



# Senate Rule XIV Procedures for Placing Measures Directly on the Senate Calendar

**Michael L. Koempel**

Senior Specialist in American National Government

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## Summary

When a Senator introduces a bill or joint resolution, or a House-passed bill or joint resolution is received in the Senate from the House, the measure is often referred to committee, pursuant to provisions of Senate Rules XIV, XVII, and XXV. The Senate may, however, use provisions of Senate Rule XIV to bypass potential referral of a bill or joint resolution to a Senate committee, and have the measure placed directly on the Senate Calendar of Business.

Although placing a bill or joint resolution directly on the calendar does not guarantee that the full Senate will ever consider it, the measure is available for floor consideration and certain procedural steps, such as committee reporting or discharging a committee from a bill's consideration, and procedural requirements, such as the two-day availability of a committee report, may be obviated.

Senate rules contain procedures for processing concurrent and simple resolutions, which are not covered in this report.

This report will not be updated unless Senate procedures change.

For an examination of additional ways that the Senate uses to bypass committees, see CRS Report RS22299, *Bypassing Senate Committees: Rule XIV and Unanimous Consent*, by Michael L. Koempel.

## **Contents**

Introduction ..... 1  
Procedure to Place a Measure Directly on the Calendar ..... 1

## **Contacts**

Author Contact Information ..... 3

## Introduction

When a Senator introduces a bill or joint resolution, the measure is usually referred to committee, pursuant to provisions of Senate Rules XIV, XVII, and XXV. When the House informs the Senate that it has passed a bill or joint resolution that was introduced in the House, the measure is also often similarly referred to a Senate committee. (Senate rules contain procedures for processing concurrent and simple resolutions, which are not covered in this report. See especially Rule XIV, paragraph 6.)

Senate Rule XIV, paragraph 2 requires that bills and resolutions have three readings before passage, and that they be read twice before being referred to committee. (The “third reading” occurs before a vote on final passage.) Although a Senator may demand that the readings occur on three different *legislative days* under paragraph 2, bills and joint resolutions may be read twice on the same day “for reference” (referral) if there is no objection (Rule XIV, paragraph 3). Most bills and resolutions are read twice and referred to committee on the same day that they are introduced by a Senator or received from the House. Referrals listed in the *Congressional Record* indicate this process as occurring by unanimous consent.

The Senate may, however, use provisions of Senate Rule XIV to bypass potential referral of a bill or joint resolution to a Senate committee, and have the measure placed directly on the Senate Calendar of Business. The calendar’s General Orders section lists measures eligible for Senate floor consideration.

Broadly, the two purposes of preventing the referral of a bill or joint resolution to a committee and placing it directly on the calendar are (1) to facilitate the full Senate’s opportunity to consider the measure; or (2) to bypass a committee’s potential inaction or, to the sponsor, potential hostile action. Although placing a bill or joint resolution directly on the calendar does not guarantee that the full Senate will ever consider it, the measure is available for floor consideration and certain procedural steps, such as committee reporting or discharging a committee from a bill’s consideration, and procedural requirements, such as the two-day availability of a committee report, may be obviated.

## Procedure to Place a Measure Directly on the Calendar

Senate Rule XIV, paragraph 4, states: “ ... every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, *shall, if objection be made to further proceeding thereon, be placed on the Calendar.*” (*Emphasis added.*)

Therefore, through objection, a bill or joint resolution after two readings is prevented from being referred to committee and is placed directly on the calendar. It is usually the majority leader (or his designee), acting on his own or at the request of any other Senator, who objects to “further proceeding”—committee referral—on a measure.

For example, this procedure was used to place directly on the calendar S. 1858. On October 22, 2009, the presiding officer recognized the majority leader for this colloquy with the chair:

Mr. REID. It is my understanding that S. 1858 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.<sup>1</sup>

In the next edition of the calendar on October 26, this action was recorded in the section Bills and Joint Resolutions Read the First Time. The measure was held at the desk.

Since objection had been heard to the second reading, the presiding officer recognized Senator Reid the next legislative day, October 26:

Mr. REID. Mr. President, I am told that S. 1858 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I object to any further proceeding with regard to this bill [in order to place it on the calendar under the provisions of rule XIV].

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.<sup>2</sup>

S. 1858 had received its second reading, but there was objection to further proceeding on referral of the bill to committee. The presiding officer, under Rule XIV, ordered that the bill be placed on the Senate Calendar. In the calendar beginning October 27, S. 1858 appeared as Calendar Order No. 187 in the section General Orders, with other measures available for floor consideration.

This same procedure is followed to have House-passed bills and joint resolutions placed directly on the Senate Calendar.<sup>3</sup>

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<sup>1</sup> Senator Harry Reid, remarks in the Senate, "Measure Read the First Time—S. 1858," *Congressional Record*, daily edition, vol. 155, October 22, 2009, p. S10709.

<sup>2</sup> Senator Harry Reid, remarks in the Senate, "Measure Placed on the Calendar—S. 1858," *Congressional Record*, daily edition, vol. 155, October 26, 2009, p. S10711.

<sup>3</sup> See, for example, Senator Mark Begich, remarks in the Senate, "Measures Read the First Time—H.R. 3548, H.R. 3590, S. 1772," *Congressional Record*, daily edition, vol. 155, October 8, 2009, p. S10327; and Senator Harry Reid, remarks in the Senate, "Measures Placed on the Calendar—H.R. 3548, H.R. 3590, S. 1772," *Congressional Record*, (continued...)

Bills and joint resolutions are also sometimes placed on the calendar by unanimous consent. (For more information, see CRS Report RS22299, *Bypassing Senate Committees: Rule XIV and Unanimous Consent*, by Michael L. Koempel.)

## **Author Contact Information**

Michael L. Koempel  
Senior Specialist in American National Government  
mkoempel@crs.loc.gov, 7-0165

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daily edition, vol. 155, Oct. 13, 2009, p. S10333.