record*, p. 30987.
[119] July 13, 1983, 98–1, *Record*, p. 18985.

The Senate has entered into a unanimous consent agreement which provided that its provisions would not be effective unless cloture were subsequently invoked on two of the four measures considered under conditions set out in that agreement.[120]

The Senate has ratified the provisions of a unanimous consent agreement that required such ratification by the invocation of cloture on two of the four measures considered thereunder.[121]

Consideration of Proposed Legislation Under a Unanimous Consent Agreement and Precedence of Such Business

See also "Amendments—Consideration of Under Unanimous Consent Agreements," pp. 1314–1323; "Vote on Final Passage Under Unanimous Consent Agreement," pp. 1368–1369.

Consideration and the Exclusion of Other Business:

A bill taken up by unanimous consent becomes the pending business on the taking of a recess when there is no other unfinished business.[122]

Under a unanimous consent agreement:

(1) To keep a bill continuously before the Senate until disposed of, a conference report could only be considered by unanimous consent; [123]

(2) Limiting the transaction of business in the Senate for a certain period, the reference of House bills and the presentation of reports of committees were held not to be in order; [124]

(3) Providing for a vote on a bill and that in the meantime it should not be laid aside except for the consideration of privileged matters, it would be in order to take up a conference report during the consideration of another matter taken up by unanimous consent,[125] but a Senate resolution providing for an investigation could only be taken up by unanimous consent; [126]

(4) Providing for a final vote on a bill where the intervening time for debate was equally divided, consideration

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[120] Aug. 9, 1986, 99–2, *Record*, pp. 20362–63, 21291, 21295.
[121] Aug. 13, 1986, 99–2, *Record*, pp. 20362–63, 21291, 21295.
[122] *See* July 23, 1942, 77–2, *Record*, p. 6534.
[123] *See* Apr. 4, 1950, 81–2, *Record*, pp. 4664–65.
[124] *See* May 29, June 10 and 13, 1916, 64–1, *Journal*, p. 412, *Record*, pp. 9431–32, 9481.
[125] *See* May 2, 1950, 81–2, *Record*, p. 6146.
[126] May 2, 1950, 81–2, *Record*, pp. 6145–47.

of a House amendment to a bill was held to be in violation of the agreement and not in order; [127]

(5) To vote at a certain time on a joint resolution proposing an amendment to the Constitution of the United States imposing a direct tax on incomes, it was held that an amendment providing for the election of Senators by the people of the several States was not in order, as being in violation of the agreement that only tariff matters would be considered at that session; [128]

(6) To consider unobjected-to bills on the Calendar only and transact no other business, the introduction of a joint resolution was held not to be in order upon objection; [129]

(7) Providing for a final vote on a bill and that no other business was in order, on objection it was held that the bill had to be disposed of before other business was in order; [130]

(8) Providing for a vote on a bill at a specified hour and giving control of time to certain Senators, it was held not to be in order to take up other business where such unanimous consent agreement made the measure the continuing business until disposed of; the question as to the length of the session on a particular day during such control of time would have no effect as to bringing up any other matter before the Senate; [131]

(9) Providing that immediately upon convening on a specified day, the Senate should proceed to the consideration of a certain joint resolution has precedence over the reading of the *Journal* as required by Rule IV; [132] and

(10) Limiting debate and providing for a final vote thereon, no other business is in order.[133]

Consideration as Per the Agreement But Not to the Exclusion of Other Business:

A unanimous consent agreement limiting debate on a bill does not apply to another matter taken up for consideration.[134]

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[127] Mar. 2, 1913, 62-3, *Record*, pp. 4561-63.
[128] July 5, 1909, 61-1, *Journal*, pp. 134-35, *Record*, pp. 4105-07, 4120.
[129] Aug. 15, 1914, 63-2, *Record*, pp. 13783-84, 13791-92.
[130] Aug. 5, 1914, 63-2, *Record*, p. 13304.
[131] *See* Apr. 3, 1950, 81-2, *Record*, p. 4602.
[132] Dec. 20, 1928, 70-2, *Journal*, p. 52, *Record*, p. 908.
[133] Jan. 22, 1914, 63-2, *Record*, p. 2104.
[134] Dec. 13 and 16, 1924, 68-2, *Journal*, pp. 39, 61; *see also* Feb. 4, 1944, 78-1, *Record*, p. 1265.

A unanimous consent agreement which precludes amendments to amendments does not preclude amendments to motions.[135]

Under a unanimous consent agreement fixing a time for a vote on the passage of a bill or resolution, or for a final vote on a bill on a day specified,[136] a motion to proceed to the consideration of another matter in the meantime is in order,[137] and the adoption of such a motion does not violate a unanimous consent agreement providing for a vote on the former bill or resolution at that specified time.[138]

A joint resolution or bill with respect to which a unanimous consent agreement had been entered into for a vote on a specified day would be displaced by another matter taken up in the meantime on motion; the adoption of such motion, however, would not nullify the agreement or prevent a vote on the said measure in accordance with the provisions of the agreement.[139] Upon the arrival of the hour specified for a vote under such an agreement, consideration of the said measure would be resumed as per the agreement and the Senate would proceed to vote upon the passage of the proposal in accordance with that agreement.[140]

Such an agreement fixing a day for a final vote on a joint resolution which is the unfinished business does not affect its status as such; while such a joint resolution may in the meantime be displaced as unfinished business, the unanimous consent agreement is not annulled by such action, and the vote on the joint resolution would be taken in accordance with its provisions; [141] while such unfinished business may be displaced on motion in the meantime, at the hour specified in such agreement, the unfinished business would automatically be laid before the Senate and the terms of the agreement proceeded with.[142]

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[135] July 23, 1987, 100–1, *Record*, p. S 10578.

[136] *See* Aug. 1, 1911, 62–1, *Record*, p. 3435.

[137] July 5, 1921, 67–1, *Journal*, p. 181, *Record*, pp. 3348–51; *see also* Jan. 13, 1928, 70–1, *Record*, p. 1441; Aug. 1, 1911, 62–1, *Record*, p. 3435.

[138] Dec. 16, 1924, 68–2, *Journal*, p. 39, *Record*, p. 646.

[139] Apr. 16, 1926, 69–1, *Record*, p. 7570; *see also* May 27, 1924, 68–1, *Record*, pp. 9602–03; Feb. 17, 1925, 68–2, *Record*, pp. 3938–39.

[140] July 5, 1921, 67–1, *Journal*, p. 181, *Record*, pp. 3348–51; *see also* Jan. 13, 1928, 70–1, *Record*, p. 1441.

[141] *See* May 25, 1911, 62–1, *Record*, pp. 1592–93.

[142] *See* Feb. 20, 1950, 81–2, *Record*, p. 1944.

Where a bill is being considered under such an agreement and is laid aside or displaced in the meantime, the agreement is not nullified, and it is the duty of the Presiding Officer, upon the arrival of the hour fixed for voting, to lay such bill before the Senate, to be proceeded with according to the agreement.[143]

The provisions of a unanimous consent agreement for a vote on the final passage of a bill at a specified time will be carried out at that time, notwithstanding the fact that the bill in the meantime may have been displaced by another bill taken up on motion.[144]

In brief, if a unanimous consent agreement is entered into for a vote on the final passage of a bill on a specified day, such bill may in the meantime be superseded on motion, but would be voted upon when the time fixed for such vote arrived.[145]

A bill being considered under an agreement that, except by unanimous consent, it shall not be laid aside until finally disposed of, it will, if so laid aside for the consideration of another measure, automatically come before the Senate when such measure has been disposed of. The Presiding Officer subsequently held that in case of an adjournment, such bill would be laid before the Senate upon the conclusion of routine business instead of at the expiration of the Morning Hour.[146]

Under a unanimous consent agreement providing for a vote on the final passage of a bill on a day certain and providing that on said day the Senate should remain in continuous session until the bill was disposed of, it was held that if the bill should not be concluded by midnight of that day, the Senate would continue in session until the bill was disposed of.[147]

Under a unanimous consent agreement making a bill a special order and providing that final action be taken thereon prior to adjournment of the session, while the two Houses might adopt a concurrent resolution for final adjournment in the meantime, action on the bill would have to be taken by the Senate prior to adjournment.[148]

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[143] *See* Mar. 13, 1916, 64-1, *Record*, pp. 3992-93; Feb. 25, 1948, 80-2, *Record*, p.1693.
[144] *See* Feb. 17, 1925, 68-2, *Record*, pp. 3938-39.
[145] *See* Feb. 5, 1948, 80-2, *Record*, p. 1145; Feb. 2, 1927, 69-2, *Record*, p. 2774.
[146] Dec. 3, 1924, 68-2, *Record*, p. 64.
[147] *See* Apr. 5, 1950, 81-2, *Record*, p. 4761.
[148] May 3, 1932, 72-1, *Record*, p. 9470.

Under a unanimous consent agreement that following the conclusion of morning business a Senate resolution will be taken up for consideration and voted upon, the unfinished business will not be laid before the Senate until the resolution has been disposed of.[149]

The consideration of the unfinished business, when interrupted by the arrival of the hour previously fixed under a unanimous consent agreement for a vote on the final passage of another bill, will automatically be resumed after such vote has been taken.[150]

Under a unanimous consent agreement for a vote on a joint resolution immediately after the reading of the *Journal*, the Vice President held that the intermediate parliamentary steps were assumed to have been taken, and the question should be taken on the passage of the joint resolution.[151]

In 1919, the Chair held that pending the consideration of a bill under a unanimous consent agreement providing for a final vote thereon, no other business is in order.[152]

Under a unanimous consent agreement providing that at an evening session from 8 to 11 o'clock certain matters only should be considered, the President pro tempore held that the agreement was a limitation upon what should be done between those hours, and that the Senate should not automatically take a recess upon the arrival of the hour of 11 o'clock.[153]

Where a specific period of time has been allotted, under a unanimous consent agreement, for the consideration of a bill, a vote on a motion made within such period will be continued and concluded notwithstanding the expiration of the time limit in the meantime.[154]

A rollcall on a question, if started prior to a time for the expiration of the consideration of a matter, must be concluded even though it extends beyond the time allotted.[155]

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[149] May 10, 1935, 74-1, *Journal*, p. 336, *Record*, p. 7301.
[150] *See* July 20, 1921, 67-1, *Record*, p. 4116.
[151] *See* Feb. 28, 1911, 61-3, *Record*, p. 3638.
[152] Dec. 19 and 20, 1919, 66-2, *Journal*, p. 56, *Record*, pp. 912, 943.
[153] June 5, 1924, 68-1, *Record*, pp. 10685-86.
[154] *See* Feb. 25, 1927, 69-2, *Record*, p. 4757.
[155] *See* Feb. 25, 1927, 69-2, *Record*, pp. 4757-58.

"Day" Under a Unanimous Consent Agreement Means a Calendar Day:

See "Day as Used for Unanimous Consent Agreement," p. 713.

Debate of a Unanimous Consent Request:

A request for a unanimous consent agreement, including one limiting debate and fixing the time for a vote on a bill is not debatable [156] on a demand for the regular order,[157] except by unanimous consent; [158] when the regular order is demanded or a point of order is made, the Chair has no recourse but to ask if there is objection; [159] but it is the custom or practice of the Senate to indulge in a reasonable interchange of views in hopes of reaching an agreement before calling for the regular order.[160]

The same is true in the case of a unanimous consent request to permit additional time for a report on a bill recommitted with instruction.[161]

A Senator holding the floor in effect loses it temporarily when he submits a unanimous consent request and the Chair usually entertains a reservation of objections at his discretion,[162] but a unanimous consent request or a request for the yeas and nays by the Senator in possession of the floor does not take the floor away from him.[163]

A Senator, in reserving the right to object to a request for a unanimous consent agreement, is usually permitted to state briefly his position thereon,[164] or give his reasons why such consent should be granted or withheld.[165]

When a unanimous consent request is pending, reservation of objection occurs only at the sufferance of the Senate.[166] When a Senator has reserved the right to object to a unanimous consent request, a call for the regular order requires that the Senator either object to the

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[156] Dec. 13, 1924, 68-2, *Record*, pp. 566-68; Aug. 7, 1948, 80-2, *Record*, p. 10195.
[157] May 9, 1924, 68-1, *Record*, p. 8217; July 24, 1956, 84-2, *Record*, pp. 14228-30.
[158] May 8, 1924, 68-1, *Record*, p. 8083.
[159] July 24, 1954, 83-2, *Record*, p. 11806; Sept. 26, 1975, 94-1, *Record*, p. 30529.
[160] Dec. 13, 1924, 68-2, *Record*, pp. 566-68; *see also* Oct. 5, 1949, 81-2, *Record*, p. 13860; Aug. 9, 1961, 87-1, *Record*, p. 15246; July 24, 1954, 83-2, *Record*, p. 11806.
[161] *See* Oct. 5, 1949, 81-1, *Record*, p. 13860.
[162] Sept. 24, 1970, 91-2, *Record*, p. 33584.
[163] *See* Dec. 11, 1980, 96-1, *Record*, p. 33505; Dec. 20, 1979, 96-1, *Record*, p. 37456; Dec. 7, 1979, 96-1, *Record*, pp. 35085-86.
[164] Jan. 27, 1949, 81-1, *Record*, pp. 599-600; *see also* Apr. 18, 1953, 83-1, *Record*, pp 3282-83; Dec. 13, 1924, 68-2, *Record*, pp. 566-68; *see also* Oct. 5, 1949, 81-2, *Record*, p 13860; Aug. 9, 1961, 87-1, *Record*, p. 15246; July 24, 1954, 83-2, *Record*, p. 11806.
[165] Feb. 5, 1913, 62-3, *Record*, pp. 2593-95.
[166] May 1, 1985, 99-1, *Record*, p. 10035.

request or agree to it, since a reservation of objection occurs only at the sufferance of the Senate.[167]

Debate of Proposals Under Unanimous Consent Agreements:

See also "Amendments—Debate of, Under Unanimous Consent Agreements," pp. 1323–1328; "Time for Debate Runs Equally When Not Yielded," pp. 1366–1367; *See* "Usual Form," pp. 1367–1368.

When the Senate is considering a matter under a unanimous consent agreement which limits and assigns control of time, no Senator may engage in debate unless the Senator who controls time yields to that Senator.[168]

During debate on a matter on which time is controlled, a Senator who controls time may yield time to another, but such yielding does not constitute recognition of that Senator but indicates to the Presiding Officer which Senators are eligible to be recognized next.[169] Under these conditions, no Senator is entitled to be recognized and engage in debate unless yielded to by one of the Senators controlling time. The Chair has corrected itself when, under such an agreement, a Senator who did not control time was recognized and proceeded to debate.[170]

When, by unanimous consent, the Senate has provided for a certain amount of time for debate on an amendment and specified a time for a vote, if the debate begins late, the vote will occur at the specified time and the debate time controlled by each side will be reduced proportionately.[171] In the same respect, when the Senate is considering a matter under a unanimous consent agreement which limits and assigns control of time, and no Senator yields time, the time expiring and otherwise available for debate will be deducted proportionately from those controlling the time.[172]

When the Senate was operating under a unanimous consent agreement to resume consideration of a bill at a time certain and that only two amendments be in order, with time specified on each of those amendments, provid-

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[167] Mar. 10, 1986, 99–2, *Record*, p. 4133.
[168] May 6, 1986, 99–2, *Record*, p. 9614.
[169] Apr. 12, 1988, 100–2, *Record*, pp. S 3759–60; Oct. 1, 1987, 100–1, *Record*, p. S 13281.
[170] Sept. 22, 1987, 100–1, *Record*, p. S 12436.
[171] July 9, 1987, 100–1, *Record*, p. S 9486; Oct. 16, 1987, 100–1, *Record*, p. S 14506; Nov. 13, 1987, 100–1, *Record*, p. S 16250; Aug. 3, 1988, 100–2, *Record*, p. S 10657.
[172] May 20, 1988, 100–2, *Record*, p. S 6332.

ed that upon their disposition the bill be advanced to third reading with a vote to occur immediately thereafter on passage without intervening action, motions, or debate, it was interpreted by the Chair to mean that debate on the bill could only occur by unanimous consent.[173]

The Senate has, as in one instance in 1926, adopted orders by unanimous consent that further debate on a bill should be confined to that bill.[174]

When a bill is being considered under a unanimous consent agreement limiting debate on the bill, amendments, and motions, the reservation of objections is not debatable unless someone yields time from the time on the bill, amendments, or motions.[175]

When the Senate is considering a matter under controlled time, the time used in requesting and/or obtaining a unanimous consent agreement comes out of the controlled time.[176]

A unanimous consent agreement limiting time on an amendment to a concurrent resolution on the budget to "10 minutes equally divided" does not change the control of time on that amendment.[177]

It is the practice of the Senate to protect the rights of a Senator who controls time on an amendment, to permit that Senator to reclaim the balance of that time, after he indicated his willingness to yield it back on the understanding that the time on the other side would be yielded back,[178] or after first yielding it back or yielding it to another Senator when that second Senator attempted to yield it back.[179]

During the consideration of a bill under a unanimous consent agreement providing for a limitation of debate on amendments and control of time, the practice in vogue at the present time is to permit the leaders, or either of them, while an amendment is pending, to yield additional time from the time allotted to them on the bill for consideration of such amendment.[180]

When time for debate is to be "equally divided between the proponents and opponents" of a measure, it is within

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[173] Sept. 30, 1986, 99-2, *Record*, p. 27160.
[174] May 4, 1926, 69-1, *Record*, p. 8680.
[175] *See* May 1, 1972, 92-2, *Record*, pp. 15148-49.
[176] May 9, 1985, 99-1, *Record*, pp. 11417-20.
[177] May 9, 1985, 99-1, *Record*, p. 11410.
[178] Nov. 22, 1985, 99-1, *Record*, pp. 33355-56.
[179] May 9, 1985, 99-1, *Record*, pp. 11410-11.
[180] *See* Mar. 23, 1959, 86-1, *Record*, p. 4927.

the power of the Majority and Minority Leaders to designate which Senators will control the time.[181]

When a bill is considered under a unanimous consent agreement that provides for its immediate consideration, requires a vote on passage to occur at a time certain but specifies no time limit, and further provides that the agreement be in the usual form, the time up to the time for the vote on passage is equally divided between the majority and minority sides.[182]

When the Senate is considering a measure under unanimous consent agreement which provides for an overall limit on the measure and amendments thereto, with that time divided and controlled, if an amendment is considered under its own time limit, the time consumed from that particular sublimit of time will be equally divided and subtracted from the overall time available to each side on the measure.[183]

Under a unanimous consent agreement to speak only once on a bill or any amendment thereto, a second speech on the same question is not in order;[184] under such agreement a Senator cannot divide the time so as to speak more than once.[185] A Senator would be entitled to speak upon a new amendment.[186]

When the Senate by unanimous consent provides for the recognition of certain Senators, a Senator will forfeit the right to be recognized under that agreement if that Senator is not present when his or her turn arrives.[187]

Where a Senator has exhausted his time under a limitation of debate under a unanimous consent agreement, a motion to grant him additional time is not in order as being in violation of such an agreement;[188] but a Senator may by unanimous consent be given additional time without abrogating the agreement.[189]

Additional time, under such agreements, is not in order where a committee amendment is modified [190] and if an

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[181] Sept. 26, 1983, 98-1, *Record*, p. 25755; Mar. 17, 1987, 100-1, *Record*, p. S 3210.
[182] Mar. 19, 1986, 99-2, *Record*, p. 5368.
[183] Mar. 27, 1986, 99-2, *Record*, p. 6411.
[184] Jan. 31, 1928, 70-1, *Record*, p. 2239; Nov. 7, 1921, 67-1, *Record*, p. 7474; Dec. 21, 1926, 69-2, *Record*, p. 843.
[185] *See* Feb. 4, 1944, 78-1, *Record*, p. 1246.
[186] Dec. 21, 1926, 69-2, *Record*, p. 843.
[187] Mar. 19, 1985, 99-1, *Record*, pp. 5392-93, 5396; Oct. 6, 1990, 101-2, *Record*, pp. S 14669-70, 14672-74.
[188] Feb. 16, 1929, 70-2, *Journal*, p. 177, *Record*, p. 3594; Jan. 17, 1933, 72-2, *Record*, p. 1919.
[189] *See* Apr. 21, 1926, 69-1, *Record*, p. 7885.
[190] *See* Dec. 2, 1954, 83-2, *Record*, p. 16367.

amendment to an amendment is accepted as a modification all time thereon is lost.[191]

A Senator who withdraws an amendment cannot yield unused time thereon to another Senator who offers an amendment in lieu thereof; the latter would be a separate and independent amendment and be allotted the allowed time under the agreement.[192]

A Senator who withdraws his amendment would have no time remaining.[193]

A unanimous consent agreement that provides for the consideration of a matter for not to exceed a specified amount of time does not thereby impose a time limitation on that matter, and if at the end of that period that matter is not disposed of, the Senate will leave its consideration.[194]

A unanimous consent agreement that provides for a vote at a time certain, but does not specify the subject matter on which the vote is to occur does not preclude further debate on a debatable question which is before the Senate at the time specified for the vote, but any vote may defer such debate.[195]

On one occasion, in response to a parliamentary inquiry the Chair indicated that the two speech rule would apply to a Senator who controlled time for debate on a measure.[196]

Under a unanimous consent agreement providing for a limitation of debate and control of time, it is not in order for a Senator to deliver an address unless there is an amendment pending before the Senate against which time may be charged.[197]

A unanimous consent agreement providing for a limitation of time on an amendment, and which is silent on the question of debatable motions, precludes the offering of any motion until the end of debate, at which time a motion is in order but is not debatable.[198] When the Senate is considering an amendment under a unanimous consent agreement which is silent on the question of de-

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[191] *See* Mar. 9, 1956, 84-2, *Record*, p. 4376; Mar. 16, 1956, 84-2, *Record*, p. 4958; Aug. 18, 1959, 86-1, *Record*, pp. 16154-55.
[192] *See* June 28, 1956, 84-2, *Record*, p. 11246.
[193] Aug. 17, 1954, 83-2, *Record*, p. 14728.
[194] Aug. 9, 1984, 98-2, *Record*, p. 23265.
[195] *See* Sept. 29, 1987, 100-1, *Record*, p. S 13048.
[196] *See* Sept. 27, 1986, 99-2, *Record*, pp. 26598-99.
[197] May 22, 1952, 82-2, *Record*, pp. 5758-59.
[198] May 12, 1982, 97-2, *Record*, p. 9623.

batable motions, a motion to recommit is in order only after time has expired and is not debatable.[199]

Under a unanimous consent agreement limiting debate and controlling the time, where debate has been exhausted on an amendment, a Senator cannot be recognized prior to a vote thereon; [200] a Senator who has exhausted his time on a pending amendment cannot then use his time to speak on the bill itself,[201] except as specified in the agreement.

Under a unanimous consent agreement limiting debate with a division of the time on amendments and the bill and giving certain Senators control of that time, no Senator is entitled to be recognized unless yielded to by one of the Senators controlling the time; [202] and it would not be in order for the Presiding Officer to recognize another Senator unless this agreement were modified.[203] Under such an agreement for a vote on a bill, with the time for debate limited and controlled by certain Senators, a Senator cannot be recognized unless time is yielded to him by one of the Senators having control.[204] With the time for debate between certain hours controlled, a Senator having the floor upon the arrival of the first of such hours would automatically lose the floor unless he were given time by one of the Senators having control.[205]

Under a unanimous consent agreement limiting debate and controlling time on a bill, amendments, or motions, a Senator who desires to make a motion is not entitled to speak until he submits the motion; [206] likewise, the time on an amendment does not begin to run until it has been called up for consideration.[207]

When the Senate is considering a matter under a time limitation, that time runs while a Senator poses a unanimous consent request.[208]

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[199] June 30, 1987, 100-1, *Record*, p. S 8975.

[200] June 10, 1952, 82-2, *Record*, p. 6905.

[201] Apr. 15, 1916, 64-1, *Record*, pp. 6198-99; Jan. 23, 1914, 63-2, *Record*, p. 2163.

[202] Apr. 22, 1947, 80-1, *Record*, p. 3758; June 4, 1952, 82-2, *Record*, p. 6500; *see also* Jan. 27, 1938, 75-3, *Record*, p. 1161; July 18, 1946, 79-2, *Record*, p. 9335; July 20, 1946, 79-2, *Record*, p. 9540; Nov. 20, 1942, 77-2, *Record*, pp. 9024, 9033; May 7, 1946, 79-2, *Record*, pp. 4544, 4556; May 8, 1946, 79-2, *Record*, p. 4606.

[203] *See* Apr. 4, 1950, 81-2, *Record*, pp. 4664-65.

[204] Jan. 17, 1950, 81-2, *Record*, pp. 438-39.

[205] *See* Feb. 1, 1950, 81-2, *Record*, p. 1258.

[206] Aug. 20, 1959, 86-1, *Record*, p. 16501.

[207] July 24, 1978, 95-2, *Record*, p. 22390.

[208] Apr. 23, 1986, 99-2, *Record*, pp. 8524-29.

Under a unanimous consent agreement for control of debate, time may be yielded by a Senator in charge for a vote on amendments.[209]

A unanimous consent agreement which provides for a vote on passage of a bill at a time certain with a guarantee that a Senator would have a bloc of time for debate on the bill, does not so guarantee if that time is not utilized before the time certain set for the vote.[210]

Under a unanimous consent agreement limiting debate, the time consumed in reading a proposed amendment is not taken from the time allotted under the agreement to a senator proposing an amendment; [211] but generally speaking, a Senator in control who yields for extraneous matters ischarged with that time,[212] or the Senator in possession of the floor will be charged with time for inquiries made by others; [213] likewise, when a Senator is speaking under a limitation of debate, a quorum call would be charged against his time.[214]

If a Senator, under an agreement limiting debate and dividing the time between two sides, yields part of his time back, the opposing side cannot avail itself of such time.[215]

A unanimous consent agreement for a vote on certain treaties having been made for 2 o'clock, an unofficial division of time for debate was made by the President pro tempore by unanimous consent.[216]

When a unanimous consent agreement provides for a certain amount of time for debate on a matter and sets a time for the vote thereon, should the debate begin late the vote will occur at the specified time, and the debate time will be reduced accordingly.[217]

When the Senate considers a conference report under a time agreement that is silent on the question of debatable motions and appeals, a point of order can only be made after time has expired, and any appeal would have to be decided without debate, because when there is a unanimous consent agreement on a matter, a subsidiary motion

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[209] Aug. 7, 1948, 80-2, *Record*, pp. 10139-40.
[210] June 19, 1986, 99-2, *Record*, p. 14580.
[211] *See* June 10, 1952, 82-2, *Record*, p. 6909.
[212] *See* July 13, 1946, 79-2, *Record*, p. 8887.
[213] *See* May 28, 1948, 80-2, *Record*, pp. 6642-43.
[214] June 3, 1938, 75-3, *Record*, p. 8084.
[215] June 28, 1949, 81-1, *Record*, pp. 8498-99, 8503-04.
[216] June 5, 1947, 80-1, *Record*, p. 6396.
[217] Sept. 18, 1984, 98-2, *Record*, p. 25764.

which is not provided for in the agreement is decided without debate.[218]

A Senator under a unanimous consent agreement limiting time is not entitled to the floor in his own right for the purpose of making an inquiry of the Senator in charge of a bill; he would be entitled to speak on an amendment subsequently offered.[219]

A Senator who controls time on a measure may yield some of it to another Senator but the first Senator does not thereby gain the floor, and when the second Senator completes his remarks the Presiding Officer may recognize any Senator who has such time to control.[220]

When the Senate is considering a matter under controlled debate time, that time may be yielded back by the Senator who controls the time.[221]

Under an agreement limiting a Senator to one speech on a question, a Senator having the floor cannot yield to another Senator.[222]

The last hour of debate on a bill having been divided between two Senators under an agreement, one Senator, in the absence of objection, yielded a portion of his time to another.[223]

There is no rule of the Senate governing which Senator shall make the closing speech under a unanimous consent agreement limiting debate; [224] that is a matter to be arranged between the Senators having control of the time.[225]

When the Senate by unanimous consent provides for the recognition of certain Senators, a Senator will not forfeit the right to be recognized under the agreement if a quorum call occurs during the sequence of recognition.[226]

See proceedings for March 28, 1950, for an interpretation of a unanimous consent agreement as to a division of time when debate was to run for 2 days.[227]

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[218] Aug. 12, 1982, 97-2, *Record*, pp. 20886, 20894-96; June 30, 1987, 100-1, *Record*, p. S 8975.

[219] Dec. 21, 1926, 69-2, *Record*, p. 843; *see also* Apr. 23, 1934, 73-2, *Record*, pp. 7610-11.

[220] Aug. 11, 1986, 99-2, *Record*, p. 20511.

[221] Dec. 10, 1982, 97-2, *Record*, p. 29905.

[222] Feb. 16, 1925, 68-2, *Record*, p. 3841.

[223] Jan. 7 and 8, 1925, 68-2, *Journal*, p. 64, *Record*, pp. 1376, 1449.

[224] Apr. 2, 1952, 82-2, *Record*, p. 3345.

[225] Feb. 1, 1950, 81-2, *Record*, p. 1271; *see* June 22, 1965, 89-1, *Record*, p. 14344.

[226] Mar. 22, 1988, 100-2, *Record*, p. S 2772.

[227] Mar. 28, 1950, 81-2, *Record*, p. 4211.

Definition of Unanimous Consent Agreements:

See "Provisions of Unanimous Consent Agreements," pp. 1359–1360.

Discharge of Committee:

When a unanimous consent agreement specifies that the Senate will turn to the consideration of a bill immediately after the vote on another matter, if the bill is still in committee when that vote concludes, the bill is automatically discharged from the committee.[228]

Division of Question Under a Unanimous Consent Agreement:

See "Division of Pending Question," pp. 807–812.

Division of Time on Amendment:

See "Amendment—Debate of, etc.," pp. 1323–1328.

Fix Time for Vote on Final Passage:

See "Vote on Final Passage Under Unanimous Consent Agreement," pp. 1368–1369.

Germaneness of Amendments Under Unanimous Consent Agreements:

See also "Germaneness," pp. 62–63; "Germaneness of Amendments," pp. 854–862; "Points of Order Under a Unanimous Consent Agreement," pp. 1356–1359; *See* "Relevancy of Amendments," pp. 1362–1363.

If a unanimous consent agreement for the consideration of a bill contains a provision for germaneness of amendments, an amendment not germane is not in order,[229] and a point of order may be raised against an

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[228] Dec. 3, 1985, 99–1, *Record*, p. 33875.

[229] June 5, 1979, 96–1, *Record*, pp. 13414–24; Mar. 9, 1951, 82–1, *Record*, p. 2197; Sept. 28, 1972, 92–2, *Record*, pp. 32732–33; Mar. 15, 1955, 84–1, *Record*, pp. 2910–12, 2917; June 1, 1955, 84–1, *Record*, pp. 7341–42; May 29, 1956, 84–2, *Record*, pp. 9242, 9246; May 9, 1956, 84–2, *Record*, p. 7788; Mar. 8, 1956, 84–2, *Record*, p. 4317; Feb. 28, 1956, 84–2, *Record*, p. 3457; Feb. 23, 1955, 84–1, *Record*, p. 1944; Feb. 23, 1955, 84–1, *Record*, pp. 1940–41; Dec. 2, 1954, 83–2, *Record*, pp. 16381–82, 16385; Nov. 29, 1954, 83–2, *Record*, pp. 16156, 16169; May 28, 1952, 82–2, *Record*, p. 6114; Dec. 11, 1950, 81–2, *Record*, pp. 16397–99; Sept. 12, 1950, 81–2, *Record*, pp. 14606–11; *see also* Nov. 29, 1954, 83–2, *Record*, p. 16172; May 12, 1947, 80–1, *Record*, p. 4999; for discussion of issue *see also* June 28, 1951, 82–1, *Record*, p. 7372.

amendment on the ground that it is not germane and violates the unanimous consent agreement;[230] in which case the Chair is required to rule such an amendment that is not germane out of order, subject to appeal,[231] unless he should submit the question to the Senate for decision under Rule XX.[232]

When a question arises as to the germaneness of an amendment to an underlying measure, the burden of making the case for germaneness rests on the proponents of the amendment.[233]

When the Senate is considering a measure under a unanimous consent agreement providing for germaneness of amendments, a time limitation on a specifically mentioned amendment has the effect of waiving the germaneness requirement.[234] Otherwise, if a point of order is made against the amendment and sustained the amendment will be ruled out of order.[235] If a point of order against such an amendment is not sustained the Senate would proceed with the consideration of that amendment.[236]

If an amendment under such a unanimous consent agreement is ruled germane, a point of order having been made before a division of the amendment is demanded, the portions into which the amendment had been divided could not be ruled out of order separately.[237]

A point of order having been made against an amendment as not being germane when operating under a unanimous consent agreement and the Chair having ruled the amendment out of order, it would take unanimous consent to then withdraw the point of order.[238]

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[230] Mar. 21, 1978, 95-2, *Record*, p. 7783; Feb. 17, 1976, 94-2, *Record*, pp. 3429-34; Apr. 5, 1950, 81-2, *Record*, pp. 4774-81, 4788; Apr. 2, 1951, 82-1, *Record*, pp. 3085-87: Apr. 4, 1951, 82-1, *Record*, pp. 3254-55; Sept. 11, 1968, 90-2, *Record*, pp. 26428-39; *See* Apr. 9, 1979; 96-1, *Record*, p. 7654.

[231] Mar. 26, 1975, 94-1, *Record*, pp. 8623-26; Sept. 11, 1965, 90-2, *Record*, pp. 26428, 26439; Aug. 2, 1971, 92-1, *Record*, p. 28758; Aug. 5, 1971, 92-1, *Record*, pp. 30129, 30131; Aug. 6, 1971, 92-1, *Record*, pp. 30412-15; June 6, 1977, 95-1, *Record*, pp. 17612-17; Sept. 8, 1977, 95-1, *Record*, pp. 28236-39; Oct. 17, 1977, 95-1, *Record*, pp. 33840-43; Oct. 6, 1977, 95-1, *Record*, pp. 32679-88.

[232] *Ibid.*; Mar. 12, 1975, 94-1, *Record*, pp. 6191-92; June 7, 1973, 93-1, *Record*, pp. 18655-60.

[233] May 16, 1988, 100-2, *Record*, p. S 5920.

[234] July 19, 1978, 95-2, *Record*, pp. 21585-86.

[235] *Ibid.*, Oct. 5, 1977, 95-1, *Record*, pp. 32405-10; Apr. 30, 1979, 96-1, *Record*, pp. 8927-28, 8935-37; June 5, 1979, 96-1, *Record*, p. 13450.

[236] Oct. 5, 1977, 95-1, *Record*, pp. 32405-10, 32427-35; Apr. 30, 1979, 96-1, *Record*, pp. 8926-28.

[237] Oct. 5, 1977, 95-1, *Record*, pp. 32405-10.

[238] Mar. 20, 1973, 93-1, *Record*, p. 8829.

Amendments which proposed new subject matter unrelated to a measure for which a germaneness requirement had been imposed by unanimous consent have been ruled out of order.[239] Likewise, amendments which proposed new subject matter which did relate to some provision of a measure for which a germaneness requirement had been imposed by unanimous consent have been ruled out of order,[240] and on appeal the Senate has sustained such ruling by the Chair.[241] However, the Chair has been overturned on appeal when it ruled out of order an amendment which related to a provision in a bill (authorizing a demonstration project to study the effects of disability benefits to the terminally ill) but which expanded that concept by proposing to waive the statutory waiting period before terminally ill patients could receive such benefits, and by defining "terminally ill." [242]

Amendments for which germaneness was required have been ruled out of order by the Chair on the grounds that they proposed new subject matter which was in the jurisdiction of another committee.[243] The Chair has ruled out of order a sense of the Senate amendment whose subject matter was within the jurisdiction of the committee that reported the bill for which germaneness had been required by unanimous consent.[244]

The Chair has held that an amendment that adds language to a bill which is not restrictive of any provision in the bill is not germane.[245] On one occasion while responding to a series of parliamentary inquiries, the Chair gave its opinion that the germaneness test had never been interpreted as a subject matter test, that it was basically a technical test. The Chair stated that amendments that added language to a bill that expanded the powers available under that bill would be ruled nongermane, and amendments that restricted powers granted by the bill would be ruled germane. In addition, the Chair stated that amendments that proposed to strike language in the

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[239] June 14, 1965, 89-1, *Record*, pp. 13537-38; June 26, 1963, 88-1, *Record*, pp. 11692-94.

[240] June 27, 1973, 93-1, *Record*, pp. 21615-17.

[241] July 14, 1975, 94-1, *Record*, pp. 22560-61.

[242] Jan. 30, 1980, 96-2, *Record*, pp. 1193-1207.

[243] July 31, 1975, 94-1, *Record*, pp. 26372-76; July 23, 1976, 94-2, *Record*, pp. 23669-70.

[244] June 2, 1980, 96-2, *Record*, pp. 12946-51.

[245] Dec. 3, 1985, 99-1, *Record*, p. 33915.

bill regardless of their effect upon the powers granted in the bill would be considered germane *per se.*[246]

It is not sufficient that an amendment be germane to existing law, it must be germane to the matter to which the germaneness requirement applies.[247] An amendment which is germane to a bill or any of the amendments thereto reported by the committee is germane.[248] An amendment which is either germane to an amendment for which the germaneness requirement of the Congressional Budget Act of 1974 was waived or germane to the bill itself, would be considered germane.[249]

The following amendments have been ruled not germane—a point of order having been raised against them when operating under such unanimous consent agreements requiring germaneness of amendments:

—an amendment providing for the acceptance by a person of funds or benefits made available under another law to a bill amending the National Education Act of 1959; [250]

—an amendment assuring equal protection of the law to all persons and prohibiting discrimination because of race, creed, color, and national origin to a resolution concerning the exchange of FNMA mortgages for Government bonds; [251]

—an amendment making unlawful the use of wooden cars in passenger trains to a bill permitting the issuance of interchangeable railroad mileage tickets; [252]

—an amendment authorizing an appropriation for the purpose of providing fellowships for the graduate training of professional city planning and urban and housing technicians and specialists, proposed to the Housing Act of 1961; [253]

—an amendment on tax incentives for contributions to candidates for Federal office to a bill to promote fair practices in the conduct of election campaigns for Federal political offices; [254]

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[246] *See* Apr. 22, 1982, 97-2, *Record*, pp. 7450-51.
[247] July 14, 1975, 94-1, *Record*, pp. 22560-61.
[248] July 20, 1982, 97-2, *Record*, pp. 16997-99.
[249] Sept. 19, 1986, 99-2, *Record*, p. 24843.
[250] *See* July 23, 1959, 86-1, *Record*, p. 14080.
[251] Aug. 20, 1959, 86-1, *Record*, pp. 16528-31.
[252] Jan. 21, 1922, 67-2, *Journal*, p. 59, *Record*, p. 1499.
[253] June 8, 1961, 87-1, *Record*, pp. 9854-57.
[254] Aug. 4, 1971, 92-1, *Record*, pp. 29312, 29316.

—an amendment on prohibition against sex discrimination offered to a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts; [255]

—an amendment repealing the prohibition on the removal of motor vehicle emission control devices, offered to an energy research and development bill; [256]

—an amendment providing for an additional 26 weeks of emergency extended unemployment compensation to certain unemployed to a bill on economic disaster relief; [257]

—an amendment providing for delivery of exports of surplus agricultural commodities to vessels in American ports to a bill to extend the Agricultural Trade Development and Assistance Act of 1954; [258]

—an amendment relating to percentage depletion of oil and gas wells to an amendment dealing with tax credits for persons supporting children attending colleges and universities offered to the Revenue Act of 1964 (H.R. 8363); [259]

—an amendment proposing school lunch programs abroad to a bill to amend further the Foreign Assistance Act of 1961 (even though aid under the bill could reasonably be used for such purposes, there was nothing specifically in the bill involving school lunches, thereby including new subject matter which related to no provision in the bill); [260]

—an amendment increasing rates of duty on cattle, beef, and veal proposed to the Feed Grain Extension Program bill; [261]

—an amendment proposing to amend the Buy American Act offered to a bill authorizing additional appropriations for the prosecution of comprehensive river basin plans; [262]

—an amendment providing for certain action by committees in ordering bills reported to the Senate, and directing the Parliamentarian to record certain facts while the Senate was in session to a resolution to

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[255] Aug. 6, 1971, 92-1, *Record*, pp. 30412-15.
[256] Dec. 7, 1973, 93-1, *Record*, p. 40185.
[257] Aug. 5, 1971, 92-1, *Record*, pp. 30129, 30131.
[258] Sept. 7, 1959, 86-1, *Record*, pp. 18350, 18357.
[259] Feb. 3, 1964, 88-2, *Record*, p. 1806.
[260] June 11, 1965, 89-1, *Record*, pp. 13380-81.
[261] May 15, 1963, 88-1, *Record*, pp. 8706, 8709-11.
[262] *See* Dec. 3, 1963, 88-1, *Record*, pp. 23146-47.

amend Rule XXV of the Standing Rules of the Senate relative to committees meeting while the Senate is in session; [263]

—an amendment involving housing to a bill involving rural environmental assistance programs; [264]

—an amendment on gasoline conservation, introducing new subject matter to a bill on emergency energy program relative to energy conservation; [265]

—an amendment relative to rent control to a bill to extend and amend the Economic Stabilization Act of 1970; [266]

—an amendment dealing with unemployment benefits to naval shipyard employees, offered to a bill restructuring rail transportation systems in the midwest and northeast regions of the United States; [267]

—an amendment dealing with impoundment as well as a budget limitation to a bill to extend and amend the Economic Stabilization Act of 1970; [268]

—an amendment amending the Clayton Act, with respect to the interpretation of the language of the Robinson Patman Act, to protect Texaco retailers in the State of Utah, brought about by a decision in the courts, to a bill to establish a Federal policy granting rights of way across Federal lands, the so-called Alaska Pipeline bill; [269]

—an amendment relative to the Agricultural Adjustment Act of 1938 to a bill to amend the Economic Stabilization Act of 1970; [270]

—an amendment providing for fair packaging and labeling, nutritional labeling of food products, labeling requirements for perishable and semiperishable foods, offered to a bill on Agriculture and Consumer Protection Act of 1973; [271]

—an amendment fixing a price freeze and authorizing the President to issue such rollbacks on prices would not be germane to a bill authorizing the Secretary of

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[263] Jan. 30, 1964, 88-2, *Record*, pp. 1404-05.
[264] Mar. 1, 1973, 93-1, *Record*, p. 6199.
[265] June 5, 1979, 96-1, *Record*, pp. 13414-24.
[266] *Ibid.*
[267] Dec. 11, 1973, 93-1, *Record*, pp. 40727-28.
[268] Mar. 20, 1973, 93-1, *Record*, p. 8826.
[269] July 16, 1973, 93-1, *Record*, pp. 24087-89, 24095-96.
[270] Mar. 19, 1973, 93-1, *Record*, pp. 8470-71.
[271] June 7, 1973, 93-1, *Record*, pp. 18655-60.

the Treasury to make a 10-percent reduction in the par value of the dollar; [272]

—an amendment adding Cambodia and Laos to an amendment prohibiting funds for restoration of North Vietnam to a bill to amend the Par Value Modification Act; [273]

—an amendment dealing with the domestic economic impact of trade policies with foreign nations which produce goods under labor conditions not comparable to ours, to a bill extending the minimum wage coverage to additional employees and increasing the minimum wage; [274]

—an amendment dealing with economic stabilization with respect to the price level of beef, etc., was held to be not germane to a bill extending authority of the Secretary of Housing and Urban Development with respect to the insurance of loans and mortgages; [275] and

—an amendment establishing community college programs for the advancement of coal technology and coal technology manpower studies, offered to a bill proposing Federal Coal Leasing Amendments Act as introducing new subject matter.[276]

When operating under a unanimous consent agreement that amendments in the second degree must be germane to amendments in the first degree, an amendment dealing with A-7 aircraft would not be germane to a first degree amendment dealing only with A-10 aircraft; the Chair ruled the amendment out of order as not being germane and an appeal was taken but tabled.[277]

When the Senate was considering a bill under a unanimous consent agreement providing for germaneness of amendments, and the bill dealt in programs for wheat, grain, cotton and soybeans, an amendment dealing with Irish potatoes was not in order as not being germane.[278]

When a bill was pending that provided for three members of a board to be elected by corporation members and two members to be appointed by the Chairman of another board, an amendment which proposed to reduce the

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[272] Apr. 5, 1973, 93-1, *Record*, pp. 11165-67.
[273] Apr. 5, 1973, 93-1, *Record*, pp. 11154-57.
[274] July 19, 1973, 93-1, *Record*, p. 24824.
[275] July 20, 1973, 93-1, *Record*, pp. 25132-33.
[276] July 31, 1975, 94-1, *Record*, pp. 26372-76.
[277] Mar. 26, 1976, 94-2, *Record*, pp. 15656-57.
[278] Mar. 21, 1978, 95-2, *Record*, p. 7783.

number to be elected from three to two and provided that the fifth member be appointed by another official, was ruled nongermane.[279]

It has been held than an amendment that adds language to a bill which is not restrictive of any provisions in the bill is not germane, although it may be relevant to the bill. Therefore, when a bill was pending that provided for the settlement of claims relating to trust allotments of land granted to certain Indians, and which provided for judicial review of compensation findings by the Secretary of the Interior relating to those claims, an amendment which required the United States to provide legal assistance to allottees or heirs regarding the merits of their claims under the bill, was ruled to the nongermane.[280]

When germaneness is imposed by unanimous consent or by a statute whose provisions are comparable to a unanimous consent agreement, amendments reported by or offered by authority of the committee of jurisdiction are germane *per se,* and they form part of the basis for determining germaneness.[281] An amendment offered from the floor which was ruled out of order as being nongermane was immediately thereafter offered on behalf of the committee that reported the measure, and was declared by the Chair to be germane *per se.*[282]

Under a unanimous consent agreement providing for germaneness of amendments to a non-appropriation bill, and further providing for a limitation of debate and control of time, the Presiding Officer passes on a point of order where the question of germaneness is raised.[283]

In 1950, when the question was raised, it was submitted to the Senate,[284] but, under the rules of the Senate, the question of germaneness of an amendment is submitted to the Senate for a decision only when offered to a general appropriation bill.

While the proponent of an amendment has time remaining under the control of debate, it is not in order for another Senator to make a point of order against the

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[279] Dec. 3, 1985, 99-1, *Record*, p. 33915.
[280] Dec. 12, 1985, 99-1, *Record*, p. 36251.
[281] July 22, 1982, 97-2, *Record*, p. 17649.
[282] *Ibid.*
[283] June 12, 1952, 82-2, *Record*, pp. 7100-01.
[284] June 20, 1950, 81-2, *Record*, p. 8899.

amendment on the ground of non-germaneness;[285] nor while the mover thereof is addressing the Senate.[286]

A Senator cannot make a point of order against an amendment on the ground that it is not germane, until debate thereon has been concluded.[287]

An amendment authorizing an appropriation as an emergency fund for the immediate construction of river, harbor, and flood control improvements required in the interests of national defense was held to be not germane to a non-appropriation bill, with respect to which, by reason of a unanimous consent agreement, non-germane amendments were excluded.[288]

Where the Senate had entered into a unanimous consent agreement to vote at a certain time on a joint resolution proposing an amendment to the Constitution of the United States imposing a direct tax on incomes, it was held that an amendment providing for the election of Senators by the people of the several States was not in order, as being in violation of an agreement that only tariff matters would be considered at that session.[289]

Unanimous consent agreements have been made which permitted the offering of a non-germane amendment except as to civil rights legislation.[290]

Some amendments when operating under unanimous consent agreements against which points of order have been ruled in order as being germane, for example: in 1973 an amendment on impoundment offered to a bill to extend and amend the Economic Stabilization Act of 1970 was held germane, a point of order having been made, since there was a provision in the bill on impoundment.[291] A complete substitute for a measure was ruled germane by the Vice President who stated, "It deals with the same subject, though in a little different way." [292] On one occasion, an amendment relative to the reimbursement of victims of violent crime offered to a Public Safety Officers Benefit Act of 1976, while being considered under a unanimous consent agreement that all amendments

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[285] Rule XVI, clause 4; May 20, 1975, 94-1, *Record*, p. 15384; May 28, 1952, 82-2, *Record*, pp. 6107-08.

[286] Apr. 5, 1950, 81-2, *Record*, pp. 4774-75.

[287] June 10, 1952, 82-2, *Record*, pp. 6910, 6918; June 19, 1952, 82-2, *Record*, pp. 7608-10; Mar. 16, 1956, 84-2, *Record*, p. 4953.

[288] June 28, 1951, 82-1, *Record*, pp. 7383-84.

[289] July 5, 1909, 61-1, *Journal*, pp. 134, 135, *Record*, pp. 4105-07, 4119-20.

[290] Dec. 12, 1950, 81-2, *Record*, pp. 16460-61.

[291] Mar. 20, 1973, 93-1, *Record*, pp. 8800-01.

[292] Jan. 25, 1950, 80-2, *Record*, pp. 870-72.

must be germane against which a point of order was made, was ruled by the Chair as not being germane but an appeal was taken from the ruling of the Chair and the Chair was overruled by a vote of 38 to 44 that the ruling of the Chair not be sustained.[293] On another occasion, the Chair was overturned on appeal when it ruled out of order an amendment to a bill which, among other provisions, authorized a demonstration project to study the effects of disability benefits to the terminally ill, when the amendment expanded that concept by proposing to waive the statutory waiting period before terminally ill patients could receive such benefits, and by defining "terminally ill." [294]

Germaneness of Debate Under Unanimous Consent Agreement:

See "Germaneness," pp. 62–63; "Personal Privilege, Debate of," pp. 764–765.

House Bill—Consideration of, Under Unanimous Consent Agreement After Action on Senate Bill:

Under a unanimous consent agreement for a final vote on the passage of a Senate bill, it is not in order, prior to the passage thereof, to proceed to the consideration of a companion House bill with a view to its passage.[295]

In 1950, a unanimous consent agreement was entered into limiting debate and providing for a final vote on a Senate bill and then to take up a similar House bill; and to consider the latter as amended by substituting the text of the Senate bill therefor, and, in the event of its passage, vacate the proceedings on the Senate bill.[296]

Modification of Amendment:

See "Modification of," pp. 64–70.

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[293] July 19, 1976, 94-2, *Record*, pp. 22645–53.
[294] Jan. 30, 1980, 96-2, *Record*, pp. 1193–1207.
[295] Mar. 29, 1950, 81-2, *Record*, p. 4304; Mar. 24 and 28, 1938, 75-3, *Journal*, p. 253, *Record*, pp. 4015, 4186, 4202, 4204.
[296] Sept. 7, 1950, 81-2, *Record*, p. 14390.

Modification of Unanimous Consent Agreement:

A subsequent unanimous consent agreement supersedes the provisions of a prior unanimous consent agreement.[297]

A unanimous consent agreement for a vote on the final passage of a bill on a specified day may be modified by unanimous consent,[298] on notice given 1 day previous thereto as provided for under Rule XII [299] but it is not subject to amendment; [300] this paragraph of Rule XII can be suspended by unanimous consent.

The Senate possesses the power to modify by unanimous consent a unanimous consent agreement for a vote at a certain time on the passage of a bill, it being merely a question of policy whether or not the Senate should modify such agreement.[301]

A unanimous consent agreement limiting debate and controlling time may be subsequently modified in any way by unanimous consent.[302]

A unanimous consent agreement to limit debate upon an amendment or amendments thereto was subsequently modified to permit 10 minutes on a side in the case of an amendment offered after the hour previously set after which further debate was to be prohibited.[303]

Where a final vote on a bill and amendments on a certain legislative day was fixed by a unanimous consent agreement, a modification of such agreement was held in order providing for a vote on a specific calendar day but during the same legislative day under the same terms.[304]

An agreement providing for a vote on a resolution and all amendments thereto on a specific day may be modified by unanimous consent without giving a day's notice; [305] or an agreement providing for a vote on a nomination at a definite time can only be changed by unanimous consent,[306] but by unanimous consent it may be modified to extend such time.[307]

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[297] Aug. 14, 1986, 99-2, *Record*, p. 21522.
[298] Feb. 2, 1927, 69-2, *Record*, p. 2770.
[299] *See* June 2, 1924, 68-1, *Record*, pp. 10081-82; Mar. 1, 1916, 64-1, *Record*, pp. 3346-47.
[300] Feb. 2, 1927, 69-2, *Record*, p. 2770.
[301] *See* Jan. 10, 1907, 59-2, *Record*, pp. 877-78.
[302] *See* Mar. 1, 1957, 85-1, *Record*, p. 2876; Apr. 22, 1959, 86-1, *Record*, p. 6491.
[303] June 29 and 30, 1949, 81-1, *Record*, pp. 8577, 8612, 8693.
[304] Feb. 14, 1913, 62-3, *Record*, pp. 3154-55.
[305] Jan. 16, 1951, 82-1, *Record*, p. 361.
[306] Aug. 18, 1949, 81-1, *Record*, p. 11728.
[307] Sept. 19, 1949, 81-1, *Record*, p. 13007.

In one instance a unanimous consent agreement providing for a limitation of debate on a bill and amendments on a specified day was changed by unanimous consent, because of the death of a Senator, to stay its operation until the succeeding day at a definite hour.[308]

Morning Hour Procedure, Suspension by Unanimous Consent:

A unanimous consent agreement providing for a call of the Calendar upon the convening of the Senate following an adjournment has the effect of suspending proceedings during the Morning Hour.[309]

A unanimous consent agreement providing for a limitation of debate on a bill between the hours of 12 o'clock noon and 2 p.m. has the effect of nullifying the Morning Hour where the Senate adjourns until 12 noon.[310]

A motion to take up a veto message in the Morning Hour does not violate a unanimous consent agreement relative to unfinished business.[311]

Under a unanimous consent agreement restricting the business of the Senate to consideration of certain specified matters, and excluding other business not unanimously recognized as urgent, it was held that following an adjournment, morning business could be transacted by unanimous consent only.[312]

Motions, When Not in Order:

See "Table, Motions Under Unanimous Consent Agreements," pp. 1364–1366.

Nominations, Consideration Under Unanimous Consent Agreement:

See "Unanimous Consent Agreement for Vote on a Nomination," p. 952.

Objection to:

When a unanimous consent request is submitted and the Chair inquires if there is objection, and hearing none,

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[308] Mar. 8, 1951, 82–1, *Record*, pp. 2120–21.
[309] June 20, 1952, 82–2, *Record*, p. 7700.
[310] *See* Mar. 15, 1951, 82–1, *Record*, p. 2490.
[311] Dec. 16, 1924, 68–2, *Journal*, p. 38.
[312] Oct. 4, 1921, 67–1, *Record*, pp. 5966–67.

announces that the request is agreed to, it is too late for another Senator to object.[313]

To object to a unanimous consent request a Senator does not have to have the floor or be recognized.[314]

Order, Charging of Time To Maintain:

The time used to obtain order in the Chamber is not charged against the time of a Senator controlling debate time under a unanimous consent agreement.[315]

Order of Senate, by Unanimous Consent:

See "Order of the Senate," p. 956.

Parliamentary Inquiry:

During the consideration of an amendment under a unanimous consent agreement limiting debate and controlling time, time must be yielded to a Senator by those in possession of the time for him to submit a parliamentary inquiry.[316]

Personal Privilege During Unanimous Consent Procedure:

See "Personal Privilege," pp. 984–985.

Points of Order Under a Unanimous Consent Agreement:

See also "Points of Order, Debate," pp. 765–766; "Table," p. 992.

When operating under a unanimous consent agreement limiting debate on a bill and amendments thereto, any point of order against an amendment or against any pending issue is not in order until the time allotted for debate on the amendment or on the issue has been used or yielded back, except by unanimous consent.[317]

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[313] Dec. 10, 1971, 92–1, *Record*, pp. 46117–18.

[314] Dec. 7, 1979, 96–1, *Record*, pp. 35085–86.

[315] Sept. 19, 1986, 99–2, *Record*, p. 24907; May 9, 1985, 99–1, *Record*, p. 11391; Sept. 29, 1982, 97–2, *Record*, p. 25818.

[316] May 20, 1982, 97–2, *Record*, p. 11033; Apr. 1, 1981, 97–1, *Record*, p. 6077; Aug. 26, 1957, 85–1, *Record*, p. 15917; *see* June 26, 1961, 87–1, *Record*, p. 11317.

[317] Oct. 2, 1986, 99–2, *Record*, p. 27921; Dec. 18, 1982, 97–2, *Record*, p. 32288; Aug. 22, 1978, 95–2, *Record*, pp. 27249–59; Apr. 30, 1979, 96–1, *Record*, pp. 8926–27.

When a conference report is being considered under a time limitation, it is not in order to make a point of order against the report until all time on the report has expired.[318]

When a conference report is being considered under a time limitation allocating time among a number of Senators and specifying that a vote would occur at no later than a specified time, it is not in order to make a point of order against the report until all time on the report has expired.[319]

When the Senate is operating under a unanimous consent agreement, a point of order against an amendment as to germaneness is not in order until time for debate on the amendment has expired or the Senator offering the amendment or the proponents of the amendment have used the time allotted or yielded it back.[320]

Under an agreement limiting debate and controlling time on a bill, a point of order against an amendment would not be precluded.[321]

Under Senate precedents when considering a bill under a unanimous consent agreement equally dividing and controlling time thereon in which there is a specific provision providing for the consideration of a specific amendment, that amendment will be in order and will not be subject to a point of order as not being germane even though the agreement provides that no amendment not germane will be in order.[322] In general, however, when a bill is considered under a unanimous consent agreement that permits the consideration of certain amendments identified by sponsor and subject matter, points of order against the amendments are not waived.[323]

The Chair has stated in response to an inquiry that points of order would not be waived by an agreement to vote on an amendment, noting that "unless it is explicitly stated so, points of order are not deemed waived." [324]

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[318] Aug. 12, 1982, 97-2, *Record*, pp. 20886, 20888-89.

[319] Sept. 27, 1986, 99-2, *Record*, p. 26634.

[320] Oct. 6, 1977, 95-1, *Record*, p. 32655; Oct. 5, 1977, 95-1, *Record*, pp. 32405-10; June 14, 1965, 89-1, *Record*, pp. 13532, 13535-36; July 20, 1971, 92-1, *Record*, pp. 26029-30; June 15, 1972, 92-2, *Record*, p. 21077; July 19, 1971, 92-1, *Record*, p. 25911; July 15, 1971, 92-1, *Record*, p. 25376; Mar. 20, 1973, 93-1, *Record*, p. 8799; *see* Mar. 7, 1967, 90-1, *Record*, p. 5658; June 7, 1973, 93-1, *Record*, pp. 18655-60.

[321] *See* Aug. 17, 1959, 86-1, *Record*, p. 16018.

[322] Oct. 17, 1977, 95-1, *Record*, pp. 33843-46.

[323] June 22, 1988, 100-2, *Record*, p. S 8416.

[324] *See* June 19, 1990, 101-2, *Record*, p. S 8197.

In 1973, when operating under a unanimous consent agreement requiring amendments to be germane with a proviso for the specific consideration of a certain amendment, the Chair, a point of order having been made, ruled that that proviso in the agreement was tantamount to making the said amendment germane.[325]

A limitation of debate on amendments and motions is not applicable to a question of order raised against an amendment; a point of order against the germaneness of an amendment proposed to a bill which is being considered under such an agreement providing for germaneness of amendments is not debatable unless the agreement should so provide.[326]

When a unanimous consent agreement provides for a vote on an amendment or a tabling motion at a time certain without intervening action, no point of order is in order when that time arrives.[327] A unanimous consent agreement that provides for an up or down vote on an amendment precludes a motion to table that amendment but does not waive points of order against the amendment.[328] A unanimous consent agreement to permit a second degree amendment to be offered while time remains on a first degree amendment does not waive points of order against the second degree amendment.[329]

An amendment which has been withdrawn in the face of a point of order and subsequently reoffered under a unanimous consent agreement which provided for a time limit for debate followed by an up or down vote, would be disposed of under those conditions and the pending point of order would be rendered moot.[330]

A unanimous consent agreement for a certain amount of controlled time on an amendment before a motion to table is made, on condition that if the motion fails the amendment remained before the Senate without any time limitations, would preclude a point of order being made before a vote on the motion to table, but a point of order would be in order should the motion fail.[331]

When the Senate was operating under a unanimous consent agreement providing for a list of Senators to be

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[325] *See* Mar. 20, 1973, 93-1, *Record*, p. 8808.
[326] June 12, 1952, 82-2, *Record*, pp. 7099-7102.
[327] Dec. 3, 1985, 99-1, *Record*, p. 33872.
[328] Mar. 11, 1983, 98-1, *Record*, pp. 4483, 4944.
[329] July 20, 1982, 97-2, *Record*, p. 16981.
[330] June 6, 1986, 99-2, *Record*, p. 12905.
[331] June 6, 1986, 99-2, *Record*, pp. 12887-88.

recognized in a specified order to offer amendments to a reconciliation bill, the Chair prevented one of those Senators from making a point of order against a provision of that bill when he had been recognized under the agreement to offer his amendment.[332]

A Senator made a point of order against a bill after time for debate on an amendment had expired, but before a vote on the amendment occurred.[333]

Postponement, Effect of Unanimous Consent Agreement on:

See "Unanimous Consent Agreements," p. 1003.

Presiding Officer:

The Presiding Officer may, in his or her capacity as a Senator, object to a unanimous consent request.[334]

Pro Forma Amendments:

See "Pro Forma Amendment," pp. 106–107.

Provisions of Unanimous Consent Agreements:

Every unanimous consent agreement stands on its own basis, and it establishes no precedent as to the wording of the next agreement because any Senator may object to any unanimous consent request at any time.[335]

An order agreed to by unanimous consent, making a bill a special order and providing for a limitation of debate and that the bill cannot be set aside except by unanimous consent, is treated as a unanimous consent agreement, and not as a special order.[336]

An order fixing a time for a vote on the final passage of a bill, proposed as an amendment to the standing rules of the Senate, was challenged as not being in fact such an amendment; the Senate, although debating it on several days as unfinished business, displaced it as such without taking any action thereon.[337]

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[332] Oct. 18, 1990, 101-2, *Record*, pp. 15782-83.
[333] Oct. 10, 1990, 101-2, *Record*, p. 14851.
[334] Apr. 22, 1985, 99-1, *Record*, p. 8613.
[335] Jan. 26, 1950, 81-2, *Record*, pp. 951, 953-54, 985-87.
[336] Dec. 14, 1926, 69-2, *Journal*, p. 37.
[337] Feb. 11 and 12, 1915, 63-3, *Journal*, pp. 102.106, *Record*, pp. 3543, 3627.

Unanimous consent may be given to proceed to the consideration of a bill following the disposition of a special order.[338]

In 1950, the Senate adopted a unanimous consent agreement providing for a limitation and division of debate, prohibiting nongermane amendments, prohibiting a vote on amendments prior to a certain hour and providing that no amendment shall be in order not formally offered or submitted prior to a certain hour.[339]

In 1948, the Senate adopted an agreement providing for a vote on a specified day, prohibiting new amendments after a certain day, authorizing a motion to recommit on a specific day, but a vote not to be had until the day of the vote on the bill, and dividing the time; [340] another adopted in 1947 provided for germaneness of amendments, precluding the offering of new amendments after the following day, and for the substitution of a companion House bill, which was to be considered as amended by the text of a Senate bill, and that it was to be engrossed and read a third time with the vote to be taken on the House bill as amended.[341]

Quorum Call Before Unanimous Consent Agreement To Vote on Bill:

See "Unanimous Consent Agreement To Fix Time for Vote on Bill—When Quorum Call Required," pp. 1071–1074.

Quorum Calls Under Debate Limitation:

See also "Unanimous Consent Agreements—Effect on Quorum Calls," pp. 1066–1071; "Vote on Final Passage Under Unanimous Consent Agreement," pp. 1368–1369.

On one occasion, a Senator suggested the absence of a quorum shortly after ascertaining from the Chair that he controlled only eight minutes on an amendment.[342]

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[338] June 3, 1924, 68–1, *Record*, p. 10283.
[339] Jan. 26, 1950, 81–2, *Record*, pp. 951, 953–54.
[340] Feb. 4, 1948, 80–2, *Record*, p. 1065.
[341] May 12, 1947, 80–1, *Record*, p. 4999.
[342] Nov. 22, 1985, 99–1, *Record*, p. 33355.

Quorum, in Absence of, Unanimous Consent Request Not in Order:

See "Business or Debate Out of Order in the Absence of a Quorum," pp. 1046–1049.

Recognition Under Unanimous Consent Agreement:

See "Chair Recognizes," pp. 1092–1097; "Debate of Proposals Under Unanimous Consent Agreements," pp. 1101–1102.

Recommit, Under Unanimous Consent Agreements:

See also "Motions To Recommit—Not in Order and When Not in Order," pp. 1115–1118; "Recommit, Debate of," pp. 769–770.

A unanimous consent agreement that provides for a vote on a matter at a time certain precludes a motion to recommit that matter, unless the agreement specifies to the contrary.[343]

A motion to recommit a measure is not in order when the Senate has entered into a unanimous consent agreement to vote on that measure, immediately following the disposition of another measure.[344]

Reconsideration, Under Unanimous Consent Agreement:

See also "Reconsideration, Debate of," pp. 770–771; "Reconsideration," pp. 1124–1149; "Unanimous Consent and Reconsideration," p. 1147.

Even though a motion to reconsider is generally debatable, under a unanimous consent agreement the debate on such a motion may be limited or excluded.[345]

When there is a unanimous consent agreement to limit debate on a specific amendment without any other specifications, a motion to reconsider the vote by which that amendment had been agreed to would not be debatable.[346]

A motion to reconsider a vote is not debatable under a unanimous consent agreement which either limits time

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[343] Apr. 7, 1983, 98–1, *Record*, p. 7764.
[344] Jan. 20, 1987, 100–1, *Record*, p. S 887.
[345] Aug. 4, 1977, 95–1, *Record*, pp. 26728–30.
[346] Sept. 30, 1971, 92–1, *Record*, p. 34247; Nov. 14, 1975, 94–1, *Record*, pp. 36762–76.

for debate or sets a time certain for a vote on a particular question, if the agreement is silent on the question of debatable motions.[347]

When considering a bill under a unanimous consent agreement limiting debate on the bill, amendments, and motions, and a motion to reconsider is made debatable for thirty minutes, a motion to table the motion to reconsider would not be in order until the debate on the motion had been utilized or yielded back.[348]

When operating under a unanimous consent agreement and time for debate, stipulated in the agreement, on a motion to reconsider having expired, a motion to table would be in order even though the yeas and nays had been ordered on the motion to reconsider.[349]

When the Senate was operating under a unanimous consent agreement which provided for a vote on an amendment, to be followed immediately by a third reading and passage of the bill without intervening motions, the Chair in response to a parliamentary inquiry indicated that a motion to reconsider the vote on the amendment would not be in order.[350]

Reference Under Unanimous Consent Agreement:

See "References to Committees," pp. 1150–1169.

Refer—When Motion Not in Order:

A unanimous consent agreement to vote at an hour certain on the adoption of a resolution bars a motion to refer, except by unanimous consent.[351]

Relevancy of Amendments:

See also "Germaneness of Amendments Under Unanimous Consent Agreements," pp. 1344–1353.

When relevancy of amendments is required by a unanimous consent agreement, that test is broader than the germaneness test as it is a subject matter test, and amendments that deal with the subject matter of the bill to which this requirement attaches are in order, provided

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[347] Apr. 1, 1987 100–1, *Record*, p. S 4357; Sept. 9, 1987, 100–1, *Record*, p. S 11856.
[348] Aug. 4, 1977, 95–1, *Record*, pp. 26728–30.
[349] Aug. 4, 1977, 95–1, *Record*, pp. 26728–30.
[350] *See* Nov. 5, 1981, 97–1, *Record*, p. 26782.
[351] Feb. 19, 1970,91–2, *Record*, p. 4140.

that they do not contain any significant matter not dealt with in that bill.[352]

It has been held that an amendment that adds language to a bill which is not restrictive of any provisions in the bill is not germane, although it may be relevant to the bill. Therefore, when a bill was pending that provided for the settlement of claims relating to trust allotments of land granted to certain Indians, and which provided for judicial review of compensation findings by the Secretary of the Interior relating to those claims, an amendment which required the United States to provide legal assistance to allottees or heirs regarding the merits of their claims under the bill, was ruled to be nongermane.[353]

Reoffering of Amendments Under Unanimous Consent Agreements:

See "Amendments—Debate of, Under Unanimous Consent Agreements," pp. 1323–1328.

Reorganization Plans, Debate of, Under Agreements:

See "Reorganization Plans," pp. 1170–1175.

Reports Under Unanimous Consent Agreements:

See "Unanimous Consent Agreements—Effects on Report," p. 1197.

Request for Unanimous Consent, Submittal and Rejection Constitutes Business:

See "Business, etc.", pp. 1042–1046.

Reservation of Objections:

See "Debate of a Unanimous Consent Request," pp. 1336–1337.

Resolutions, Consideration and Disposition Under Unanimous Consent Agreements:

See "Resolutions," pp. 1202–1213.

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[352] Nov. 23, 1985, 99-1, *Record*, p. 33481.
[353] Dec. 12, 1985, 99-1, *Record*, p. 36251.

Special Orders, by Unanimous Consent:

See "Special Orders," pp. 1258–1264.

Suspension of Rules Procedure, Under Unanimous Consent:

See "Day's Notice Required," pp. 713–714.

Table, Motions Under Unanimous Consent Agreements:

See also "Table, Motion To, Not Debatable," pp. 785–786; "When Motion To Table Is Not in Order," pp. 1286–1288.

A unanimous consent agreement that provides for a vote on an amendment waives the right of any Senator to move to table that amendment.[354] A unanimous consent agreement that provides for an up or down vote on an amendment precludes a motion to table that amendment (but does not waive points of order against the amendment.[355]

A motion to table an amendment when the Senate is operating under a unanimous consent agreement limiting debate on the bill and amendments thereto would be in order unless the agreement bars such a motion by words to that effect or provides that a vote actually be taken on the adoption of the amendment.[356]

If a unanimous consent agreement is reached to vote on the adoption of an amendment at a time certain, a motion to table would not be in order unless otherwise permitted under the agreement.[357]

When the Senate is considering a bill under a unanimous consent agreement limiting debate on the bill and amendments thereto, a motion to table an amendment is not in order until the time of the mover of the amendment has been used or yielded back.[358]

When the Senate is considering an amendment under a unanimous consent agreement limiting and controlling time thereon, a motion to table that amendment is not in order until the time of the proponent of the amendment has expired or been yielded back, after which the Senator

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[354] Apr. 23, 1986, 99-2, *Record*, p. 8529.
[355] Mar. 11, 1983, 98-1, *Record*, pp. 4483, 4944.
[356] July 1, 1977, 95-1, *Record*, pp. 22006–13.
[357] *See* June 9, 1975, 94-1, *Record*, pp. 17857–58.
[358] July 1, 1980, 96-2, *Record*, p. 18133.

controlling time in opposition can move to table at any time, the effect of which is to yield back his time.[359]

A motion to table an amendment considered under a time limitation is not in order if time remains to the sponsor of the amendment, and when the Senator controlling time in opposition to the amendment attempted to yield back his time and move to table the amendment he reclaimed his time upon being informed by the Chair that the motion to table was not then in order.[360]

Under a unanimous consent agreement to vote at an hour certain on the confirmation of a nomination, a motion to table the nomination would not be in order unless it were exempted by such an agreement; [361] likewise, if the Senate by unanimous consent agrees to vote at a specific hour on an amendment or the adoption of an amendment, or a resolution, that agreement would exclude a motion to table; [362] but a motion to table an amendment to an amendment would be in order.[363]

A motion to table an amendment considered under a time limitation is not in order if time remains to the sponsor of the amendment.[364]

When a unanimous consent agreement provides that a vote occur in relation to an amendment, a motion to table that amendment is in order at the appropriate time.[365]

Under a unanimous consent agreement limiting debate on a bill and amendments thereto and controlling the time, but fixing no time for a vote on any specific amendment, a motion to table would not be in order until after all the time has been used or yielded back on the amendment; likewise any other motions under the rules would be in order after the expiration of the time. Under any general unanimous consent agreement limiting time on an amendment or amendments thereto, without any specific time set to vote on any such amendment, no motion under Rule XXII would be ruled out by the agreement, unless so stipulated; [366] but under any such general

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[359] Aug. 5, 1982, 97-2, *Record*, pp. 19532-33.

[360] Dec. 3, 1985, 99-1, *Record*, pp. 33899-902.

[361] Feb. 2, 1965, 89-1, *Record*, p. 1825; *see also* Mar. 25, 1970, 91-2, *Record*, p. 9314.

[362] *See* May 12, 1971, 92-1, *Record*, p. 14744; Apr. 3, 1974, 93-2, *Record*, pp. 9546-48; June 27, 1972, 92-2, *Record*, p. 22675; Jan. 28, 1974, 93-2, *Record*, p. 950; Sept. 12, 1969, 91-1, *Record*, pp. 25324-25; *see* Feb. 19, 1970, 91-2, *Record*, p. 4140.

[363] Sept. 12, 1969, 91-1, *Record*, pp. 25324-25.

[364] Aug. 9, 1986, 99-2, *Record*, p. 20215.

[365] July 25, 1983, 98-1, *Record*, p. 20570.

[366] Aug. 24, 1970, 91-2, *Record*, p. 29779; Sept. 23, 1970, 91-2, *Record*, p. 33477; *see* Dec. 10, 1969, 91-1, *Record*, p. 38258; Aug. 14, 1961, 87-1, *Record*, pp. 15706-07.

agreements, under the precedents of the Senate, a motion to table an amendment is not in order until all time by the proponent has been consumed or yielded back,[367] or while time remains to a Senator on such amendment.[368]

A motion to table when operating under a unanimous consent agreement would not be debatable unless the agreement should so provide.[369] Likewise, an appeal from the decision of the Chair relative to tabling a matter is not debatable unless the agreement allowed it, or so specified.[370]

Terminates Upon Vote on Passage:

Under a unanimous consent agreement providing for a final vote on the passage of a bill, a motion to reconsider such vote, together with a motion to lay such motion on the table, is not controlled by the agreement; after the passage of the bill, the agreement is of no further force and effect.[371]

Time for Debate Runs Equally When Not Yielded:

Under Senate practices, when operating under a unanimous consent agreement limiting the debate and controlling the time, if neither Senator in control thereof yields time, such time as expires will be charged equally against each side until time is yielded,[372] or put another way when time is divided under a unanimous consent agreement and is not yielded by either side, it runs equally against both sides.[373] When a unanimous consent agreement limits debate and assigns control of different amounts of time to certain Senators, if none of those Senators yields time, such time as expires will be charged proportionately until time is yielded.[374]

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[367] Oct. 9, 1975, 94-1, *Record*, pp. 32716-17, May 23, 1968, 90-2, *Record*, pp. 14757-58; July 9, 1965, 89-1, *Record*, p. 16114; June 22, 1965, 89-1, *Record*, p. 14347; *see* Dec. 4, 1973, 93-1, *Record*, p. 39525; May 24, 1977, 95-1, *Record*, pp. 16272-73; July 12, 1978, 95-2, *Record*, pp. 20373-74; July 21, 1979, 96-1, *Record*, p. 19994.

[368] *See* Oct. 12, 1978, 95-2, *Record*, p. 36084; Aug. 14, 1963, 88-1, *Record*, p. 14905; Aug. 25, 1976, 94-2, *Record*, p. 27627.

[369] *See* Sept. 29, 1969, 91-1, *Record*, p. 27525.

[370] Sept. 12, 1969, 91-1, *Record*, p. 25326.

[371] *See* Mar. 28, 1938, 75-3, *Record*, p. 4208.

[372] Apr. 21, 1971, 92-1, *Record*, p. 11325; May 23, 1968, 90-2, *Record*, pp. 14757-58; Sept. 19, 1968, 90-2, *Record*, p. 27608; Sept. 19, 1973, 93-1, *Record*, p. 30368; *see* June 22, 1965, 89-1, *Record*, p. 14344.

[373] Oct. 2, 1986, 99-2, *Record*, p. 27914; Nov. 22, 1985, 99-1, *Record*, p. 33355; Mar. 11, 1983, 98-1, *Record*, p. 4944; June 2, 1981, 97-1, *Record*, p. 11111.

[374] Sept. 19, 1988, 100-2, *Record*, p. S 12801.

When the Senate is considering a measure under controlled time, if one side declines to use its time that time is not given to the other side.[375]

Treaty, Procedure Under Unanimous Consent:

See "Consideration," pp. 1297-1298.

Unanimous Consent To Vote Up or Down at Certain Hour Bars Reference or Table:

See "Table, Motions Under Unanimous Consent Agreements," pp. 1364-1366; "When Motion To Table Is Not in Order," pp. 1286-1288.

Unfinished Business and Unanimous Consent Agreements:

See "Unfinished Business," pp. 1370-1380.

Usual Form:

When an amendment is to be considered under a unanimous consent agreement that specifies the time limit for amendments, and that the agreement be in the usual form, time is divided between the sponsor of the amendment and the manager, unless the manager is in favor of the amendment, in which case time in opposition is controlled by the minority leader or his designee, even if such leader or designee favors the amendment.[376]

When a measure is considered under a unanimous consent agreement that provides that the agreement be in the usual form, the time for debate thereon is equally divided between the Majority and Minority Leaders or their designees.[377]

A unanimous consent agreement in the usual form requires that amendments be germane to the bill.[378]

When the Senate is considering a bill under the Congressional Budget Act whose provisions are comparable to a unanimous consent agreement in the usual form, time in opposition to any amendment is under the control of the majority manager, but the minority manager may use

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[375] May 11, 1983, 98-1, *Record*, p. 11811.
[376] Nov. 13, 1985, 99-1, *Record*, p. 31671; Oct. 8, 1987, 100-1, *Record*, p. S 13811.
[377] May 21, 1986, 99-2, *Record*, p. 11705.
[378] Nov. 23, 1985, 99-1, *Record*, p. 33481.

the time he controls on the bill itself to debate the amendment.[379]

When time is limited under a unanimous consent agreement it is evenly divided and controlled by the Majority and Minority Leaders or their designees, unless specified to the contrary.[380]

When a bill is considered under a unanimous consent agreement that provides for its immediate consideration, requires a vote on passage to occur at a time certain but specifies no time limit, and further provides that the agreement be in the usual form, the time up to the time for the vote on passage is equally divided between the Majority and Minority Leaders.[381]

Vote on Final Passage Under Unanimous Consent Agreement:

See also "Table, Motions Under Unanimous Consent Agreements," pp. 1364–1366; "Unanimous Consent Agreements and Reference," pp. 1168–1169; "Unanimous Consent Agreement to Fix Time for Vote on Bill—When Quorum Call Required," pp. 1071–1074.

While a bill may he amended, previous to the hour specified in agreement for vote on its passage, the vote on final passage would not he in order prior to the date fixed in the agreement.[382]

Where an agreement was entered into for a limitation of debate on amendments and providing for 30 minutes debate on the question on the passage of a bill, a motion to vote prior to the expiration of the 30-minute period is not in order, unanimous consent being required for such purpose.[383]

Where a vote has been ordered at a specific hour with debate prior to that hour controlled and divided, time may be yielded back by those Senators in control of time, however, unanimous consent is required in order to begin the vote earlier than the specified hour.[384]

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[379] July 22, 1982, 97–2, *Record*, p. 17523.
[380] Mar. 30, 1984, 98–2, *Record*, p. 7185.
[381] Mar. 19, 1986, 99–2, *Record*, p. 5368.
[382] Aug. 1, 1911, 62–1, *Record*, p. 3435.
[383] June 14, 1951, 82–1, *Record*, p. 6554.
[384] *See* Oct. 7, 1988, 100–2, *Record*, p. S 15069.

A unanimous consent agreement providing for a vote on the final passage of a bill on a specified day operates, under Rule XII, as an order of the Senate.[385]

Upon the arrival of the hour fixed in a unanimous consent agreement for a vote, without further debate, upon a treaty, a quorum call was held to be in order.[386]

Withdrawal of Amendment:

The withdrawal of an amendment by unanimous consent on which a unanimous consent agreement to limit debate thereon had been entered into would have the effect of annulling the agreement.[387]

When the Senate is considering an amendment under a limitation of debate, it is not necessary for the remaining time on the amendment to be yielded back before it may be withdrawn.[388]

Withdraw or Rescind a Unanimous Consent Agreement:

It takes unanimous consent to withdraw or rescind a unanimous consent agreement.[389]

Yield Time, Charged When Not Yielded:

See "Time for Debate Runs Equally When Not Yielded," pp. 1366–1367.

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[385] *See* Mar. 13, 1916, 64-1, *Record*, pp. 3992–93, 3998; Sept. 22, 1978, 95-2, *Record*, p. 30872.

[386] Mar. 24, 1922, 67-2, *Record*, p. 4486.

[387] Aug. 14, 1961, 87-1, *Record*, pp. 15894–95.

[388] Mar. 1, 1983, 98-1, *Record*, p. 3272.

[389] July 13, 1983, 98-1, *Record*, p. 18985.