



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 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. 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 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.

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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, 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 occurs 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 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.

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.

For example, this procedure was used to place directly on the calendar S. 3347. On May 11, 2010, the presiding officer recognized Senator Christopher J. Dodd for this colloquy with the chair:¹

Mr. DODD. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3347) to extend the National Flood Insurance Program through December 31, 2010.

Mr. DODD. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I 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.²

In the next edition of the calendar on May 12, 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 Majority Leader Harry Reid the next legislative day, May 12:

Mr. REID. Mr. President, I am told that S. 3347 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3347) to extend the National Flood Insurance Program through December 31, 2010.

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 having been heard, the bill will be placed on the calendar.³

S. 3347 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

¹ While Senator Dodd and all Senators 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 Senator Christopher J. Dodd, remarks in the Senate, "Measure Read the First Time—S. 3347," *Congressional Record*, daily edition, vol. 156, May 11, 2010, p. S3567.

³ Senator Harry Reid, remarks in the Senate, "Measure Placed on the Calendar—S. 3347," *Congressional Record*, daily edition, vol. 156, May 12, 2010, p. S3569.

the Senate Calendar. In the calendar beginning May 13, S. 3347 appeared as Calendar Order No. 372 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 more information, see CRS Report RS22299, *Bypassing Senate Committees: Rule XIV and Unanimous Consent*, by Michael L. Koempel.)

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⁴ See, for example, Senator Tom Harkin, remarks in the Senate, “Measure Read the First Time—H.J.Res. 37,” *Congressional Record*, daily edition, vol. 157, April 12, 2011, p. S2405; and Senator Harry Reid, remarks in the Senate, “Measure Placed on the Calendar—H.J.Res. 37,” *Congressional Record*, daily edition, vol. 157, April 13, 2011, p. S2407.