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eration of the bill (S. 1173) to authorize the appointment of Dwight David Eisenhower to the active list of the Regular Army, and for other purposes.[15]

Senate Bills Included in Omnibus Bills

§ 3.15 Where an omnibus private bill is passed containing House bills similar to Senate bills on the Speaker's table, the Speaker may recognize Members for unanimous-consent requests to take up such Senate bills for consideration.

On Aug. 21, 1935,[16] Speaker Joseph W. Byrns, of Tennessee, made the following statement:

> Permit the Chair to make a statement. In the omnibus bills which were passed on yesterday there were included several bills which had previously passed the Senate and were on the Speaker's table. The Chair feels that those Members who are interested in those particular bills should have an opportunity to ask unanimous consent for the immediate consideration of the Senate bills, so that they can be taken out of the omnibus bills when they are reported to the Senate. The Chair will therefore first recognize Members who have such bills. The Chair understands there are a number of Members on the floor who have such bills.

Parliamentarian's Note: The provisions of Rule XXIV clause 6, provide a procedure for the consideration of private bills and resolutions on the first and third Tuesdays of the month. On the third Tuesday of the month, the Speaker may entertain omnibus bills, which may contain measures objected to when called previously on the Calendar. It was within the context of this rule[17] that the Speaker made the statement carried above.

§ 4. House Action on Senate Resolutions

Senate resolutions, concurrent and joint, are subject to various legislative actions in the House as are Senate-passed bills.[18] Simple

15. *Parliamentarian's Note:* Since a private Senate bill resulting in the expenditure of public funds (and thus requiring consideration in the Committee of the Whole) is not privileged and cannot be taken from the Speaker's table by motion for direct action by the House, the House adopted a resolution taking the bill from the table and providing for its consideration.

16. 79 CONG. REC. 13993, 74th Cong. 1st Sess.

17. See *House Rules and Manual* § 893 (1997).

18. See §§ 4.2, 4.3, 4.4, infra.

Senate resolutions are sent to the House for information only and are generally held at the Speaker's table and not referred.[19]

Return to Senate

§ 4.1 The House agreed to a request of the Senate for the return of a Senate concurrent resolution with accompanying papers.

On Sept. 14, 1961,[20] the Speaker Pro Tempore, John W. McCormack, of Massachusetts, laid before the House the following request of the Senate:

> *Ordered*, That the House of Representatives be requested to return to the Senate the concurrent resolution (Senate Concurrent Resolution 14) entitled "Concurrent resolution saluting 'Uncle Sam' Wilson, of Troy, N.Y., as the progenitor of America's national symbol of 'Uncle Sam'," with the accompanying papers.
>
> FELTON M. JOHNSTON,
> *Secretary.*
>
> THE SPEAKER PRO TEMPORE: Without objection, the request is granted.
>
> There was no objection.

19. See § 1.2, infra.
20. 107 CONG. REC. 19540, 87th Cong. 1st Sess.

Consideration Under Five-minute Rule

§ 4.2 A Senate joint resolution at the Speaker's table may be called up by unanimous consent and considered under the five-minute rule.

On July 31, 1967,[1] the following occurred in the House:

> MR. [JAMES C.] CORMAN [of California]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 98) authorizing the National Advisory Commission on Civil Disorders to compel the attendance and testimony of witnesses and the production of evidence.
>
> The Clerk read the title of the Senate joint resolution.
>
> THE SPEAKER:[2] Is there objection to the request of the gentleman from California?
>
> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, reserving the right to object, I should like to ask the sponsor of this Senate joint resolution if under this unanimous-consent request the gentleman proposes to yield time, and how much time is to be taken in the consideration thereof. . . .
>
> Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman from Iowa will state his parliamentary inquiry.

1. 113 CONG. REC. 20604, 90th Cong. 1st Sess.
2. John W. McCormack (Mass.).

MR. GROSS: How much time will be taken on this Senate joint resolution?

THE SPEAKER: The Chair will state to the gentleman from Iowa that if the unanimous-consent request is granted, the resolution comes before the House under the 5-minute rule.[3]

MR. GROSS: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER: Is there objection to the request of the gentleman from California?

There was no objection.

Consideration in Committee of the Whole

§ 4.3 The House may adopt a resolution providing for the consideration in the Committee of the Whole of a Senate joint resolution which had not been referred to a House committee and on which there was no House report.

On Sept. 24, 1962,[4] Mr. William M. Colmer, of Mississippi, by direction of the Committee on Rules, called up House Resolution 804.

The Clerk read the resolution, as follows:

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (S.J. Res. 224) to authorize the President to order units and members in the Ready Reserve to active duty for not more than twelve months, and for other purposes. . . .

THE SPEAKER:[5] The question is on the resolution.

The resolution was agreed to.

Parliamentarian's Note: The Senate joint resolution was held at the Speaker's table and not referred to a committee, since the House Committee on Armed Services reported an identical House joint resolution the same day the Senate joint resolution was messaged to the House.

Provisions of House Resolution Inserted

§ 4.4 By unanimous consent a Senate joint resolution was taken from the Speaker's ta-

3. S.J. Res. 98 was being held at the Speaker's table. While it had not been referred to a House committee, it was a measure that if reported in the House would have been placed on the Union Calendar. Where the House grants unanimous consent for consideration of a measure that would be on the Union Calendar if reported, the bill is considered in the House as in the Committee of the Whole. See proceedings of Apr. 6, 1966, at 112 CONG. REC. 7749, 89th Cong. 2d Sess. and Jefferson's Manual, *House Rules and Manual* § 424 (1997).

4. 108 CONG. REC. 20489, 20494, 87th Cong. 2d Sess.

5. John W. McCormack (Mass.).

ble, the preamble and all after the resolving clause stricken; and preamble and provisions of a similar House joint resolution were then inserted by amendment.

On Jan. 8, 1964,[6] after the House considered House Joint Resolution 871, providing for renaming the National Cultural Center the John F. Kennedy Center for the Performing Arts, the following occurred:

THE SPEAKER:[7] The question is on the passage of the [House] joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

MR. [ROBERT E.] JONES of Alabama: Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 136, a similar joint resolution to House Joint Resolution 871 just passed; strike out all after the enacting clause of Senate Joint Resolution 136, and insert the provisions of House Joint Resolution 871.

The Clerk read the title of the joint resolution.

THE SPEAKER: Is there objection to the request of the gentleman from Alabama? . . .

MR. JONES of Alabama: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Alabama: Strike out the preamble and all after the resolving clause of Senate Joint Resolution 136 and insert the preamble and provisions of House Joint Resolution 871 as passed.

THE SPEAKER: The question is on the amendment offered by the gentleman from Alabama.

The amendment was agreed to.

Deletion of Senate Amendment to House Bill

§ 4.5 By unanimous consent, the House considered and agreed to a Senate concurrent resolution authorizing the Clerk, in the enrollment of a House bill, to delete a Senate amendment thereto.

On Sept. 28, 1971,[8] Speaker Carl Albert, of Oklahoma, recognized Mr. B. F. Sisk, of California:

Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 42), providing for a deletion in the enrollment of H.R. 4713. . . .

THE SPEAKER: The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 42

Resolved by the Senate (House of Representatives concurring), That the

6. 110 CONG. REC. 145, 146, 88th Cong. 2d Sess.
7. John W. McCormack (Mass.).
8. 117 CONG. REC. 33715, 92d Cong. 1st Sess.

enrollment of H.R. 4713, the Clerk of the House of Representatives be authorized to delete Senate amendment numbered 5, which inserts at page 3, after the second line following line 6, a new section 7.

THE SPEAKER: Is there objection to the request of the gentleman from California? . . .

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The Senate had adopted several numbered amendments to the House bill, and the House had agreed to Senate amendment number 5. The Senate then decided to recede from that amendment, which it could not do except by concurrent action of the two Houses in correcting the enrollment of the bill.

§ 5. House Action on Senate Amendments

House measures with Senate amendments which do not require consideration in the Committee of the Whole are privileged for consideration in the House and may at once be disposed of on motion or as the House may otherwise determine.[9] If any Senate amendment requires consideration in the Committee of the Whole, a motion to act on the Senate amendment is *not* privileged, and the rules provide that the entire measure be referred to the appropriate standing committee.[10] Upon being reported from that committee the measure is placed on the Union Calendar for consideration in the Committee of the Whole. However, as a practical matter this procedure is rarely used and such measures are either considered under the provisions of resolutions reported from the Committee on Rules ("special rules")[11] or by unanimous consent.[12] The motion to suspend the rules may also be used to dispose of such Senate amendments.

Motions for the disposal of these Senate measures or Senate amendments to House bills requiring consideration in Committee of the Whole become privileged after the stage of disagreement is

9. Rule XXIV clause 2, *House Rules and Manual* § 882 (1997).
10. Rule XX clause 1, *House Rules and Manual* § 827 (1997) and Rule XXIV clause 2, *House Rules and Manual* §§ 882, 883 (1997).
11. See §§ 5.5, 5.30, 5.31, 5.33, 5.54, infra.
12. See § 5.7, infra.