

**of those already scheduled for special orders.**

On July 14, 1965,<sup>(14)</sup> a unanimous-consent request related to the sequence of special-order speeches was objected to:

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I ask unanimous consent, with the consent of those who have been previously granted a special order, to address the House for 30 minutes today relative to the death of Ambassador Adlai Stevenson.

THE SPEAKER:<sup>(15)</sup> The gentleman from Illinois [Mr. Yates] asks unanimous consent that he may address the House for 30 minutes as the first special order, with the consent of other Members who have obtained special orders, in relation to the death of Ambassador Adlai Stevenson.

Is there objection to the request of the gentleman from Illinois?

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Speaker, I regret I must object.

Mr. Speaker, I regretted very sincerely what I considered to be a requirement to interpose an objection to the request of the gentleman from Illinois. I only did it because there were a great number of people from my district who were here in anticipation of the special order I had requested some time ago and because a great many of the Members had evidenced a keen interest in the subject matter. However, I fully recognize the great importance of and the great contribution that our

late and respected and beloved Ambassador to the United Nations has made to this country. In deference to that and out of respect for his memory, I would ask that I be permitted to relinquish the time heretofore asked and that my special order go over to a later date and that I be permitted to yield the 1 hour I have in a special order to the gentleman from Illinois [Mr. Yates] and all those who would like to pay tribute to the memory of the late Adlai Stevenson.

MR. YATES: I thank the gentleman.

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

There was no objection.

On Jan. 29, 1971,<sup>(16)</sup> Speaker Carl Albert, of Oklahoma, announced that he would, by unanimous consent, recognize the Chairman and ranking minority member of the Committee on Appropriations for special-order speeches immediately following the reading of the President's budget message and ahead of other Members who had special orders previously scheduled for that day.

## § 8. Varying the Order of Business

Generally, the regular order of business may be varied either by

14. 111 CONG. REC. 16845, 89th Cong. 1st Sess.

15. John W. McCormack (Mass.).

16. 117 CONG. REC. 990, 92d Cong. 1st Sess.

unanimous consent or by the adoption of a resolution so providing; and such a resolution may be reported from the Committee on Rules or brought up under suspension of the rules.<sup>(17)</sup> Any of these methods may be used to make in order the consideration of a bill or other proposition which cannot be called up under the normal order of business, as where provision is made for the immediate consideration of a bill which has not been reported by a committee or where the bill, although reported, is not privileged for consideration under the rules.

Orders and unanimous-consent requests changing the order of business are so numerous and varied that only a representative sample is included in this section. Frequently, orders are used to change the day on which certain calendar business may be considered, such as District of Columbia business, motions on the Discharge Calendar, and motions to suspend the rules and pass bills.

An order altering a calendar day has the effect of providing that an eligible bill (or other proposition) be considered on the spec-

17. For resolutions reported by the Committee on Rules varying the order of business, see §§ 16 et seq., *infra*. For motions to suspend the rules, their use and effect, see §§ 9–15, *infra*.

ified day or days as if it were the normal time for the consideration of such business.<sup>(18)</sup> Another common use of unanimous-consent requests is to postpone roll call votes (or all votes) from one day to another. On the day to which postponed, such votes become the unfinished business, and any Member may exercise the same rights as when the vote was first put or would have been put.<sup>(19)</sup>

The House may also by unanimous consent vary the relative precedence of certain bills or motions, such as giving precedence for consideration to a less-privileged matter,<sup>(20)</sup> or determining which of two equally privileged matters will be first considered.<sup>(1)</sup>

It should be noted that in some cases where unanimous consent has been granted for consideration of a bill, a point of order may nevertheless subsequently be sustained if directed to the question of consideration, as where it is based on insufficiency of the accompanying report. It has been held that if the unanimous-consent agreement includes a waiver

18. See §§ 8.7, 8.11, *infra*.

19. For unanimous-consent requests postponing votes, see §§ 8.14–8.18, *infra*. For the status of postponed votes as unfinished business, see §§ 3.14–3.18, *supra*.

20. See § 8.3, *infra*.

1. See § 8.1, *infra*.

of points of order “against the bill,” points of order directed against consideration of the bill are thereby waived. Under the modern practice, however, points of order that go to the question of consideration rather than to the content of the bill itself must be separately and expressly waived. These matters are discussed in more detail in Ch. 31, *infra*, in which points of order and waiver thereof are treated.

It is important to note that recognition for unanimous-consent requests is within the discretion of the Speaker, who may decline to recognize for requests varying the order of business where such requests are not first cleared with the leadership on both sides of the aisle.<sup>(2)</sup>

### *Varying Precedence of Bills*

**§ 8.1 Where two propositions of equal privilege are pending, it is for the Chair to determine whom he will recognize to call up one of the propositions, but the House may by unanimous consent determine such precedence.**

2. See for example, §8.21, *infra*. For further discussion of unanimous-consent requests as related to the order of business, see §1, *supra*.

On Sept. 11, 1945,<sup>(3)</sup> Speaker Sam Rayburn, of Texas, entertained a unanimous-consent request relating to the order of business and responded to a parliamentary inquiry as to its effect:

THE SPEAKER: The Chair recognizes the gentleman from North Carolina.

Mr. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow, immediately after the meeting of the House for business, to consider the bill (H.R. 3974) to repeal war time; that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Oklahoma [Mr. Boren], chairman of the subcommittee, and the gentleman from Massachusetts [Mr. Holmes].

Mr. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, reserving the right to object, and I shall not because I want to congratulate the committee on bringing in the legislation at this early date, as I understand it, that will be the first order of business tomorrow?

Mr. BULWINKLE: Yes; that is my understanding.

Mr. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, reserving the right to object, I was under the impression that H.R. 3660 was to be the next order of business.

THE SPEAKER: That is a question for the Chair, as to whether the Chair will recognize the gentleman from Illinois to call up the rule or recognize the gen-

3. 91 CONG. REC. 8610, 8511, 79th Cong. 1st Sess.

tleman from Oklahoma to call up the bill repealing war time. The request being made at this time is for the war time repeal bill to take precedence.

**§ 8.2 By unanimous consent, the House proceeded to the immediate consideration of a bill pending on the Union Calendar before taking up unfinished business (votes on certain bills carried over from preceding days).**

On Apr. 6, 1966,<sup>(4)</sup> Speaker John W. McCormack, of Massachusetts, made the following statement:

The next order of business is the matters that were passed over from Monday and Tuesday. However, the Chair desires to state that there is a bill out of the Committee on Ways and Means relating to the extension of time for filing for medicare. If there is no objection on the part of the House, the Chair would like to recognize the gentleman from Arkansas [Mr. Mills] to submit a unanimous-consent request to bring this bill up. The Chair also understands it is the intention to have a rollcall on the bill. The Chair is trying to work this out for the benefit of the Members. Is there objection to the Chair recognizing the gentleman from Arkansas [Mr. Mills], for the purpose stated by the Chair? The Chair hears none and recognizes the gentleman from Arkansas [Mr. Mills].

4. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

***Varying Precedence of Motions***

**§ 8.3 The regular order of business, such as the relative precedence of a motion to discharge on discharge days over unfinished business, may be varied by unanimous consent.**

On May 8, 1936,<sup>(5)</sup> Speaker Joseph W. Byrns, of Tennessee, answered a parliamentary inquiry as to the order of business and the power of the House to change such order by unanimous consent:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, reserving the right to object, and I shall not object, will the Speaker make the situation clear with reference to the legislative program for Monday?

As I understand it, it will be in order before we complete this bill to take up the question of the discharge of the Rules Committee from further consideration of the Frazier-Lemke bill. I would like to ask the Speaker if my understanding is correct, if consideration of the discharge petition would come up before the vote on this bill?

THE SPEAKER: The Chair thinks it would unless there is a previous understanding. The matter of which shall take precedence can be fixed by consent.

5. 80 CONG. REC. 7010, 74th Cong. 2d Sess.

MR. BOILEAU: I appreciate that, Mr. Speaker. Many Members interested in the Frazier-Lemke bill are anxious to know just what the situation is going to be.

MR. [BERTRAND H.] SNELL [of New York]: It would seem to me, if the Speaker will permit, that the vote on the pending bill would be the unfinished business before the House on Monday.

THE SPEAKER: The Chair will state to the gentleman from Wisconsin that, by consent, an agreement can be made whereby the vote on the motion to recommit the pending bill, or a roll call on its passage, can be had first, and then to take up the motion to discharge the committee.

**§ 8.4 The House granted consent that it be in order for a Member to move the rereference of a bill at any time during the day notwithstanding the rule (Rule XXII clause 4) requiring that such motions be made immediately after the reading of the Journal.**

On June 18, 1952,<sup>(6)</sup> Mr. Carl Vinson, of Georgia, asked unanimous consent, after the reading of the Journal, that it be in order for him to make a motion at any time on that day to rerefer a bill. He stated that the purpose of the request was to defer offering the motion until another concerned

6. 98 CONG. REC. 7532, 82d Cong. 2d Sess.

Member should reach the floor, despite the requirement of Rule XII clause 4 [*House Rules and Manual* §854 (1979)], that motions to re-refer be made immediately after the reading of the Journal. The request was agreed to and Mr. Vinson offered the motion to rerefer later in the day's proceedings.

**§ 8.5 Calendar Wednesday business may be dispensed with by unanimous consent but not by motion before the approval of the Journal.**

On Sept. 19, 1962,<sup>(7)</sup> Carl Albert, of Oklahoma, the Majority Leader, asked unanimous consent, before the reading and approval of the Journal, that Calendar Wednesday business on that day be dispensed with. Mr. Carl D. Perkins, of Kentucky, objected to the request. Mr. Albert then moved that Calendar Wednesday business be dispensed with, and Speaker John W. McCormack, of Massachusetts, ruled that the motion was not in order before the reading and approval of the Journal.

***Changing Consent and Private Calendar Days***

**§ 8.6 The call of the Consent and Private Calendars and**

7. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

**authority for the Speaker to recognize for suspensions under Rule XXVII clause I were, by unanimous consent, made in order on the second Tuesdays of the month due to the adjournment of the House for an Easter recess.**

On Mar. 29, 1961,<sup>(8)</sup> the House agreed to a unanimous-consent request, where the House was to adjourn for an Easter recess until Apr. 10:

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that on Tuesday, April 11, 1961, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII, that it shall be in order to consider business under clause 4, rule XIII, the Consent Calendar rule, and that on the same date the Private Calendar may be called. . . .

THE SPEAKER:<sup>(9)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### ***Changing Discharge Day***

#### **§ 8.7 Following a unanimous-consent agreement changing the day on which motions on the Calendar of Motions to Discharge Committees could**

8. 107 CONG. REC. 5289, 5290, 87th Cong. 1st Sess.

9. Sam Rayburn (Tex.).

**be called up, the Speaker stated that a motion that had been on the calendar for seven legislative days prior to the date set in the unanimous-consent agreement would be eligible.**

On June 9, 1960, the House had agreed to a unanimous-consent request to change from the second Monday [under Rule XXVII clause 4, *House Rules and Manual* §908 (1979)] to the following Wednesday, the day on which motions to discharge committees could be called up. In response to a parliamentary inquiry, Speaker Sam Rayburn, of Texas, indicated that the seven days required by Rule XXVII clause 4 for the motion to lie on the calendar would be calculated as of the day specified in the request:

MR. [JOHN W.] McCORMACK [of Massachusetts]: . . . My parliamentary inquiry is this: In view of the unanimous consent request heretofore entered into by the House, if we adjourn from today until Monday will the discharge petition in relation to the pay raise bill be in order on Wednesday next?

THE SPEAKER: The Chair would so hold.<sup>(10)</sup>

#### **§ 8.8 The day on which motions on the Calendar of Motions to Discharge Commit-**

10. 106 CONG. REC. 12272, 86th Cong. 2d Sess.

**tees could be called up under the rule (Rule XXVII clause 4) was, by unanimous-consent, changed from the second Monday to the following Wednesday.**

On June 9, 1960,<sup>(11)</sup> a unanimous-consent request to transfer motions to discharge committees was agreed to:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, on yesterday consent was granted that consideration of the pay raise bill be postponed until next Wednesday. I desire to submit a similar request today in clarified language:

Mr. Speaker, notwithstanding any other provisions of the rules, I ask unanimous consent that it may be in order on Wednesday next for the Speaker to recognize any Member who signed discharge motion No. 6, being numbered 1 on the calendar of motions to discharge committees to call up said motion for immediate consideration.

THE SPEAKER:<sup>(12)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCormack had made a similar request on June 8:

MR. MCCORMACK: Mr. Speaker, if I may have the attention of my colleagues on a matter which has been cleared by the leadership on both sides, in connection with motions in

order under the discharge rule on Monday next, I ask unanimous consent that they be postponed until the following Wednesday and be the first order of business.

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

There was no objection.<sup>(13)</sup>

### *Changing District Day*

**§ 8.9 By unanimous consent, District of Columbia business in order on the second Monday of the month (a legal "Columbus Day" holiday when the House would not be in session) was transferred to the following day.**

On Oct. 5, 1971, the House agreed to a unanimous-consent request:

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I ask unanimous consent that business in order under clause 8, rule XXIV, from the Committee on the District of Columbia, may be in order on Tuesday, October 12.

THE SPEAKER:<sup>(14)</sup> Is there objection to the request of the gentleman from Louisiana?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, reserving the right to object, would the gentleman restate his request?

MR. BOGGS: The request is simply that District Day be postponed from Monday until Tuesday.

11. 106 CONG. REC. 12256, 86th Cong. 2d Sess.

12. Sam Rayburn (Tex.).

13. 106 CONG. REC. 12120, 86th Cong. 2d Sess.

14. Carl Albert (Okla.).

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

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

There was no objection.<sup>(15)</sup>

The Monday in question was Columbus Day, a legal holiday when the House would not be in session.

**§ 8.10 District of Columbia business and authority for the Speaker to recognize for motions to suspend the rules were by unanimous consent transferred to the following day (due to the death of a Member).**

On Aug. 10, 1964, before the House adjourned out of respect for a deceased Member (John B. Bennett, of Michigan), the House agreed to a unanimous-consent request related to the order of business:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and pass the bill H.R. 1927, non-service-connected pensions, in order today, be in order on tomorrow, Tuesday, August 11, 1964, and that business in order under clause 8, rule XXIV, District of Columbia business, also be in order on tomorrow instead of today.

THE SPEAKER:<sup>(16)</sup> Is there objection to the request of the gentleman from Oklahoma?

15. 117 CONG. REC. 34882, 34883, 92d Cong. 1st Sess.

16. John W. McCormack (Mass.).

There was no objection.<sup>(17)</sup>

**§ 8.11 By unanimous-consent, the House agreed that certain District of Columbia business could be conducted on a Wednesday under the rules and procedures normally applicable to District bills called up on the second or fourth Mondays of the month.**

On May 25, 1960, the House agreed to the following unanimous-consent request:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that on Wednesday of next week it may be in order for the Speaker to recognize the chairman of the Committee on the District of Columbia or any member thereof to consider as under District of Columbia Day, one bill, H.R. 12063, to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport to the District of Columbia system.

This has been cleared with the ranking member of the Committee on the District of Columbia and the minority leader.

THE SPEAKER:<sup>(18)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.<sup>(19)</sup>

17. 110 CONG. REC. 18854, 88th Cong. 2d Sess.

18. Sam Rayburn (Tex.).

19. 106 CONG. REC. 11116, 86th Cong. 2d Sess.

***Changing Suspension Day***

**§ 8.12** By unanimous consent, the Speaker was given authority to recognize for motions to suspend the rules and pass certain bills on a date to be agreed upon by himself and the Majority and Minority Leaders.

On Aug. 17, 1964,<sup>(20)</sup> the House agreed to a unanimous-consent request propounded by the Majority Leader as to the order of business:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to recognize for motions to suspend the rules and pass the bills remaining undisposed of on the whip notice today on a day to be agreed upon by the Speaker, the majority leader, and the minority leader.

THE SPEAKER:<sup>(1)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

***Making in Order Special Appropriation Bill***

**§ 8.13** By unanimous consent, the House may make in order on certain days the consideration of joint resolutions containing special appropriations or continuing appropriations.

20. 110 CONG. REC. 19943, 19944, 88th Cong. 2d Sess.

1. John W. McCormack (Mass.).

On Sept. 29, 1971,<sup>(2)</sup> the House agreed to unanimous-consent requests made by the Chairman of the Committee on Appropriations relative to the order of business:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that it may be in order on any day next week to consider a joint resolution making a supplemental appropriation for fiscal year 1972 for Federal unemployment benefits and allowances, Manpower Administration, Department of Labor.

THE SPEAKER:<sup>(3)</sup> Is there objection to the request of the gentleman from Texas? . . .

There was no objection. . . .

MR. MAHON: Mr. Speaker, I ask unanimous consent that it may be in order on any day after October 5, 1971, to consider a joint resolution making further continuing appropriations for the fiscal year 1972, and for other purposes.

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

There was no objection.

***Postponing Votes***

**§ 8.14** Votes to be taken on a religious holiday on which the House will be in session may, by unanimous consent, be postponed until a following day.

2. 117 Cong. Rec. 33826-28, 92d Cong. 1st Sess.

3. John W. McCormack (Mass.).

On Apr. 12, 1973,<sup>(4)</sup> the House agreed to and discussed a unanimous-consent request relating to order of business:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that on Tuesday of next week, it being a Jewish holiday, votes on final passage and recommittal be postponed until the following day.

THE SPEAKER:<sup>(5)</sup> Is there objection to the request of the gentleman from Massachusetts?

MR. [H. R.] GROSS [of Iowa]: Reserving the right to object, Mr. Speaker, is that on the Economic Stabilization Act only?

MR. O'NEILL: No. I am asking that be on whatever legislation is before this body on Tuesday.

MR. GROSS: But not limited to the Economic Stabilization Act?

MR. O'NEILL: No.

MR. GROSS: Mr. Speaker, I object to that.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, would the gentleman listen for a moment? I hope that this program is approved, but they have to get a rule and if they do not get a rule, something else might be programed and, if so—

MR. GROSS: Further reserving the right to object, Mr. Speaker, what other legislation would we be permitted to vote on? And what is this kind of procedure going to do with respect to adjournment on Thursday?

MR. GERALD R. FORD: Mr. Speaker, would the gentleman yield?

MR. GROSS: Yes, I will be glad to yield to the gentleman.

MR. GERALD R. FORD: Perhaps the distinguished majority leader should respond to this, but if there happens to be no rule on the Economic Stabilization Act—and I do not think that is going to happen—but if it did, we might wish to take up the Federal aid to highway bill.

MR. O'NEILL: If the gentleman will yield further, it could be that we could take up any rule.

MR. GROSS: Without a vote?

MR. O'NEILL: We have always had the custom of doing that on Jewish holidays, to put over votes.

MR. GROSS: I do not recall that that has been an inflexible rule.

MR. GERALD R. FORD: That is my understanding on Jewish holidays or any other religious day for any denomination, that has been the understanding.

MR. GROSS: St. Patrick's Day, or any other day, Columbus Day, and all the other so-called holidays?

Mr. Speaker, since commitments have apparently been made, just for this once I will withdraw my reservation of objection.

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

There was no objection.

**§ 8.15 The House having agreed to postpone for one day votes on motions to recommit and on final passage, later agreed by unanimous consent to similarly postpone votes on amendments re-**

4. 119 CONG. REC. 12216, 93d Cong. 1st Sess.

5. Carl Albert (Okla.).

**ported from the Committee of the Whole on a designated bill.**

On Apr. 12, 1973,<sup>(6)</sup> a unanimous consent request relating to the order of business on a future day (Apr. 17) was agreed to after some explanatory debate:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that on Tuesday of next week, it being a Jewish holiday, votes on final passage and recommittal be postponed until the following day.

On Apr. 16, 1973,<sup>(7)</sup> a similar request was made for the same day in relation to other types of votes:

MR. O'NEILL: Mr. Speaker, I ask unanimous consent that the vote in the House on an amendment adopted in the Committee of the Whole to the legislative appropriation bill be put over until Wednesday.

THE SPEAKER:<sup>(8)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

**§ 8.16 The vote on the passage of a bill may, by unanimous consent, be put over until the following day.**

On July 19, 1965,<sup>(9)</sup> Speaker John W. McCormack, of Massa-

6. 119 CONG. REC. 12216, 93d Cong. 1st Sess.

7. *Id.* at p. 12552.

8. Carl Albert (Okla.).

9. 111 CONG. REC. 17217, 89th Cong. 1st Sess.

chusetts, put the question on the passage of a bill, following the engrossment and third reading. A unanimous-consent request was then agreed to postponing the vote on passage:

THE SPEAKER: The question is on the passage of the bill.

MR. [L. MENDELL] RIVERS of South Carolina: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from South Carolina rise?

MR. RIVERS of South Carolina: Mr. Speaker, I ask unanimous consent that further proceedings in the consideration of the bill be suspended until tomorrow.

THE SPEAKER: Without objection, it is so ordered.

There was no objection.

**§ 8.17 Further consideration of a conference report on which the previous question had been ordered was, by unanimous consent, postponed and made the unfinished business on the following day.**

On Dec. 15, 1970,<sup>(10)</sup> further consideration of a conference report (H.R. 17867, foreign assistance appropriations) was postponed by unanimous consent after the previous question had been ordered thereon:

MR. [OTTO E.] PASSMAN [of Louisiana]: . . . Mr. Speaker, I move the

10. 116 CONG. REC. 41544, 91st Cong. 2d Sess.

previous question on the conference report.

The previous question was ordered.

THE SPEAKER: <sup>(11)</sup> The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will state that there are five amendments in disagreement.

MR. HALL: I want a vote on the acceptance of the conference report, to which I object violently; and I object to the vote on the ground that a quorum is not present and, I repeat, I make a point of order that a quorum is not present.

THE SPEAKER: The Chair will count.

Will the gentleman withhold his point of order?

MR. HALL: No, Mr. Speaker, I will not withhold the point of order. I insist on my point of order. The point of order has been properly made.

THE SPEAKER: Will the gentleman indulge the Chair? There are quite a few Members at the White House, and it would be the purpose of the gentleman from Texas if the gentleman from Missouri will withhold his point of order, to ask that further proceedings on the conference report and the amendments in disagreement be postponed until tomorrow, because there are many Members at the White House with their wives.

MR. HALL: The only question of the gentleman from Missouri is: Why was this not considered before the conference report was called up?

Mr. Speaker, under those circumstances, and with that understanding and for no other purpose, I will yield until the gentleman from Texas makes his request.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until tomorrow and that this be the first order of business on tomorrow. . . .

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

THE SPEAKER: Accordingly, the matter is postponed until tomorrow, when it will be the first order of business.

**§ 8.18 Pursuant to a special order postponing roll calls until the following Thursday, consideration of the vote on a bill called up under suspension of the rules and consideration of a veto message were postponed and made the unfinished business on the day when roll calls would again be in order.**

On Oct. 5, 1965,<sup>(12)</sup> Mr. Clement J. Zablocki, of Wisconsin, moved to suspend the rules and pass a bill; when Speaker John W. McCormack, of Massachusetts, put the question on the motion,

12. 111 CONG. REC. 25941-44, 89th Cong. 1st Sess.

11. John W. McCormack (Mass.).

Mr. H. R. Gross, of Iowa, objected to the vote on the ground that a quorum was not present. The Speaker then stated as follows:

THE SPEAKER: Pursuant to the order of the House of October 1, further proceedings on the Senate joint resolution will go over until Thursday, October 7.

On the same day, a veto message from the President was laid before the House and was postponed to Oct. 7 pursuant to the previous order.<sup>(13)</sup>

*Parliamentarian's Note:* On Oct. 1, the House had agreed to a unanimous-consent request that all roll call votes, other than on matters of procedure, which might arise on Oct. 5 or 6, be put over until Oct. 7.<sup>(14)</sup>

### *Rescheduling Special Orders*

**§ 8.19 Special-order speeches may be rescheduled to a following day by unanimous consent, to precede special-order speeches scheduled for that day.**

On Oct. 9, 1962,<sup>(15)</sup> before the House adjourned out of respect to a deceased Member (Clement W. Miller, of California), a unanimous-consent request made by the Majority Leader was agreed to:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent

13. *Id.* at pp. 25940, 25941.

14. *Id.* at pp. 20796, 20797.

15. 108 CONG. REC. 22850, 87th Cong. 2d Sess.

that the special orders heretofore entered for today be transferred to tomorrow and be placed at the top of the list of special orders for tomorrow.

THE SPEAKER:<sup>(16)</sup> Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Special-order speeches were similarly transferred to the following day on July 22, 1963, due to the death of a Member.<sup>(17)</sup>

**§ 8.20 Unanimous-consent requests for the transaction of business are not customarily entertained after special orders have begun, but on occasion the House has permitted the transaction of legislative business by unanimous—consent after scheduled business has been concluded and special order speeches have begun.**

On Mar. 17, 1971,<sup>(18)</sup> “special-order” speeches had begun, following the conclusion of legislative business for the day. A unanimous-consent request was made, discussed, and agreed to:

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that the Com-

16. Sam Rayburn (Tex.).

17. 109 CONG. REC. 13004, 88th Cong. 1st Sess.

18. 117 CONG. REC. 6848, 92d Cong. 1st Sess.

mittee on House Administration have permission until midnight tonight to file certain privileged reports.

THE SPEAKER PRO TEMPORE:<sup>(19)</sup> Is there objection to the request of the gentleman from Massachusetts?

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, reserving the right to object, I do so only for the purpose of trying to ascertain here and now whether we are to follow the custom of no business of the House being transacted after embarking on special orders. That has been the custom in the past, and I should like to have some assurance from the Speaker or the distinguished majority whip that we can rely upon the custom that has been in practice for a long time, that no business will be transacted after special orders are begun.

MR. O'NEILL: I would be happy to answer the gentleman from Iowa.

MR. GROSS: I would be glad to have the answer.

MR. O'NEILL: When I went to the minority leader and explained to him what had happened, that this notification did not come to me until we went into special orders, the gentleman heard the colloquy. I went to the Speaker of the House, and the Speaker has assured us that it is unprecedented and it will not happen again during the session.

MR. GROSS: I thank the gentleman for that assurance.

Mr. Speaker, I withdraw my reservation.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

### *Varying Previous Order*

**§ 8.21 The Speaker declined to recognize a Member to request unanimous consent to make an omnibus bill eligible for consideration during a call of the Private Calendar on a specific day, when the House had previously agreed by unanimous consent that it be passed over.**

On July 15, 1968,<sup>(20)</sup> John W. McCormack, of Massachusetts, declined to recognize Mr. William L. Hungate, of Missouri, to make the unanimous-consent request that the first omnibus private bill of 1968 (H.R. 16187) be placed on the Private Calendar for July 16. The House had previously agreed, on July 12, 1968, to the unanimous-consent request of Majority Leader Carl Albert, of Oklahoma, that the bill be passed over and not considered during the call of the Private Calendar on July 16.<sup>(1)</sup>

### *Withdrawal as Varying Order*

**§ 8.22 On one occasion the Speaker, having recognized one Member to propound a**

20. 114 CONG. REC. 21326, 90th Cong. 2d Sess.

1. *Id.* at p. 20998.

19. Brock Adams (Wash.).

**parliamentary inquiry regarding the status of a resolution as “unfinished business,” then recognized another Member to withdraw the resolution, thus eliminating the reason for the inquiry.**

On Apr. 8, 1964, a demand was made for the reading of the engrossed copy of a bill where the engrossment was not yet prepared. The bill was laid aside and the House proceeded to consider a resolution (concurring in Senate amendments to a House bill). Prior to the disposition of the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pursuant to authority previously granted.

At the conclusion of the recess, the Speaker stated the unfinished business to be the reading of the engrossed copy of the bill on which the demand had been made. The following inquiry and its disposition then ensued:<sup>(2)</sup>

THE SPEAKER: The unfinished business is the reading of the engrossed copy of H.R. 10222.

The Clerk will read the engrossed copy.

MR. OLIVER P. BOLTON [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

2. 110 CONG. REC. 7303, 7304, 88th Cong. 2d Sess.

MR. OLIVER P. BOLTON: Mr. Speaker when the recess was called, it is my understanding that we were engaged in the consideration of what is referred to as a cotton and wheat bill. Is it not the rule of the House that we must finish the consideration of that measure before we take up any other measure which has been passed over for parliamentary and mechanical reasons?

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker

THE SPEAKER: The gentleman from Missouri [Mr. Bolling].

MR. BOLLING: Mr. Speaker, under the rules I withdraw House Resolution 665.

MR. OLIVER P. BOLTON: Mr. Speaker a parliamentary inquiry.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, that takes unanimous consent, and I object.

THE SPEAKER: The Chair will state that it does not take unanimous consent to withdraw the resolution in the House.

MR. OLIVER P. BOLTON: Mr. Speaker it is my understanding that the Speaker was addressing the Member now addressing the Chair and had not given an answer to my question. Therefore, the recognition of the Member from the other side, the gentleman from Missouri [Mr. Bolling] was out of order. Am I incorrect?

THE SPEAKER: The recognition of the gentleman from Missouri [Mr. Bolling] terminated the parliamentary inquiry.

MR. OLIVER P. BOLTON: In other words, the Speaker did not answer the parliamentary inquiry; is that correct?

THE SPEAKER: Since the resolution was withdrawn, the parliamentary inquiry was ended.

MR. OLIVER P. BOLTON: If the Speaker will respectfully permit, the gentleman from Ohio would suggest that the question had been asked before the resolution had been withdrawn.

THE SPEAKER: The Chair will state that the Chair has the power of recognition. Now that the resolution has been withdrawn, the unfinished business is the reading of the engrossed copy of H.R. 10222.

MR. OLIVER P. BOLTON: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will I state it.

MR. OLIVER P. BOLTON: The Speaker had recognized the gentleman from Ohio for a parliamentary inquiry. The parliamentary inquiry had been made. The parliamentary inquiry had not been answered and yet the Chair recognized the gentleman from Missouri.

THE SPEAKER: Which the Chair has the power to do.

The Clerk will read the engrossed copy of H.R. 10222. . . .

MR. OLIVER P. BOLTON: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. OLIVER P. BOLTON: Speaker, may I inquire whether the parliamentary inquiry which I addressed to the Chair is now not to be answered, because of the action of the gentleman from Missouri?

THE SPEAKER: The gentleman will repeat his parliamentary inquiry.

MR. OLIVER P. BOLTON: Mr. Speaker, my parliamentary inquiry was to the effect that inasmuch as the House was engaged at the business before it at the time the Speaker called the recess, whether the rules of the House did not

call for the conclusion of that business before other business which had been postponed by the House under the rules of the House and in accordance with the procedures of the House did not have to follow consideration of any business that was before the House at the time of the calling of the recess?

THE SPEAKER: The Chair will state that the gentleman from Missouri withdrew his resolution. If he had not withdrawn the resolution the situation might have been different.

The Chair has made a ruling that the unfinished business is the reading of the engrossed copy of H.R. 10222. That is the unfinished business.

### *Form of Resolution Varying Special Days*

#### **§ 8.23 Form of resolution authorizing call of the Consent Calendar and consideration of motions to suspend the rules on a day other than that specified in Rule XIII clause 4 and Rule XXVII clause 1.<sup>(3)</sup>**

On Aug. 31, 1961, the Committee on Rules reported and the House adopted the following order of business resolution:

*Resolved*, That the call of the Consent Calendar and consideration of motions to suspend the rules, in order on Monday, September 4, 1961, may be in

**3.** Rule XIII clause 4, *House Rules and Manual* §746 (1979); and Rule XXVII clause 1, *House Rules and Manual* §902 (1979).