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Flow of Business: Typical Day on the Senate Floor

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Summary

Several authorities govern the daily work in the Senate chamber: its standing rules, standing orders, unanimous consent agreements, precedent, and tradition. Because these authorities have different influence at certain times, no Senate session day is truly "typical." This report discusses procedures that usually occur every session day, and notes certain business items that occur less frequently. This report will be revised as events warrant.

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Legislative and Calendar Days/Morning Hour and Morning Business

How the Senate begins a daily session depends upon how the chamber ended its previous day. A legislative day begins when the Senate next meets after adjourning its previous daily session. This legislative day continues until the Senate again adjourns. When the Senate convenes following an adjournment, the Senate's standing rules establish a list of specific procedural steps that are supposed to automatically occur. Under such a scenario, the first two hours of session on a new legislative day are called the "morning hour." "Morning business" is a time set aside within the morning hour reserved for business items specified in Rule VII. These items include referring presidential messages and executive communications to committee, disposing of legislative and other messages from the House, receiving petitions and memorials, filing reports from committees, introducing bills and joint resolutions, and submitting simple and concurrent resolutions. In current practice, however, the Senate does not follow this litany of business established by Rule VII, but "deems" the morning hour to be expired and establishes the next day's schedule by unanimous consent. As such, a large percentage of Senators may have never witnessed morning business occurring automatically because of the creation of a new legislative day in the way described in the standing rules.

Although morning hour and morning business items are not in order under the rules except on a new legislative day, the Senate handles such items every session day by unanimous consent or through standing orders that are routinely renewed each Congress (see *Congressional Record*, daily edition, vol. 159, January 3, 2013, p. S7).

Items of Business

Call to Order/Designating Presiding Officer/Prayer/Pledge of Allegiance

Under Rule XXX, the Senate meets each session day at noon unless it orders otherwise. The Vice President normally does not preside over the Senate. Instead, the President pro tempore presides, or he may designate a Senator to act in his place. Later, other majority party Senators preside under a set schedule. Under Rule IV, the chaplain offers a prayer after the opening of each daily session, but he may arrange for a prayer by a guest chaplain. The presiding officer (or a designated Senator) then recites the Pledge of Allegiance.

Leader Time

By standing order, the majority and minority leaders (or their designees) are each reserved up to 10 minutes at the start of the daily session. Typically, the leaders use this time to alert Senators to changes in the floor schedule, comment on issues of the day, or address other important matters. Each leader may reserve all or part of their so-called "leader time" for use later in the day.

Routine Morning Business

By unanimous consent, the Senate sets aside time each day for Senators to present business items specified for morning business action. Also by unanimous consent, Senators are permitted to make brief statements not formally permitted under Rule VII. By standing order, bills, resolutions, and committee reports may be introduced or filed anytime during a daily session.

Unfinished Business

At the conclusion of any morning business, the Senate automatically resumes consideration of any "unfinished" legislative business pending at the end of the previous day's session. By unanimous consent, the unfinished business may be set aside for consideration of other measures.

Agenda-Setting Motions and Requests

By custom, agenda-setting motions are only made by the majority leader or his designee. Normally, measures are taken up by unanimous consent. If there is (or may be) objection, the leader can offer a debatable motion to proceed to consider a particular measure. Additionally, party floor leaders are, by custom, given preferential rights to recognition by the chair. Through this right of recognition, floor leaders often offer amendments on behalf of their colleagues who may not be assured of such parliamentary recognition.

Under Rule XXII, a cloture petition can be filed at any time to require a vote to limit further debate. When the Senate agrees to take up a measure, it begins consideration at once, unless it is slated for a later time by unanimous consent. A nondebatable motion can bring up some privileged items of business, such as conference reports. In addition, a nondebatable motion to proceed is permitted, but rarely used, in the morning hour at the start of a new legislative day.

Debate and Votes

Debate is unlimited on all pending measures or matters except when the Senate has invoked cloture, has limited debate by unanimous consent, is considering a tabling motion, or is considering a measure governed by a "fast track" rule-making statute, such as the Congressional Budget Act of 1974.[1] The Senate votes on a pending subject when no Senator wishes to debate further, when the Senate by unanimous consent has set a time for a vote, when no debate is permitted (as on a motion to table) or when no further debate is permitted under the rules (Rule XXII) or a time agreement. One-fifth of the Senators present can order a roll-call vote.

[1] Titles I-IX of P.L. 93-344, 2 U.S.C. 601-688.

Quorum Calls

A quorum call must be held before a cloture vote (Rule XXII), or before considering a unanimous consent request to set a date for a final vote on a pending legislative matter (Rule XII). These are routinely waived, however, by unanimous consent. Under the precedents, a quorum is deemed to be present at all other times, unless a point of order noting its absence is raised or a vote reveals its absence. Most quorum calls are begun to allow informal negotiations, to await the arrival of an absent Senator, or for other reasons, and are later dispensed with by unanimous consent.

Executive Business

By nondebatable motion or unanimous consent, the Senate goes into open executive session to take up Executive Calendar nominations or treaties.

Unanimous Consent Requests

By unanimous consent, the Senate may set limits on debate or amendment. If such an order (often called a "time agreement") is in force into the next session day, it is printed in the Senate's Legislative Calendar. By unanimous consent, the Senate typically recesses or adjourns at the end of its session day after a period of "wrap-up" discussion by party leaders outlining the parliamentary conditions to govern the agenda for the start of business the next day.

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