

Senate Unanimous Consent Agreements: Potential Effects on the Amendment Process

Updated November 25, 2025

Congressional Research Service

<https://crsreports.congress.gov>

98-310

Contents

Amendments in Order and Adoption Thereof	1
The Order in Which Senators Offer Amendments	1
The Right to Offer Second-Degree Amendments.....	1
The Time Available for Considering Amendments	2
The Subjects of Amendments.....	2
Points of Order Against Amendments	2
Example.....	2

Contacts

Author Information.....	4
-------------------------	---

The Senate frequently enters into unanimous consent agreements (also called “UC agreements”) that establish procedure on a bill that the Senate is considering or soon will consider.¹ There are few restrictions on what these agreements can provide, and once agreed to, they can be altered only by a further unanimous consent action. In recent practice, the Senate often begins by adopting a general UC agreement, then adds elements in piecemeal fashion as debate continues. UC agreements often contain provisions affecting the floor amending process, most often in one or more of the ways detailed below.²

Amendments in Order and Adoption Thereof

Senate rules and procedures are not well-suited to efficient processing of multiple amendments to a bill. This is primarily because there is no debate limit on amendments and because the rules limit the number of amendments that can be pending simultaneously. Therefore, the Senate often establishes procedures, via UC agreements, that allow Senators to offer amendments. For example, the agreement may include a list of the only (or only additional) amendments that Senators may offer to the bill; these amendments may be identified by some combination of number, sponsor, and subject.³ The UC agreement may also provide that, by agreeing to it, the Senate also be deemed to have adopted a specified amendment; for example, the agreement may provide for the adoption of a committee substitute. A UC agreement may also set a different vote threshold for agreeing to an amendment; for example, in recent years, the Senate has commonly adopted UC agreements requiring 60 affirmative votes for adoption of certain amendments.⁴

The Order in Which Senators Offer Amendments

Under Senate rules, Senators may offer amendments to the bill in the order in which they seek and receive recognition from the presiding officer. While the parties’ floor leaders and the bill’s majority and minority floor managers receive priority in recognition, Senate rules and precedents do not otherwise specify a sequence in which amendments to a bill are to be offered. A UC agreement can provide the order in which Senators are to offer certain amendments to a bill. For example, an agreement may specify which amendment the Senate will consider after disposing of the pending amendment. A more encompassing agreement may specify the sequence in which a list of amendments will be considered.

The Right to Offer Second-Degree Amendments

A Senator may usually propose an amendment to an amendment, referred to as a second-degree amendment, while the first-degree amendment is pending. A UC agreement can prohibit all

¹ For a broader overview of UC agreements, see archived CRS Report RL33939, *The Rise of Senate Unanimous Consent Agreements*, by Walter J. Oleszek.

² For an in-depth explanation of the Senate amending process, see CRS Report 98-853, *The Amending Process in the Senate*, by Christopher M. Davis.

³ Inclusion of an amendment in an adopted UC agreement constitutes action on the amendment. Until the Senate has taken some action in relation to an amendment, the Senator offering it may modify or withdraw it at will (that is, without needing UC) but cannot offer an amendment to it.

⁴ The use of this supermajority threshold allows for a vote on the amendment, but it also protects the prerogatives of a minority who may be opposed without necessitating the use of cloture, which may require additional floor time. In negotiations over setting amendment votes, a 60-vote threshold is often applied specifically to non-germane amendments; in effect, the negotiations reflect the understanding that amendments must be germane after cloture has been invoked.

second-degree amendments or all second-degree amendments on a certain subject. It can also allow Senators to offer only specified second-degree amendments.

The Time Available for Considering Amendments

Under Senate rules, the debate on an amendment can continue (unless cloture has been invoked) until no Senator seeks recognition to speak on it, or until the amendment has been disposed of in some way. A UC agreement can limit the time available for debating a particular amendment, each of several specific amendments, or all amendments to the bill. UC agreements often divide control of the time for debating an amendment between the Senator offering it and another opposing it (often the minority manager of the bill, or alternatively, the minority leader).⁵ In addition, a UC agreement can limit the total time devoted to acting and voting on all (or all further) amendments to a bill. UC agreements sometimes provide that each of a series of amendments be considered and then temporarily laid aside rather than voted on, and that votes then be “stacked” to occur in immediate succession on all of them at some later point.

The Subjects of Amendments

Under Senate rules, amendments offered to a bill need not be germane to that bill, except for amendments to general appropriations and budget reconciliation bills or unless the Senate has invoked cloture. The Senate used to consider bills pursuant to UC agreements that required that amendments to a bill be germane or that they meet the less strict standard of relevancy.⁶ In current practice, whether an amendment is germane or relevant likely affects whether or not the amendment will be included in a UC agreement identifying specific amendments that can be offered.

Points of Order Against Amendments

Under Senate rules, an individual amendment may be subject to points of order⁷—for example, to enforce the congressional budget process—that, if raised and allowed to stand, would prevent consideration of the amendment. A UC agreement may waive points of order against certain or all amendments, thereby protecting consideration of certain amendments that Senators may offer. Alternatively, especially for budget process points of order, the UC agreement might provide for timing of a point of order and an accompanying motion to waive (see example below). If a UC agreement limits debate on an amendment, a point of order against the amendment is not in order until the time has expired or been yielded back.⁸

Example

Two UC agreements from the 119th Congress follow. The first is from October 10, 2025, and provided for actions on the Senate’s National Defense Authorization Act, S. 2296. It illustrates

⁵ When a UC agreement limits debate on an amendment, the amendment is not subject to a motion to table until all time has expired or been yielded back. See Floyd M. Riddick and Alan S. Frumin, *Riddick’s Senate Procedure*, 101st Cong., 2nd sess., S.Doc. 101-28 (GPO, 1992), p. 1287.

⁶ See Riddick and Frumin, *Senate Procedure*, pp. 1344-1353 for precedents on germaneness under UC agreements, and pp. 1362-1363 for those relating to relevancy.

⁷ See CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate*, by Valerie Heitshusen.

⁸ Riddick and Frumin, *Senate Procedure*, p. 1356.

several ways in which a UC agreement can affect amending. It allows a series of specific amendments to be called up (offered) to a pending bill. Further, at a time to be determined by party leadership, it provides for votes on those amendments, specifically: the order of the votes, the amount of debate allowed on amendments, and the vote threshold (60) necessary for adoption of each. The agreement then provides that the only other amendments in order will be a group of specified amendments that are to be called up and voted on all at once (“*en bloc*”). The agreement also provides for the withdrawal of two already-pending amendments and provides for a vote on a modified pending amendment in the nature of a substitute (as amended, if amended). (The agreement also provides for concluding steps, including a vote on final passage [itself subjected to a 60-vote threshold].)

Mr. WICKER. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, and notwithstanding rule XXII, it be in order to call up the following amendments to Calendar No. 115, S. 2296: Paul, No. 3761; Cruz, No. 3274; Scott of Florida, No. 3535; Marshall, No. 3213; Moran, No. 3814; Curtis, No. 3697; Lee-Duckworth, No. 3288; Cotton-Gillibrand, No. 3759; Cornyn-Cortez Masto, No. 3926; Hagerty-Peters, No. 3841; Schumer, No. 3109; Van Hollen, No. 3872; Duckworth, No. 3210; Warnock, No. 3010; Kaine, No. 3337; Sanders, No. 3853; and Merkley, No. 3927; further, that with respect to the amendments listed above, at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate vote on the amendments in the order listed, with no further amendments or motions in order and with 60 affirmative votes required for adoption and that there be 2 minutes equally divided prior to each vote; further, that upon disposition of the Merkley amendment, No. 3927, the following amendments be called up and made pending en bloc and that they be the only remaining amendments in order to S. 2296: Scott of South Carolina, No. 3340; Hassan, No. 2928; Grassley, No. 3355; Warnock, No. 2952; McCormick, No. 3376; Ossoff, No. 2971; Cornyn, No. 3405; Kaine, No. 3039; Capito, No. 3435; Gallego, No. 3136; Lankford, No. 3439; Duckworth, No. 3156; Blackburn, No. 3489; Shaheen, No. 3351; Kennedy, No. 3703; Booker, No. 3530; Daines, No. 3732; Slotkin, No. 3557; Ricketts, No. 3788; Peters, No. 3570; Hawley, No. 3799; Hickenlooper, No. 3601; Rounds, No. 3810; Coons, 3712; Tillis, No. 3811; Cortez Masto, No. 3724; Moran, No. 3813; Klobuchar, No. 3751; Grassley, No. 3823; Klobuchar, No. 3818; Kennedy, No. 3702; Durbin, No. 3825; Fischer, No. 3842; Padilla, No. 3834; Cruz, No. 3890; Hirono, No. 2979; Grassley-Durbin, No. 3272; Cruz-Cantwell, No. 3742; Scott of South Carolina-Warren, No. 3901, Risch-Shaheen, No. 3819; Graham, No. 3899; Sullivan-Whitehouse, No. 3888; Collins, No. 3880; Hirono, No. 3015; Peters, No. 3753; Shaheen-Risch, No. 3826; Coons, No. 3728; Gallego, No. 3928; that the Senate vote on the amendments en bloc; that upon disposition of the amendments, the pending Thune amendments and motions be withdrawn, the Ernst amendment No. 3427 be agreed to, and the Wicker-Reed substitute amendment No. 3748, as modified, and as amended, be agreed to; that the bill, as amended, be considered read a third time and that the Senate vote on passage of the bill, as amended, with 60 affirmative votes required for passage; and that if passed, the motion to reconsider be considered made and laid upon the table (*Congressional Record*, daily edition, vol. 171 [October 10, 2025], p. S7051).

The second UC agreement was reached on June 11, 2025, in relation to S. 1582, the GENIUS Act. The UC agreement includes multiple provisions affecting the remaining amendment process on the bill. It specifies the expiration of certain post-cloture consideration time on one amendment on which cloture had already been invoked, and it provides for a motion to table another amendment. It also provides a limited period of debate time prior to other actions in relation to other amendments—specifically, recognition for a Senator to offer a budget point of order, withdrawal of other pending amendments, and a vote on adoption of the pending complete substitute amendment. (The agreement also provides for concluding steps, including dispensing with post-cloture consideration on the bill, and an eventual final passage vote.)

S. 1582 (ORDER NO. 66)

Ordered, That on Thursday, June 12, 2025, following disposition of the Long nomination, the Senate resume Legislative Session and the consideration of S. 1582, a bill to provide for the regulation of payment stablecoins, and for other purposes; provided, that the post-cloture time with respect to Amdt. No. 2307, offered by the Senator from South Dakota (Mr. Thune), be expired, and the Senator from Oregon (Mr. Merkley) or his designee be recognized to table Amdt. No. 2310, offered by the Senator from South Dakota (Mr. Thune); provided further, that upon disposition of the motion to table Amdt. No. 2310, there be two minutes of debate equally divided between the two Leaders or their designees, and that following the use or yielding back of that time, the Senator from Oregon (Mr. Merkley) or his designee be recognized to raise a budget point of order; further, that if the budget point of order is waived, the remaining pending amendments with respect to S. 1582, except for Amdt. No. 2307, be withdrawn, and the Senate vote on adoption of Amdt. No. 2307; provided further, that if cloture is invoked on S. 1582, as amended, if amended, all post-cloture time be expired and the Senate vote on passage of the bill as amended, if amended, at a time to be determined by the Majority Leader in consultation with the Democratic Leader on Tuesday, June 17, 2025. (June 11, 2025) (*Senate Calendar of Business*, June 12, 2025, p. 2).

UC agreements can also limit the amending process on the Senate floor in ways not mentioned above.⁹ For an explanation of how these agreements can affect other aspects of Senate floor proceedings, see CRS Report RS20594, *How Unanimous Consent Agreements Regulate Senate Floor Action*, by Valerie Heitshusen.

Author Information

Valerie Heitshusen
Specialist on Congress and the Legislative Process

Acknowledgments

This report was originally prepared by Stanley Bach, former Senior Specialist in the Legislative Process at CRS. The listed author has updated the report and is available to respond to inquiries from congressional clients on the subject.

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

⁹ See Riddick and Frumin, *Senate Procedure*, pp. 1314-1328, for precedents affecting the amending process under a UC agreement. For example, if the agreement specifies a time for specific votes or time limitations on debate, a number of precedents specify the circumstances under which further amendments may be in order but not subject to debate.