

Senate Rule XIV Procedure for Placing Measures Directly on the Senate Calendar

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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 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, treaties, and nominations, which are not covered in this report. A Senator may also offer a germane, relevant, or nongermane amendment to a measure pending on the Senate floor, in addition to or instead of introducing a bill or joint resolution. Amendments are also not covered in this report.

This report will not be updated in the 114th Congress unless Senate procedures change.

For a fuller examination of the Senate's use of the Rule XIV procedure and other procedures and actions to bypass committees, and also both to bypass committees and pass legislation, 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, and the Senate receives the measure, the measure is also usually referred to a Senate committee. (Senate rules contain procedures for processing concurrent and simple resolutions (Rule XIV, paragraph 6), treaties (Rule XXX), and nominations (Rule XXXI), which are not covered in this report.)

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 (under paragraph 2) that the readings occur on three different legislative days, bills and joint resolutions may be read twice on the same day “for reference” (referral) if there is no objection (under 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.

The Senate may, however, use provisions of Senate Rule XIV to bypass referral of a bill or joint resolution to a Senate committee in order to 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 measure’s 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.

In this report, the terms *bill(s)* or *measure(s)* refer to bills and joint resolutions.

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

another Senator in his stead), acting on his own or at the request of any other Senator, who objects to “further proceeding”—committee referral—on a measure.¹

For example, this procedure was used to place S. 2262 directly on the calendar. On April 28, 2014, the presiding officer recognized Senator Sherrod Brown for this colloquy with the chair:

Mr. BROWN. Mr. President, I understand that S. 2262, introduced earlier today by Senators Shaheen, Portman, and others[,] is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2262) to promote energy savings in residential buildings and industry, and for other purposes.

Mr. BROWN. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for a second time on the next legislative day.²

In the next edition of the Senate’s Calendar of Business on April 29, this action was recorded in the section Bills and Joint Resolutions Read the First Time. The measure was pending at the (presiding officer’s) desk.

Since objection had been heard to the second reading, the presiding officer recognized Majority Leader Harry Reid the next legislative day, April 29:

Mr. REID. Mr. President, I am told that S. 2262 is due for its second reading.

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

The legislative clerk read as follows:

A bill (S. 2262) to promote energy savings in residential buildings and industry, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this bill.

The PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.³

¹ Although any Senator could object to the reading of a measure to prevent its referral to committee, a Senator, other than the majority leader or the sponsor of the bill or joint resolution, who makes an objection is normally acting in the stead of the majority leader.

² Sen. Sherrod Brown, “Measure Read the First Time—S. 2262,” remarks in the Senate, *Congressional Record*, daily edition, vol. 160 (April 28, 2014), p. S2425.

³ Sen. Harry Reid, “Measure Placed on the Calendar—S. 2262,” remarks in the Senate, *Congressional Record*, daily edition, vol. 160 (April 29, 2014), p. S2427.

S. 2262 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 April 30, S. 2262 appeared as Calendar Order No. 368 in the section General Orders, with other measures eligible for floor consideration.

This same procedure is followed to have House-passed bills and joint resolutions placed directly on the Senate Calendar.⁴

Bills and joint resolutions are also sometimes placed on the calendar by unanimous consent. (For a fuller examination of the Senate's use of the Rule XIV procedure and other procedures and actions to bypass committees, and also both to bypass committees and pass legislation, see CRS Report RS22299, *Bypassing Senate Committees: Rule XIV and Unanimous Consent*, by Michael L. Koempel.)

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⁴ See, for example, Sen. Brian Schatz, "Measures Read the First Time—H.R. 2824 and H.R. 3826," remarks in the Senate, *Congressional Record*, daily edition, vol. 160 (May 7, 2014), p. S2823; and Sen. Harry Reid, "Measures Placed on the Calendar—H.R. 2824 and H.R. 3826," remarks in the Senate, *Congressional Record*, daily edition, vol. 160 (May 8, 2014), p. S2832. This example also shows that two or more bills and joint resolutions might be processed en bloc in a Rule XIV colloquy.