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The Senate's *Executive Calendar*

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Treaties and nominations constitute the executive business of the Senate and are the subjects of the Senate's *Executive Calendar*. When a Senate committee reports a treaty or nomination, it is said to be placed "on the calendar" and is available for floor consideration. In addition, there is a category of nominations that are not immediately referred to committee, but instead placed directly on the *Executive Calendar* under the heading, "Privileged Nominations." In the 117th Congress, as long as the Senate is evenly divided between the two parties, if there is a tie on the vote to report a nomination or treaty, that nomination or treaty can also be placed on the calendar through a special discharge process established in S.Res. 27.[1] Treaties and nominations must be placed on the calendar to be eligible for floor consideration, unless the Senate gives unanimous consent to consider them without committee action. If a treaty or nomination is not on the calendar, either it remains in the possession of the committee to which it was referred, or is "held at the desk" by unanimous consent awaiting a decision either to refer it to committee or to bring it directly to the floor for consideration by unanimous consent.

The Senate's other calendar, the *Calendar of Business*, identifies the bills, resolutions, and other items of legislative business eligible for consideration.[2] Both the *Calendar of Business* and the *Executive Calendar* are published each day the Senate is in session and distributed to Senators' personal offices and all committee and subcommittee offices. There are no cumulative issues of the *Executive Calendar*; each issue documents the status of treaties and nominations as of its publication. The most recent *Executive Calendar* is available on the Senate's website: https://www.senate.gov/legislative/LIS/executive_calendar/xcalv.pdf.

Each issue of the *Executive Calendar* contains eight sections.

First, the calendar presents the texts of any *unanimous consent agreements* concerning executive business that have not yet been fully implemented. Such agreements may control when the Senate will begin consideration of a treaty or nomination, for example, or how long Senators may debate it.

Second, the calendar lists any Senate *executive resolutions* that concern executive business. A measure to discharge a committee from further consideration of a treaty or nomination, for example, would be an executive resolution. Such resolutions, however, are used very rarely.

Third, the calendar lists all *treaties* that have been reported from committee.[3] A treaty becomes eligible for floor consideration on the day after it is placed on the calendar. For each treaty, this list provides

- the treaty's calendar number, reflecting the chronological order in which it was placed on the calendar;
- the treaty document number, which is the number assigned to the Senate document containing the text of the treaty and any accompanying documents that were submitted by the President to the Senate. Each treaty document is assigned a number that identifies the Congress during which the President submitted the treaty and the order in which treaties were submitted during that Congress. Treaty Doc. 114-7, for example, would refer to the seventh treaty submitted to the Senate during the 114th Congress. Once received, a treaty remains before the

[1] For more information, see CRS Report R46769, *The Senate Powersharing Agreement of the 117th Congress (S.Res. 27)*, by Elizabeth Rybicki.

[2] For more information, see CRS Report 98-429, *The Senate's Calendar of Business*, coordinated by Elizabeth Rybicki.

[3] For information on consideration of treaties in the Senate, see CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen.

Senate until the Senate disposes of it (unlike nominations, which are returned to the President, or legislation, which dies at the end of each Congress);

- the subject of the treaty; and
- information on how the treaty was reported, such as when and by whom it was reported; whether the Foreign Relations Committee reported it favorably, unfavorably, or without recommendation; whether the committee recommended that the Senate adopt any amendments or any reservations, conditions, declarations, understandings, or other statements; and the number of the printed committee report, if any.

Fourth, the calendar lists *nominations* that have either been reported from committee, discharged from committee by the Senate, or placed on this section of the calendar under the privileged nominations procedures discussed below. Except by unanimous consent, the Senate may not begin floor consideration of a nomination until it has been on the calendar for at least one day. Any nominations appearing in this section of the calendar for the first time are listed under the heading of "new reports." For each nomination, this section of the calendar identifies

- the calendar number that is assigned to each nomination representing the order in which it was placed on the calendar;
- the number of the presidential message by which the nomination was transmitted to the Senate;
- the name of the nominee, the office to which he or she has been nominated, and the name of the predecessor in that office; and
- information on how the nomination was reported, such as when and by whom it was reported, which committee reported it, whether the committee reported it favorably, unfavorably, or without recommendation, and the number of the printed committee report, if any. Alternatively, this section will indicate if a privileged nomination was placed on the calendar or if the committee was discharged from consideration of the nomination.

Fifth, the calendar identifies lists of *nominations placed on the Secretary's desk*. These are routine nominations—in the armed services and the Foreign Service, for example—that the Senate normally considers and approves by unanimous consent without committee action. When the Senate receives such nominations, they are printed in the *Congressional Record* for the information of all Senators. After being printed in the *Record*, these nominations are identified in the *Executive Calendar* by entries such as "Air Force nominations (121) beginning Ashley N. Adams, and ending Richard Chase Zanetti, Jr. III which nominations were received by the Senate and appeared in the *Congressional Record* of January 31, 2022."

Sixth, the calendar lists *privileged nominations*, those positions that the Senate has decided may receive expedited consideration.[4] These nominations are not referred to committee, unless any Senator requests referral. (Ten session days after the committee has indicated it received requested background information, the nomination is moved to the regular nominations section of the calendar.)

For privileged nominations, the calendar provides

[4] See S.Res. 116, adopted in 2011 and CRS Report R46273, *Consideration of Privileged Nominations in the Senate*, by Michael Greene.

- the number of the presidential message by which the nomination was transmitted to the Senate;
- the date the nomination was received;
- the name of the nominee, the office to which he or she has been nominated, and the name of the predecessor in that office;
- a column to indicate whether the committee of jurisdiction has requested biographical and financial information on the nominee;
- the date the committee received the requested biographical and financial information; and
- a column to indicate whether any Senator has asked that the nomination be referred to committee, in which case that nomination would be referred and would only be placed in the nominations section of the calendar if it was reported.

Seventh, the *Executive Calendar* includes a page to record a *notice of intent to object*. This section of the calendar was established pursuant to Section 515 of P.L. 110-81, and a standing order agreed to in the 112th Congress (S.Res. 28) also affects its content.[5] It was created to discourage Senators from only privately indicating their opposition to a matter and thereby delaying or preventing its consideration, a practice known as placing a "secret hold." Under S.Res. 28, a Senator may submit to his or her leader, as well as to the Executive Clerk, a notice stating that the Senator would object to a unanimous consent request to dispose of a nomination. If a Senator does so, then, for that nomination, this section of the calendar records the number of the presidential message by which the nomination was transmitted to the Senate, the name of the nominee and the office to which he or she has been nominated, and the date of any notice of intent to object and the name of any Senator who submitted it. The same information will be recorded in this section of the calendar if a unanimous consent request to dispose of a nomination is propounded on the floor and a Senator objects on behalf of another named Senator.

The final section of the *Executive Calendar* records any *motion to reconsider* entered in connection with executive business and thus eligible to be taken up by the Senate through a motion to proceed. Sometimes Senators "enter" a motion to reconsider, instead of "making" the motion for the Senate to then consider immediately. For example, if a vote to invoke cloture on a nomination failed, a Senator might enter a motion to reconsider the vote. Entering the motion protects the ability of the Senate to agree to vote again, but at a later time.

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[5] For more on this topic, see CRS Report R43563, *"Holds" in the Senate*, by Mark J. Oleszek.

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This report was written by Stanley Bach, formerly a Senior Specialist in the Legislative Process at CRS. The listed coordinator updated the report and is available to answer questions from congressional clients concerning its contents.

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