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bill thereby made in order as unfinished business:

MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

§ 2. Prayer, Approval of Journal, and Business on the Speaker's Table

Rule XXIV clause 1[16] provides for the order of business when the House convenes:

l. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

Fifth. Unfinished business.

Sixth. The morning hour for the consideration of bills called up by committees.

Seventh. Motions to go into Committee of the Whole House on the State of the Union.

Eighth. Orders of the day.

Similarly, Rule XXIV clause 2[17] provides for the disposition of business on the Speaker's table:

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

No business is in order before the prayer, which is offered daily when the House meets, and a point of order of no quorum is not entertained before the prayer.[18]

The next order of business is the approval of the Journal. Prior

16. *House Rules and Manual* § 878 (1979).

17. House Rules and Manual § 882 (1979).

18. See §§ 2.1–2.3, infra.

to the 92d Congress, one Member could, under then Rule I clause 1, demand the reading of the Journal in full, and intervening points of order of no quorum could be made during such reading, delaying the business of the House for many hours on some occasions. Under the 1973 version of the rule, the Speaker announces his approval of the Journal, whereupon it is considered as read (unless the Speaker in his discretion orders its reading). Only one motion is in order that the Journal be read (a nondebatable motion).[19] Messages from the President and Senate have been received and questions of privileges of the House have been raised before the approval of the Journal,[20] but no other business, including a privileged report from the Committee on Rules, may intervene.[1]

Following the approval of the Journal, motions (or unanimous consent requests) to correct the rereference of public bills are in order, and such motions may be made at a later point in the proceedings only by unanimous consent.[2] In the current practice of the House, one-minute speeches, although not provided for by the rule, are entertained immediately following the approval of the Journal by unanimous consent and before any legislative business (including the rereference of bills).[3]

Rule XXIV[4] next provides for the disposal of business on the Speaker's table. Business on the table consists of executive communications, messages from the President, bills, resolutions, and messages from the Senate, and House bills with Senate amendments. Messages from the President and messages from the Senate are matters of privilege and may be received, laid before the House and disposed of at any time when business permits; where they are received during a quorum call which results in an adjournment of the House, they are held at the desk until the next legislative day.[5]

Normally, executive communications are referred after the ap-

19. See *House Rules and Manual* § 621 (1973).

20. See §§ 2.5, 2.8, infra. 2 Hinds' Precedents § 1630; 6 Cannon's Precedents § 637.

1. See § 2.12, infra.

2. See §§ 2.14–2.16, infra.

3. For the place in the order of business of one-minute speeches, see § 6, infra.

4. See *House Rules and Manual* §§ 878, 882 (1979)

5. See §§ 2.22, 2.23, infra. Such messages have been received before the approval of the Journal; see §§ 2.5, 2.8, infra.

proval of the Journal; if the House adjourns before such approval, the communications are held at the desk until the next legislative. day.[6]

Rule XXIV clause 2 provides for the immediate disposal, after the correction of reference of public bills, of certain House bills with Senate amendments and certain Senate bills.[7] Most Senate bills and House bills with Senate amendments do not, however, comply with the requirements of the rule, since requiring consideration in Committee of the Whole. They mav be disposed of at any time before the stage of disagreement (when business permits) by unanimous consent, by a motion to ask for or agree to a conference if authorized by the committee (and if entertained by the Speaker in his discretion), by suspension of the rules, or by a resolution from the Committee on Rules.[8] And after the stage of disagreement has been reached, a bill with amendments between the Houses is privileged for consideration.

Offering of Prayer

§ 2.1 The Chaplain offers prayer daily, whether the House has adjourned until the next day or has recessed.

On June 17, 1948, the House recessed at 8:12 p.m. until 10 a.m. on June 18. When the House was called to order at the conclusion of the recess, prayer was offered by the Reverend James Shera Montgomery.[9]

§ 2.2 The prayer offered at the beginning of the business of the House is not considered as business and the Speaker does not recognize a point of order that a quorum is not present before the prayer.

On Aug. 4, 1950,[10] Mr. Robert F. Rich, of Pennsylvania, sought to make a point of order that a quorum was not present, before the prayer had been offered. Speaker Sam Rayburn, of Texas, responded "We will have the prayer first, because that is not considered business."

Parliamentarian's Note: Rule XV clause 6, as added during the

6. See § 2.17, infra.

7. See §§ 2.18 (Senate bills substantially the same as reported House bills on the House Calendar) and 2.21 (House bill with Senate amendments not requiring consideration in Committee of the Whole), infra.

8. See §§ 2.19 (note) and 2.20, infra. For a complete discussion, see Ch. 32, infra (discussing amendments between the Houses), and Ch. 33, infra (House-Senate Conferences).

9. 94 CONG. REC. 8824, 80th Cong. 2d Sess.

10. 96 CONG. REC. 11829, 81st Cong. 2d Sess.

93d Congress, prohibits the making or entertaining of a point of order that a quorum is not present before or during the offering of prayer.

§ 2.3 On one occasion, prayer was not offered by the Chaplain until a Speaker had been elected and the oath administered to him (the late Speaker having died between the first and second session).

On Jan. 10, 1962,[11] the convening day of the second session of the 87th Congress, the Clerk called the House to order, Speaker Sam Rayburn, of Texas, having died before the convening. The House proceeded to elect a new Speaker (John W. McCormack, of Massachusetts) who was sworn in by the Dean of the House, Carl Vinson, of Georgia, before prayer was offered by the Chaplain.

Approval of Journal in Order Of Business

§ 2.4 Under the order of business prescribed by Rule XXIV, legislative business on the Speaker's table is not disposed of until the Journal has been approved, and executive communications on the Speaker's table are not referred when the House adjourns before the reading or approval of the Journal.

On Dec. 7, 1963,[12] Mr. William K. Van Pelt, of Wisconsin, made a point of order that a quorum was not present, immediately after the offering of prayer and before the approval of the Journal. Mr. John E. Moss, Jr., of California, moved that the House adjourn, and the motion was agreed to. Executive communications on the Speaker's table were not referred, in accordance with Rule XXIV clause 2, but were held at the Speaker's table and referred on Dec. 9, the next meeting day of the House.

Parliamentarian's Note: This precedent, and the following ones relating to the reading and approval of the Journal as to the order of business, predate the 1971 change in Rule I clause 1, implementing the Legislative Reorganization Act of 1970 (84 Stat. 1140). The rule was amended to change the former requirement that the Journal be read in full, such reading to be dispensed with only by unanimous consent. The rule now provides for the Speaker to announce his approval of the Journal, whereon it shall be considered read, unless the Speaker

11. 108 CONG. REC. 5, 6, 87th Cong. 2d Sess.

12. 109 CONG. REC. 23751, 23752, 88th Cong. 1st Sess.

in his discretion orders its reading. One motion is in order that the Journal be read.[13]

§ 2.5 Messages from the Senate have been received before the approval of the Journal.

On Sept. 13, 1965,[14] there was pending before the House a motion to approve the Journal. Speaker John W. McCormack, of Massachusetts, received a message from the Senate, announcing the passage by the Senate of a House bill. The Speaker overruled a point of order against the procedure:

> MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a point of order.
>
> THE SPEAKER: For what purpose does the gentleman from Iowa arise?
>
> MR. GROSS: The transacting of business of the House prior to adoption of the reading of the Journal.
>
> THE SPEAKER: The Chair will state it is always proper, as well as courteous, to receive a message from the President of the United States, or from the other body, as quickly as possible.

On Sept. 11, 1968,[15] there was pending before the House a motion to dispense with further proceedings under a call of the House, where the call was ordered before the reading and approval of the Journal. Before the motion was dispensed with, Speaker John W. McCormack, of Massachusetts, received a message from the Senate, announcing that the Senate had agreed to a conference report.[16]

§ 2.6 The oath may be administered to a Member-elect before the approval of the Journal.

On Apr. 26, 1948,[17] Mr. Ellsworth B. Buck, of New York, made the point of order that a quorum was not present prior to the reading and approval of the Journal. At the request of Speaker Joseph W. Martin, Jr., of Massachusetts, Mr. Buck withheld his point of order in order that the certificate of election of a Member-elect could be laid before the House and that he be sworn in. Following the completion of the administration of the oath, Mr. Buck renewed his point of order and a call of the House ensued.

Parliamentarian's Note: The administration of the oath is pre-

13. For the 1971 amendment to Rule I, see H. Res. 5, 117 CONG. REC. 140–44, 92d Cong. 1st Sess., Jan. 22, 1971 (implementing § 127 of the Legislative Reorganization Act of 1970, Pub. L. No. 91–510, 84 Stat. 1140).

14. 111 CONG. REC. 23604, 89th Cong. 1st Sess.

15. 114 CONG. REC. 26453, 26454, 90th Cong. 2d Sess.

16. See also 108 CONG. REC. 19940, 87th Cong. 2d Sess., Sept. 19, 1962; and 108 CONG. REC. 17651—54, 87th Cong. 2d Sess., Aug. 27, 1962.

17. 94 CONG. REC. 4834, 80th Cong. 2d Sess.

sented as a question of the privileges of the House, which if properly raised takes precedence over the approval of the Journal; for a complete discussion of the oath, see Chapter 2, supra. Questions of constitutional privilege, of which there are few, such as propositions to impeach, also take precedence over the approval of the Journal.[18]

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

On Sept. 19, 1962,[19] 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 Masachusetts, ruled that the motion was not in order before the reading and approval of the Journal.

§ 2.8 A message from the President was received before the approval of the Journal.

On Aug. 27, 1962,[20] three quorum calls and two record votes on the motion to dispense with further proceedings under the call interrupted the reading of the Journal, on a day when a Member intended to move to suspend the rules and pass a joint resolution amending the Constitution to abolish poll taxes as a qualification for federal electors. Before the reading of the Journal had been completed, Speaker John W. McCormack, of Massachusetts, received a message in writing from the President.

§ 2.9 Unanimous-consent requests for insertions in the Record are not received by the Speaker prior to the completion of the reading and approval of the Journal.

On Sept. 19, 1962,[1] before the reading and approval of the Journal, Mr. Carl Albert, of Oklahoma, asked unanimous consent to insert in the *Congressional Record* with his own remarks a letter from the Secretary of State to the Speaker. Speaker John W. McCormack, of Massachusetts, stated that the request would "have to

18. See the discussion at 31, infra.

19. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

20. 108 CONG. REC. 17651–54, 87th Cong. 2d Sess.

1. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

wait until after the Journal has been read and acted upon."

§ 2.10 Prior to the conclusion of the reading and approval of the Journal, the Speaker declared a recess subject to the call of the Chair (pursuant to authority previously granted).

On Apr. 9, 1964,[2] before the reading and approval of the Journal, Speaker John W. McCormack, of Massachusetts, declared a recess, in order that Members could proceed to the Rotunda of the Capitol to witness the conclusion of lying-in-state ceremonies for the late General of the Army, Douglas MacArthur. The Speaker had previously been authorized by the House to declare a recess at any time on the day in question.

§ 2.11 Numerous parliamentary inquiries concerning the anticipated order of business were entertained by the Chair during the reading of the Journal.

On Sept. 11, 1968,[3] two quorum calls interrupted the reading of the Journal. Speaker John W. McCormack, of Massachusetts, entertained and responded to several parliamentary inquiries on the order of business (in relation to a conference report on the Defense Department appropriation bill, H.R. 18707) before concluding the reading and approval of the Journal. The Speaker noted that recognition for parliamentary inquiries was always within the discretion of the Chair.

§ 2.12 A privileged report from the Committee on Rules may not be called up before the approval of the Journal, contrary to early practice.

On Oct. 8, 1968,[4] when various quorum calls had interrupted the reading of the Journal (the scheduled business was a bill suspending for the 1968 Presidential campaign equal-time requirements of the Communications Act of 1934), Speaker pro tempore Wilbur D. Mill, of Arkansas, responded to a parliamentary inquiry concerning the order of business before the reading and approval of the Journal:

> THE SPEAKER PRO TEMPORE: The gentleman from Texas will state his parliamentary inquiry.
>
> MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, under rule 11 of the rules of the House it is held that it

2. 110 CONG. REC. 7354, 88th Cong. 2d Sess.

3. 114 CONG. REC. 26453–56, 90th Cong. 2d Sess.

4. 114 CONG. REC. 30095, 30096, 90th Cong. 2d Sess.

shall always be in order to call up for consideration a report on legislative business from the Committee on Rules.

I discover that on one occasion the Chair did recognize a member of the Committee on Rules to call up a resolution providing a special order for the consideration of the bill. On that occasion one of the Members made a point of order against the consideration of that resolution to the effect that no business was in order until after the reading and the approval of the Journal of the proceedings of the previous session. After debate, the Speaker overruled the point of order on the ground that under clause 51 of rule 11 it shall always be in order to call up for consideration a report from the Committee on Rules, and that like a motion to adjourn, which is "always in order," such report may be called up before as well as after the reading of the Journal.

The other Member, Mr. Tracey, appealed from the decision of the Chair. This appeal was laid upon the table by a vote of yeas 195, nays 73.

Mr. Speaker, my inquiry is this: Under that rule and under that precedent would it not be in order, particularly in view of the very obvious dilatory tactics being employed on the part of certain Members of this body on the other side of the aisle to prevent the transaction of business, for the Chair to recognize a member of the Committee on Rules as the spokesman of the Committee on Rules to call up a rule in order that the business of the House may be transacted and the will of the majority of the Members of the House may be worked?

THE SPEAKER PRO TEMPORE: Did the gentleman from Texas [Mr. Wright] put his inquiry in the form of a parliamentary inquiry?

MR. WRIGHT: Yes, Mr. Speaker. At the end of the statement was a question mark. The question is, Would it be in order under the circumstances and in view of this precedent for the Chair forthwith to recognize the gentleman from Indiana [Mr. Madden] who acts at the direction of the Committee on Rules to call up a special order for consideration of the bill and permit the House to work its will?

THE SPEAKER PRO TEMPORE: The Chair understands the gentleman's parliamentary inquiry.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, with reference to that particular point, may I call the attention of the Chair to rule XI, section 22, which states that—

> It shall always be in order to call up for consideration a report from the Committee on Rules (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting.

As I understand the gentleman from Texas and his inquiry of the Chair, it is whether it is not in order for a Member to call up a report from the Committee on Rules——

MR. [CRAIG] HOSMER [of California]: The citation and precedent used by the gentleman from Oklahoma and also the rule cited by the gentleman from Illinois appear to have reference to proceedings either before or after an act such as the reading of the Journal and not within the pending business which is the reading of the Journal.

I wish to point out to the Chair the distinction between the situation posed

by the parlinmentary inquiry of the gentleman from Texas and his precedents, and the situation actually before the House at this moment when there is pending an unread Journal.

THE SPEAKER PRO TEMPORE: The Chair is ready to respond to the parliamentary inquiry of the gentleman from Texas [Mr. Wright]. The Chair will state that the Chair is aware of the precedent to which the gentleman points and poses in propounding his parliamentary inquiry, and appreciates the gentleman from Illinois [Mr. Yates] calling attention of the Chair to the rule, and the statement of the gentleman from California [Mr. Hosmer].

However, in Cannon's Precedents, volume 6 of the 1936 edition, section 630, the ruling pointed to by the gentleman from Texas [Mr. Wright] has been superceded by a subsequent ruling of the Chair:

> On January 23, 1913, immediately after prayer by the Chaplain and before the Journal had been read, Mr. James R. Mann, of Illinois, made the point of order that a quorum was not present. A call of the House was ordered, and a quorum having appeared, Mr. Augustus P. Gardner, of Massachusetts, proposed to present a conference report.

Of course, a conference report is a highly privileged matter.

> The Speaker ruled that no business was in order until the Journal had been read and approved.

Thus it would not be in order for the Speaker to recognize a member of the Committee on Rules to present a rule before the completion of the reading of the Journal of yesterday.

§ 2.13 A question of personal privilege (as opposed to a question of the privileges of the House) cannot be raised before the approval of the Journal.

On Oct. 8, 1968,[5] before the reading and approval of the Journal, on a day when the House had ordered the doors to the Chamber locked (various calls of the House and privileged motions having interrupted the reading of the Journal) Speaker John W. McCormack, of Massachusetts, declined to recognize a Member on a question of personal privilege:

> MR. [ROBERT] TAFT [Jr., of Ohio]: Mr. Speaker——
>
> THE SPEAKER: For what purpose does the gentleman from Ohio rise?
>
> MR. TAFT: Mr. Speaker, I have a privileged motion.
>
> MR. [SIDNEY R.] YATES [of Illinois]: A point of order, Mr. Speaker. That is not in order until the reading of the Journal has been completed.
>
> THE SPEAKER: Will the gentleman from Ohio state his privileged motion?
>
> MR. TAFT: Mr. Speaker, my motion is on a point of personal privilege.
>
> THE SPEAKER: Will the gentleman from Ohio state whether it is a point of personal privilege or a privileged motion?
>
> MR. TAFT: It is a privileged motion, and a motion of personal privilege.
>
> Under rule IX questions of personal privilege are privileged motions, ahead of the reading of the Journal.

5. 114 CONG. REC. 30214—16, 90th Cong. 2d Sess.

THE SPEAKER: The Chair will advise the gentleman that a question of personal privilege should be made later after the Journal has been disposed of.

If the gentleman has a matter of privilege of the House, that is an entirely different situation.

When Mr. Taft again sought recognition and sought to raise a question of the privileges of the House, the Speaker heard the question and ruled that no question of the privileges of the House was stated. An appeal from the Speaker's ruling was laid on the table.

Motions to Rerefer Public Bills After Approval of Journal

§ 2.14 A motion or unanimous-consent request to correct the reference of a public bill may be made on any day immediately after the reading and approval of the Journal.

On Apr. 2, 1935,[6] following the approval of the Journal, Mr. Emanuel Celler, of New York, asked unanimous consent, by direction of the Committee on the Judiciary, that H.R. 6547, originally referred to the Committee on Foreign Affairs, be re-referred to the Committee on the Judiciary. When the request was objected to, Mr. Celler offered a motion for the same purpose. Speaker Joseph W. Byrns, of Tennessee, answered parliamentary inquiries on the place of the motion in the order of business:

MR. [SCHUYLER OTIS] BLAND [of New York]: May I ask, according to the rules, if a motion to correct a reference must not be made immediately after the reading of the Journal and before any other business has been transacted?

THE SPEAKER: There has been no business transacted, the Chair may say to the gentleman from Virginia, except unanimous-consent requests.

MR. BLAND: I thought that was business. I have no interest in the pending matter at all.

THE SPEAKER: The House has not proceeded with the business on the Speaker's table as yet. What has been done up to this time has been by unanimous consent.[7]

Parliamentarian's Note: In current practice, rereference of bills is usually done by unanimous consent and with the concurrence of both committees involved.

6. 79 CONG. REC. 4878, 4879, 74th Cong. 1st Sess.

7. See also 83 CONG. REC. (11)42, 1143, 75th Cong. 3d Sess., Jan. 26, 1938, where Speaker William B. Bankhead (Ala.) overruled a point of order against the consideration of a bill on the grounds that it had been improperly referred, after the committee of reference had reported the bill. The Chair alluded to Rule XXII, clause 3 [subsequently Rule XXII, clause 4, *House Rules and Manual* § 854 (1979)] providing for the motion to correct reference and its place in the order of business.

§ 2.15 The rule providing that rereference of bills on motion of a committee claiming jurisdiction may be made immediately after the reading of the Journal (Rule XXII, clause 4) was construed to mean before any business was transacted, but the motion may be made after one-minute speeches are made.

On Apr. 21, 1942,[8] following the approval of the Journal and some one-minute speeches, Mr. Samuel Dickstein, of New York, moved the rereference of a bill, by direction of the Committee on Immigration and Naturalization. Mr. John E. Rankin, of Mississippi, made the point of order that no such motion was in order, and Speaker Sam Rayburn, of Texas, quoted the rule providing for the motion (Rule XXII, clause 4) and overruled the point of order. He then ruled as follows on ensuing points of order:

> MR. RANKIN of Mississippi: Mr. Speaker, I make the point of order that the gentleman's motion has come too late. The bill has already been referred to the Committee on the Judiciary and printed, and the motion is not in order.
>
> THE SPEAKER: On the point that the motion comes to late in that business has been transacted in the House today, the Chair may say that since the reading of the Journal the only business that has been transacted has been 1-minute speeches. The Chair is constrained to overrule the point of order of the gentleman from Mississippi on the ground that he thinks it involves too technical a construction of the rule.

On motion of Mr. Rankin, the motion of rereference was laid on the table.

§ 2.16 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,[9] 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 Member should reach the floor, despite the requirement of Rule XXII, clause 4, that motions to rerefer be made immediately after the reading of the Journal. The request was agreed to and Mr.

8. 88 CONG. REC. 3571, 77th Cong. 2d Sess.

9. 98 CONG. REC. 7532, 82d Cong. 2d Sess.

Vinson offered the motion to re-refer later in the day's proceedings.

Business on the Speaker's Table

§ 2.17 Under the order of business prescribed by Rule XXIV, legislative business on the Speaker's table is not disposed of until the Journal has been approved, and executive communications on the Speaker's table are not referred when the House adjourns before the reading or approval of the Journal.

On Dec. 7, 1963,[10] Mr. William K. Van Pelt, of Wisconsin, made a point of order that a quorum was not present, immediately after the offering of prayer and before the approval of the Journal. Mr. John E. Moss, Jr., of California, moved that the House adjourn, and the motion was agreed to. Executive communications on the Speaker's table were not referred, accordance with Rule XXIV, clause 2, but were held at the Speaker's table and referred on Dec. 9, the next meeting day of the House.

§ 2.18 Senate bills substantially the same as House bills already favorably reported by a committee of the House and on the House Calendar may be called up for consideration, by direction of the committee reporting the bill, on any day immediately following the correction of reference of public bills.

On Mar. 26, 1934,[11] after the approval of the Journal and the correction of reference of public bills, pursuant to the order of business specified in Rule XXIV, the following proceedings took place on a Senate bill on the Speaker's table (Speaker Henry T. Rainey, of Illinois, presiding):

> MR. [VINCENT L.] PALMISANO [of Maryland]: Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2950) to authorize steam railroads to electrify their lines within the District of Columbia, and for other purposes.
>
> THE SPEAKER: Is there objection to the request of the gentleman from Maryland?
>
> MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I reserve the right to object.
>
> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. O'CONNOR: Is it necessary to ask unanimous consent to call up a District of Columbia bill today?

10. 109 CONG. REC. 23751, 23752, 88th Cong. 1st Sess.

11. 78 CONG. REC. 5425–27, 73d Cong. 2d Sess.

THE SPEAKER: The Chair is advised it is not. . . .

MR. [CARL E.] MAPES [of Georgia]: Mr. Speaker, I think it is a very easy matter to have this bill passed upon by the Interstate Commerce Commission. I dislike to object, but——

Mr. [JOSEPH W.] BYRNS [of Tennessee]: Mr. Speaker, I make the point of order that it is too late to object. This is District day, and it is in order to call the bill up for consideration.

MR. [THOMAS L.] BLATON [of Texas]: This bill is called up as a matter of right.

THE SPEAKER: The point of order is sustained.

MR. MAPES: Mr. Speaker, I listened very carefully as the bill was called up and watched the proceedings with that point in mind. After the colloquy with the gentleman from New York, the Republican leader, nothing was said except that the Clerk would report the bill. . . .

MR. O'CONNOR: I asked the Chair whether unanimous consent was necessary to call up this bill and the Chair ruled that it was not necessary.

THE SPEAKER: That was the ruling of the Chair.

MR. MAPES: Mr. Speaker, I have no desire to be technical in this. If the gentleman from Maryland wishes to move that the House consider this legislation, of course, I cannot object to that, but I do object to taking it up by unanimous consent.

THE SPEAKER: This bill is on the House Calendar.

MR. MAPES: But no effort has been made to call it up except by unanimous consent, and unanimous consent has not yet been given.

THE SPEAKER: This is District of Columbia day, and the Acting Chairman of the District Committee, by direction of that committee, may call this bill up as a matter of right. The Chair will say that a similar House bill was favorably reported by the District Committee and placed on the House Calendar before the Senate bill came over. Under Rule XXIV, clause 2, the Committee on the District of Columbia could dispose of this bill under the provisions of clause 1 of the same rule or the committee could dispose of it under clause 8 of that rule.

Parliamentarian's Note: Rule XXIV, clause 2 [*House Rules and Manual* § 882 (1979)] provides for the immediate disposition (after the correction of reference of public bills pursuant to clause 1) of Senate bills substantially the same as House bills already reported and not required to be considered in Committee of the Whole, and Rule XXIV, clause 8 [*House Rules and Manual* § 899 (1979)] provides for the consideration of District of Columbia business on the second and fourth Mondays after the disposition of business on the Speaker's table.

§ 2.19 House bills with Senate amendments which do not require consideration in the Committee of the Whole may be at once disposed of as the House may, determine and are privileged matters on the Speaker's table.

On Feb. 1, 1937,[12] Mr. John J. O'Connor, of New York, called up House Joint Resolution 81, to create a joint congressional committee, with a Senate amendment, for immediate consideration as a privileged resolution, and moved the previous question thereon. Speaker William B. Bankhead, of Alabama, responded to a parliamentary inquiry on the privileged nature of the request:

> MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. SNELL: I understood the gentleman called this up as a privileged matter. On what ground is this a privileged matter?
>
> THE SPEAKER: In reply to the inquiry of the gentleman from New York [Mr. Snell], under paragraph 2 of rule XXIV of the House Manual it is stated:
>
> > Business on the Speaker's table shall be disposed of as follows:
> >
> > Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members.
> >
> > But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills.
>
> MR. SNELL: I appreciate that, and I have no objection to the consideration of this matter, but I wondered if it was a matter that could be taken up without being referred back to the committee for consideration.
>
> THE SPEAKER: Under the rule which the Chair has just read, the Chair is clearly of the opinion that it may be brought up in this manner.

Parliamentarian's Note: As most bills with Senate amendments require consideration in the Committee of the Whole (before the stage of disagreement), they are brought up for disposition either by unanimous consent, or by a privileged motion to go to conference under Rule XX, clause 1, *House Rules and Manual* § 827 (1979). Such requests and motions may be made at any time during the proceedings of the House when other business is not under consideration, and need not be made after the approval of the Journal under Rule XXIV [*House Rules and Manual* § 878 (1979)] .

§ 2.20 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the

12. 81 CONG. REC. 644, 645, 75th Cong. 1st Sess.

Senate amendments where such a request was made without the authorization of the chairman of the committee involved and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,[13] Mr. Hale Boggs, of Louisiana, sought recognition to ask unanimous consent to take from the Speaker's table a bill (H.R. 9951) providing for the collection of federal unemployment tax, with Senate amendments thereto, and concur in the Senate amendments. Speaker John W. McCormack, of Massachusetts, declined to recognize for that purpose:

> THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

> MR. BOGGS: Mr. Speaker, the gentleman from Louisiana equally admires the gentleman in the chair. I thoroughly understand the position of the distinguished Speaker.

§ 2.21 A motion to concur in the Senate amendments to a House concurrent resolution providing for the signing of enrolled bills during a period of adjournment is privileged under Rule XXIV, clause 2.

On Oct. 13, 1970,[14] Mr. Carl Albert, of Oklahoma, brought up as a privileged matter a House concurrent resolution, on the Speaker's table, with Senate amendments, authorizing the signing of enrolled bills during a period of adjournment. The House agreed to the Senate amendments.

Parliamentarian's Note: The *Congressional Record* incorrectly showed that the Majority Leader called up the Senate amendments by unanimous consent; they were in fact handled as privileged, pursuant to Rule XXIV, clause 2.

§ 2.22 The reception of a Presidential message is a matter

13. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

14. 116 CONG. REC. 36600, 91st Cong. 2d Sess.

of high privilege in the House, and in response to a parliamentary inquiry the Speaker pro tempore indicated that where such a message is received it is laid before the House as soon as business permits and the precedents do not justify its being held at the desk until another legislative day.

On June 24, 1968,[15] after the House had completed its legislative business for the day, Speaker pro tempore Carl Albert, of Oklahoma, received a message from the President, responded to a parliamentary inquiry as to its disposition, and a quorum call ensued:

THE SPEAKER PRO TEMPORE: The Chair lays before the House a message from the President of the United States.

MR. [DURWARD G.] HALL [of Missouri)]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALL: Mr. Speaker, in the opinion of the Chair is it necessary that a Presidential message when delivered in writing be presented to the Members of the House immediately or could it be held until the next legislative day?

THE SPEAKER PRO TEMPORE: The Chair will advise the distinguished gentleman that when the House is in session, a message from the President is laid before the House.

MR. HALL: Mr. Speaker, a further parliamentary inquiry, is this done by tradition, at the will of the Chair, or is it supported by a rule of the House?

THE SPEAKER PRO TEMPORE: It is supported by the custom of the House and the provisions of the constitution.

MR. HALL: Mr. Speaker, a further parliamentary inquiry. Could the Chair advise the Members of the House as to the subject of this particular message, arriving at 4:45 in the evening?

THE SPEAKER PRO TEMPORE: It relates to the matter of firearms legislation.

MR. HALL: Mr. Speaker, in my opinion the Members of the House should hear anything that is this important and I make a point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently, a quorum is not present.

§ 2.23 Where messages from the Senate and the President are received during a call of the House, and the House adjourns when a quorum fails to appear on the call, the messages are held at the Speaker's table until it next convenes.

On Oct. 12, 1968,[16] a message from the Senate and a message from the President, which had

15. 114 CONG. REC. 18330, 18331, 90th Cong. 2d Sess.

16. 114 CONG. REC. 31116, 31117, 90th Cong. 2d Sess.

been held at the Speaker's table from the previous day, their having been received in the absence of a quorum, were laid before the House (Speaker John W. McCormack, of Massachusetts, presiding).

§ 2.24 A message from the Senate may be received by the House after the previous question has been ordered, pending the auestion on the passage of a bill.

On Oct. 3, 1969, the Committee of the Whole rose and reported back to the House, with sundry amendments, a bill which had been under consideration before the Committee. Speaker John W. McCormack, of Massachusetts, stated that under the rule, the previous question was considered as ordered. Further consideration of the bill was interrupted for the receipt of a message from the Senate (announcing that the Senate had passed a Senate bill).[17]

§ 3. Unfinished and Postponed Business

Rule XXIV clauses 1[18] and 3[1] provide for the consideration of unfinished business and its place in the order of business. Thus, clause 3 provides:

> The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Generally, unfinished business coming over from a previous day does not automatically come before the House for consideration, but must be called up by a Member in charge of the legislation.[2] Moreover, as indicated by Rule XXIV clause 3, where unfinished business belongs to a certain class of business, such as Private Calendar business[3] and District of Columbia business,[4] the legislation goes over to the next day eli-

17. 115 CONG. REC. 28487, 91st Cong. 1st Sess.

18. *House Rules and Manual* § 878 (1979).

1. *House Rules and Manual* § 885 (1979).

2. See §§ 3.1–3.5, infra. Certain categories of business do come up automatically when unfinished or postponed. Examples are the consideration of a veto message postponed to a day certain (see § 3.38, infra), questions on which the previous question has been ordered (see § 3.20, infra), and recorded votes postponed to a certain day (see § 3.18, infra).

3. See § 3.35, infra.

4. See §§ 3.25, 3.26, infra.