



EXPLAINER

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Introduction to the Senate

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Introduction

With the House of Representatives in Republican hands, progressive policy advocates may increasingly look to the Democratically-controlled Senate to advance their priorities during the 118th Congress. While the House can ignore Senate-passed legislation, stakeholders may push senators to consider bills that lay the groundwork for a future governing moment when progressive legislation can pass both chambers. Making such progress necessitates understanding the Senate's unique processes and institutions. This explainer outlines key Senate rules, figures, and guiding principles, including the enormous power single senators possess.¹ This guide is not meant to be exhaustive, but to provide stakeholders with a basic overview that will allow them to navigate conversations around the Senate and build their knowledge.²

The Senate's Key Figures and Institutions	2
The Presiding Officer	2
The Senate Majority Leader	2
The Parliamentarian	2
Senate Calendars	3
Senate Committees	3
The Senate's Unique Features	4
Unlimited Floor Debate	4
Cloture	4
The Filibuster's Exceptions and Legacy	4
Unanimous Consent	5
Considering Nominations	6
Conclusion	6

¹ For information regarding the rules in the House of Representatives, see the Congressional Progressive Caucus, Demand Progress, and Public Citizen explainer, [Navigating New Rules in a New Congress](#).

² Some terms in this explainer may be commonplace on Capitol Hill but unfamiliar to other readers. For definitions, please reference the Congressional Progressive Caucus Center's [Understanding Capitol Hill Jargon](#) and [Understanding Capitol Hill Jargon: Committee Edition](#).

The Senate's Key Figures and Institutions

The Presiding Officer

The [presiding officer](#) oversees activities on the Senate floor and recognizes senators, rules on points of order, and enforces the Senate's procedures. The Senate, unlike the House, does not elect its presiding officer. Rather, under the Constitution, the vice president presides over the Senate's daily proceedings as the president of the Senate. However, this rarely happens in practice. In the vice president's absence, the Senate's **president pro tempore**—Latin for “for the time being”—serves as the Senate's presiding officer. Typically, the president pro tempore delegates the task of presiding over the Senate to other senators in the majority party on a rotating basis.

Unlike the Speaker of the House, the Senate's presiding officer cannot deny recognition to Senators. Under [the Senate's rules](#), “the Presiding Officer shall recognize the Senator who shall first address him.” This rule, coupled with the Senate's lack of limits on debate discussed below, means senators have considerable power to take control of the Senate floor and slow down business in the chamber.

The Senate Majority Leader

The Senate's majority party elects a [majority leader to lead their caucus](#). The majority leader has several responsibilities and privileges that allow them to decide much of what happens on the Senate floor. For example, the majority leader enjoys the right of [first recognition](#) by the presiding officer. The majority leader also negotiates agreements that govern how the Senate considers legislation, nominations, and other matters on the Senate floor in partnership with the member elected by minority party members to serve as their “**minority leader.**”³

The Parliamentarian

The Senate [parliamentarian](#) offers senators guidance regarding the Senate's rules, precedents, and practices. However, [the parliamentarian does not decide](#) how the Senate should handle specific parliamentary situations. For example, suppose a senator raises a point of order alleging that another senator is violating one of the chamber's rules. The parliamentarian will share their interpretation of how the chamber's rule was applied in a similar context. However, only the Senate's presiding officer issues formal parliamentary rulings, which senators can appeal. Although the presiding officer almost always follows the parliamentarian's advice, senators ultimately decide whether to adhere to the Senate's rules and precedents.

For example, in 2022, when the Senate considered the [Inflation Reduction Act \(Public Law 117-169\)](#), the Senate parliamentarian advised that the bill's \$35 per month cap on insulin costs for people with private health insurance was not allowable under the “[reconciliation](#)” process being used to consider the bill. Subsequently, [Senator Lindsey Graham \(R-SC\) raised a point of order](#) to strike the provision. While

³ The presiding officer also affords the minority leader preferential recognition.

Democrats attempted to waive the underlying budget rules, doing so required 60 votes, and [only 57 senators](#) supported the waiver. The presiding officer followed the parliamentarian's guidance and sustained the point of order, and the insulin cap was struck from the measure.

According to the [Congressional Research Service](#), "the office of the Senate Parliamentarian is within the office of the Secretary of the Senate, whom the Senate elects at the recommendation of the Senate majority leader." Functionally, the majority leader can decide who serves as parliamentarian, and the [Senate parliamentarian has been removed](#) several times.

Senate Calendars

There are two types of Senate calendars: **the calendar of business** and **the executive calendar**. The [calendar of business](#), also known as the legislative calendar, lists bills and resolutions awaiting floor consideration. When a Senate committee approves a bill (often referred to as "reporting legislation"), it is placed on this calendar. Alternatively, under [Senate Rule XIV](#), a bill or joint resolution can bypass committee consideration and go straight to the calendar of business, making it available for immediate consideration on the Senate floor.⁴ The [executive calendar](#), on the other hand, lists nominations, treaties, and other executive business eligible for Senate consideration. When a committee approves a treaty or nomination, it is placed on this calendar and is available for floor consideration.

Senate Committees

Committees are bodies within the House and Senate with distinct jurisdictions and functions. Committees are perhaps best known for developing and considering legislation before the House or Senate votes on it,⁵ but not all committees perform this function. Below are illustrative definitions of the different types of committees provided by the [Secretary of the Senate](#):

- **"Standing Committees** are permanent committees established under the standing rules of the Senate and specialize in the consideration of particular subject areas. The Senate currently has 16 standing committees."
- **"Joint Committees** include membership from both houses of Congress. Joint committees are usually established with narrow jurisdictions and normally lack authority to report legislation. The position of chair usually alternates each Congress between members from the House and Senate."
- **"Special or Select Committees** were originally established by the Senate for a limited time period to perform a particular study or investigation. These committees might be given or denied authority to report legislation to the Senate."

⁴ For more detailed information regarding Rule XIV, see the Congressional Research Service's [The Legislative Process on the Senate Floor: An Introduction](#).

⁵ Committee action is not required for the House or Senate to vote on a measure. However, if a committee considers a bill, that committee action will always occur *before* action in the full chamber.

The Senate's Unique Features

Unlimited Floor Debate

Unlike the House of Representatives, the Senate generally allows for [unlimited debate](#). As a result, unless the Senate has used the **“cloture”** process to limit debate, any senator can speak on any bill, question, or topic for as long as they wish. Senators can use the unlimited debate principle to delay or block a Senate vote—a practice known as **“filibustering.”**

Senators' ability to delay action in the chamber is aided by the presiding officer's aforementioned *inability* to deny recognition to senators who wish to speak on the Senate floor. On top of that, the Senate does not have a general germaneness requirement—meaning, [with limited exceptions](#), senators can speak on any topic they choose or offer unrelated amendments to legislation. Consequently, senators can demand concessions from their leaders in exchange for ending their dilatory tactics. This phenomenon is discussed further in the section on Unanimous Consent.

Cloture

In 1917, [the Senate adopted the “cloture” rule](#) allowing senators to end debate and proceed to a final vote on a bill with a two-thirds majority vote. A successful vote to end debate is referred to as **“invoking” cloture**. In 1975, [the Senate lowered the threshold](#) to end debate to a three-fifths majority of *all* senators (60 of the 100 senators).

To invoke cloture, [16 senators must first make a motion](#). Then, on the second calendar day of the session following that motion, a vote can occur on whether to invoke cloture. Once the Senate invokes cloture, it can only consider that bill for 30 more hours. However, timing for the cloture vote and subsequent final vote on the bill's merits is often changed by **“unanimous consent,”** wherein the Senate makes an exception to its formal rules if no senator objects. This explainer discusses unanimous consent further below.

The 60-vote threshold to end debate remains in place today. Importantly, this 60-vote threshold pertains only to the vote *to end debate* on a bill, *not* approving it. A simple majority vote—that is, 51 of the 100 senators—is all that is required to approve a bill in the Senate.⁶ This means a bill could have sufficient support to pass in the Senate but insufficient support for the body to end debate and take that vote.

The Filibuster's Exceptions and Legacy

While senators' ability to filibuster means that most measures must have 60 votes to advance, there are exceptions to this rule. For example, resolutions to overturn executive actions via the [Congressional Review Act](#), bills considered under the

⁶ Under the Constitution, the following items [require more than a simple majority to pass](#) and each have their own specific requirements: treaties, impeachments, the expulsion of a senator or House member, veto overrides, and constitutional amendments.

budget process's fast-track [reconciliation](#) procedures, certain [trade agreements and arms sales](#), and [nominations](#) for executive branch roles and federal judgeships, including Supreme Court seats, can pass the Senate with a simple majority vote. As a result, the majority party has the power to approve presidential nominees even if every member of the minority party opposes the nominee.

As previously noted, the Senate lowered the threshold to overcome a filibuster in 1975. In addition, [the Senate added exemptions](#) for nominations to the executive branch and certain judicial appointments in 2013, and for Supreme Court nominees in 2017. [Nearly every Democratic senator](#), to varying degrees, supports modifying the filibuster or eliminating it altogether. Although [Republicans reformed the filibuster](#) as recently as 2017 to ease Supreme Court Justice Neil Gorsuch's approval, no Republican senator currently supports filibuster reform.

Filibuster supporters [argue it encourages robust debate](#), despite its numerous exemptions. Critics point out that, in reality, [the mere threat of a filibuster](#) discourages the Senate majority leader from even calling for a vote on a bill that does not have 60 senators' support. In practice, then, the filibuster prevents debate more than encourages it.

The filibuster also has a harmful legacy of upholding white supremacy. According to the [Secretary of the Senate](#), "filibusters proved to be particularly useful to southern senators who sought to block civil rights legislation, including anti-lynching bills." Senators used the filibuster to obstruct anti-lynching and voting rights bills in the [1890s, 1900s, 1922, and 1935](#); the Civil Rights Act of 1957; legislation to ban poll taxes and employment, housing, and voting discrimination; and, [in 2022, the Freedom to Vote: John R. Lewis Act](#) to combat voter suppression.

Unanimous Consent

Unanimous consent agreements allow the Senate to deviate from the chamber's rules. Without such agreements, it would be difficult for the chamber to operate efficiently. Senate Minority Leader Mitch [McConnell aptly described](#) the importance of unanimous consent agreements in 2021: "This is an institution that requires unanimous consent to turn the lights on before noon, to proceed with a garden-variety floor speech, to dispense with the reading of a lengthy legislative text, to schedule committee business, to move even non-controversial nominees at anything besides a snail's pace."

One of unanimous consent agreements' most important functions is to limit debate. Again, since the Senate's rules allow for extended debate, [unanimous consent agreements to waive the body's rules help keep the Senate running](#). However, they also underscore individual senators' tremendous power. For example, if the majority leader seeks unanimous consent to limit debate time or pass a bill, any senator may object and use their objection as leverage to extract concessions and commitments from Senate colleagues and leaders in exchange for rescinding their objection.

Senate leaders typically work behind the scenes to determine whether any senators

plan to oppose an upcoming unanimous consent request before actually making the request. In a process known as [“hotlining,”](#) Senate leaders alert Senate staff that there will be an attempt to pass a bill or bills via unanimous consent and ask if there will be objections. This process allows senators to negotiate with potential objectors before the objection actually occurs, both to keep these negotiations private and to expedite the process, rather than go through a lengthy public negotiation.

For example, in 2022, [Senator Rand Paul \(R-KY\) delayed a Senate vote](#) on aid to Ukraine by objecting to a unanimous consent request to speed up the aid’s consideration. Senator Paul offered to withdraw his objection in exchange for a provision mandating an inspector general review of the aid package. Senate Majority Leader Chuck Schumer (D-NY) and Senate Minority Leader McConnell refused to add the provision without a vote. As a result, the Senate was forced to invoke cloture, and it took extra time to approve the aid.

Considering Nominations

The Senate considers presidential nominees for positions in the executive and judicial branches. The president must fill [approximately 4,000 positions](#), and the Senate must confirm more than 1,200 of those. Two-hundred eighty-five of these nominees, including certain chief financial officers, agency assistant secretaries, and others are considered [“privileged.”](#) **Privileged nominees** do not need committee approval before the full Senate considers them unless a senator requests otherwise. The remaining nominations, such as those for cabinet secretaries, are referred to a committee before the full Senate votes on their nomination.

A committee has [four options when considering a nominee](#): it can report the nominee to the full Senate for consideration favorably, unfavorably, without recommendation, or take no action at all. The Senate may also allow a nominee to bypass a committee and go straight to the full Senate for its consideration through a unanimous consent agreement—again indicating unanimous consent’s enormous importance to the Senate’s efficient functioning.

Conclusion

In descriptions of major Senate rules and actors, one principle emerges again and again: individual senators wield considerable power. As this explainer notes repeatedly, one senator’s preferences can delay or obstruct Senate action. Understanding this principle in conjunction with the key concepts described above is critical to anticipating Senate actions and advocating for priorities before the Senate effectively.