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

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February 8, 2017

Congressional Research Service

7-5700

www.crs.gov

RS22309

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 or requirements may be obviated. Such procedural steps include committee reporting or discharging a committee from a bill's consideration, and such procedural requirements include the two-day availability of a committee report.

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 again in the 115th 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.

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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 (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

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.

For example, this procedure was used to place S. 1035 directly on the calendar. On April 21, 2015, the presiding officer recognized Majority Leader McConnell for this colloquy with the chair:²

Mr. McCONNELL. 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 read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 1035) to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

Mr. McCONNELL. I now ask for a 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 having been heard, the bill will be read for the second time on the next legislative day.³

In the next edition of the Senate's Calendar of Business on April 22, this action was recorded in the section Bills and Joint Resolutions Read the First Time. The measure was pending at the desk (of the presiding officer).

Since objection had been heard to the second reading, the presiding officer recognized Majority Leader McConnell the next legislative day, April 22:

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 1035) to extend authority relating to roving surveillance, access to business records, and individual terrorists as agents of foreign powers under the Foreign Intelligence Surveillance Act of 1978 and for other purposes.

Mr. McCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.⁴

S. 1035 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 23, S. 1035 appeared as Calendar Order No. 60 in the section General Orders, with other measures eligible for floor consideration.⁵

² 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.

³ Sen. Mitch McConnell, "Measure Read the First Time—S. 1035," remarks in the Senate, *Congressional Record*, daily edition, vol. 161 (April 21, 2015), p. S2309.

⁴ Sen. Mitch McConnell, "Measure Placed on the Calendar—S. 1035," remarks in the Senate, *Congressional Record*, daily edition, vol. 161 (April 22, 2015), p. S2312.

⁵ Two or more bills and joint resolutions might also be processed en bloc in a Rule XIV colloquy. See, for example, Sen. Deb Fischer, "Measures Read the First Time—S. 3464 and H.R. 6094," remarks in the Senate, *Congressional* (continued...)

This same procedure is followed to have House-passed bills and joint resolutions placed directly on the Senate Calendar.⁶

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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(...continued)

Record, daily edition, vol. 162 (September 29, 2016), p. S6286; and Sen. Mitch McConnell, “Measures Placed on the Calendar—S. 3464 and H.R. 6094 ” remarks in the Senate, *Congressional Record*, daily edition, vol. 162 (November 15, 2016), p. S6317.

⁶ See the preceding footnote.