

Change of Day by House Resolution

§ 4.3 The call of the Consent Calendar on a day other than that specified in Rule XIII clause 4, has been provided for by resolution reported from the Committee on Rules.

On Aug. 31, 1961,⁽⁹⁾ Mr. Richard W. Bolling, of Missouri, reported from the Committee on Rules a resolution (H. Res. 444) that the Consent Calendar be in order on the following Wednesday:

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 order on Wednesday, September 6, 1961.

The resolution was agreed to.

§ 5. Calling Measures on the Calendar

Rule XIII clause 4 provides that measures on the Consent Calendar shall be called in numerical order on the first and third Mondays of the month after they have been on the calendar for three legislative days,⁽¹⁰⁾ that a measure

9. 107 CONG. REC. 17766, 87th Cong. 1st Sess.

10. The status of bills on the Consent Calendar is not affected by their con-

will be passed over until the next call when one objection to its consideration is heard, that the measure will be stricken from the calendar when three objections to its consideration are heard on the second call, and that any measure so stricken shall not be restored to the calendar within the same session of a Congress.

However, the House has used the unanimous-consent procedure to bypass some of these requirements and call bills that have not been on the calendar for three legislative days,⁽¹¹⁾ or which have not been on the Consent Calendar at all, to strike bills from the calendar,⁽¹²⁾ to recommit a measure after withdrawal thereof,⁽¹³⁾ to restore a measure to the calendar,⁽¹⁴⁾ and to have a measure laid on the table.⁽¹⁵⁾

Three Legislative Days on Calendar Required

§ 5.1 Bills must be on the Consent Calendar three legisla-

sideration from another calendar and such bills may be called up for consideration from the Consent Calendar while pending as unfinished business in the House or Committee of the Whole. Rule XIII clause 4, *House Rules and Manual* §746 (1973).

11. See §§ 5.3, 5.4, *infra*.

12. See § 5.7, *infra*.

13. See § 5.8, *infra*.

14. See §§ 5.9, 5.10, *infra*.

15. See § 5.12, *infra*.

tive days in order to be called.

On Jan. 18, 1932,⁽¹⁶⁾ during the call of the Consent Calendar, Mr. Scott Leavitt, of Montana, objected that certain measures had not been included. The Speaker quoted an exchange between himself and former Speaker Longworth stating the rule that a measure must be on the calendar for three consecutive legislative days before its consideration would be in order:

The Speaker:⁽¹⁷⁾ . . . The reasoning of the rule seems to be this: The present occupant of the Chair took the same position that the gentleman from Montana is now taking, and Speaker Longworth, in stating the reasons for his interpretation of the rule, said that the reasons for having bills on the Calendar for three successive legislative days was for the purpose of informing the membership of the House what legislation was likely to come up on Consent Calendar day. In case the House was not in session on Saturday, there was no printed calendar. The result therefore was that the House could not be informed as to the legislation that might come up on the following Consent Calendar day.

Waiver of Objection

§ 5.2 Bills have been called up on the Consent Calendar,

16. 75 CONG. REC. 2167, 72d Cong. 1st Sess.

17. John N. Garner (Tex.).

with no objection, even though they had not been on the calendar for three legislative days.

On Feb. 4, 1963,⁽¹⁸⁾ at the beginning of the call of the Consent Calendar, Mr. Wayne N. Aspinall, of Colorado, said:

Under the rules of the House these bills are not eligible at the present time for consideration.

I have no objection to the consideration of the bills, however, because I consider each one of them is in order.

There was no other objection to the consideration of the bills, and the calendar was called.

Waiver of Objection by Unanimous Consent

§ 5.3 The House has granted consent that certain bills reported by a committee be eligible for consideration on the Consent Calendar although they did not meet the requirement of being on such calendar for three legislative days.

On June 14, 1951,⁽¹⁹⁾ Mr. John E. Rankin, of Mississippi, asked unanimous consent that 13 bills reported by the Committee on

18. 109 CONG. REC. 1630, 88th Cong. 1st Sess.

19. 97 CONG. REC. 6605, 82d Cong. 1st Sess.

Veterans' Affairs be placed on the Consent Calendar for the following Monday even though the measures would not then have been on the calendar for the requisite three legislative days.

There was no objection. .

§ 5.4 Unanimous consent has been granted that, in the call of the Consent Calendar, the rule requiring bills to have been on the calendar three legislative days be waived.

On July 30, 1955,⁽²⁰⁾ Mr. John W. McCormack, of Massachusetts, asked unanimous consent that during the call of the Consent Calendar on that day the provision of the rule requiring bills to be on that calendar three legislative days in order to be considered be waived.

There was no objection.

Discretion of Speaker

§ 5.5 On Consent Calendar days the Speaker may decline to recognize Members for unanimous consent requests for consideration of bills which have not been on such calendar for three legislative days.

²⁰ 101 CONG. REC. 12380, 84th Cong. 1st Sess.

On May 6, 1946,⁽¹⁾ Mr. Overton Brooks, of Louisiana, made a parliamentary inquiry as to whether unanimous consent could be granted to consider a bill that had not been on the calendar for three days.

The Speaker⁽²⁾ responded that he would not recognize for such a request unless the bill involved an emergency.

Replacing Bill on Calendar in Subsequent Session

§ 5.6 Bills stricken from the Consent Calendar during the first session of a Congress may be replaced on such calendar during the second session.

On Feb. 3, 1936,⁽³⁾ Mr. Jesse P. Wolcott, of Michigan, made a parliamentary inquiry as to why certain measures were on the Consent Calendar when they had been objected to and stricken during the previous session.

The Chair ruled that the measures were properly on the Consent Calendar. He stated the rule as follows:

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The rule is plain. It reads as follows:

1. 92 CONG. REC. 4527, 79th Cong. 2d Sess.
2. Sam Rayburn (Tex.).
3. 80 CONG. REC. 1389, 74th Cong. 2d Sess.
4. John J. O'Connor (N.Y.).

Should objection be made to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the Consent Calendar is again called, and if objected to by three or more Members it shall immediately be stricken from the calendar and shall not thereafter during the same session of that Congress be placed again thereon.

Striking Bill by Unanimous Consent

§ 5.7 A bill has been stricken from the Consent Calendar by unanimous consent.

On Mar. 21, 1960,⁽⁵⁾ Mr. Clement J. Zablocki, of Wisconsin, asked unanimous consent that House Concurrent Resolution 393 (to promote peace through the reduction of armaments) be stricken from the Consent Calendar.

There was no objection.

Bills Restored to Calendar After Recommittal

§ 5.8 A bill withdrawn from the Consent Calendar following one objection and, by unanimous consent, recommitted to the reporting committee, is considered de novo when rereported and replaced on the Consent Calendar, and such bill is carried over until the next call when only one

5. 106 CONG. REC. 6132, 86th Cong. 2d Sess.

objection to its consideration is again necessary.

On Aug. 6, 1962,⁽⁶⁾ Mr. John V. Lindsay, of New York, objected to the consideration on the Consent Calendar of the bill (H.R. 11363) to amend the Internal Security Act.

Mr. Francis E. Walter, of Pennsylvania, made the following parliamentary inquiry:

MR. WALTER: In view of the fact that this bill was objected to previously, and was rereferred to the committee for the purpose of amplifying the report, that this was done and it was then reinstated on the calendar, are not three objections necessary?

THE SPEAKER:⁽⁷⁾ The present bill is on the calendar de novo. It has a new number and a new report. At this stage one objection is all that is necessary.⁽⁸⁾

Restoring Bill by Unanimous Consent

§ 5.9 A bill objected to by three Members and stricken from the Consent Calendar may be restored to such calendar by unanimous consent.

On May 16, 1938,⁽⁹⁾ Mr. Jesse P. Wolcott, of Michigan, raised the

6. 108 CONG. REC. 15610, 15611, 87th Cong. 2d Sess.

7. John W. McCormack (Mass.).

8. See § 8, *infra*, for a general discussion of the effect of objections to measures called on the Consent Calendar.

9. 83 CONG. REC. 6921, 75th Cong. 3d Sess.

point of order that it was improper to consider on the Consent Calendar a bill to provide for the establishment of a national monument, since that bill had previously been objected to and stricken from the calendar. The Chair responded:

THE SPEAKER:⁽¹⁰⁾ The Chair is informed that the Record will show that on May 3 on motion of Mr. McLean, by unanimous consent, the bill was restored to the Consent Calendar. Under these circumstances the Chair feels, the action having been taken by unanimous consent of the House, that the point of order is not well taken.

MR. WOLCOTT: I may say to the Chair that I was not advised that it had been restored by unanimous consent. I withdraw my point of order.

Restoring Bill by Vacating Previous Proceedings

§ 5.10 Proceedings whereby a bill was passed on the Consent Calendar have been, by unanimous consent, vacated and the bill restored to the Consent Calendar.

On Feb. 2, 1960,⁽¹¹⁾ Mr. H. R. Gross, of Iowa, asked unanimous consent that the proceedings by which the bill (H.R. 8074) to amend the Agricultural Act of 1954 was passed on the Consent

10. William B. Bankhead (Ala.).

11. 106 CONG. REC. 1782, 1784, 86th Cong. 2d Sess.

Calendar be vacated and the bill be restored to the Consent Calendar.

There was no objection.

§ 5.11 Proceedings where a resolution on the Consent Calendar had been agreed to have been vacated and the measure restored to the calendar and later passed under suspension of the rules.

On Feb. 2, 1960,⁽¹²⁾ Mr. Barratt O'Hara, of Illinois, asked unanimous consent that the proceedings whereby House Concurrent Resolution 465 (expressing the indignation of Congress at the recent desecration of houses of worship) was agreed to on the Consent Calendar be vacated. The measure was restored to the calendar and scheduled for vote under suspension of the rules. The resolution was then called up under suspension of the rules and agreed to.

Tabling Measures Called on Calendar

§ 5.12 A joint resolution called on the Consent Calendar was by unanimous consent laid on the table, an identical Senate measure having passed the House several days before.

12. 106 CONG. REC. 1784, 1809, 1816, 1817, 86th Cong. 2d Sess.

On Dec. 17, 1963,⁽¹³⁾ Mr. Emanuel Celler, of New York, asked unanimous consent that a joint resolution (H.J. Res. 852) to authorize subpoena power for the Commission on the Assassination of President John F. Kennedy called on the Consent Calendar be tabled since an identical Senate measure had passed the House several days before.

There was no objection.

§ 6. Precedence Over Other House Business

The Consent Calendar is called on the first and third Mondays immediately after approval of the Journal.⁽¹⁴⁾ It takes precedence over motions to resolve into Committee of the Whole for consideration of revenue and appropriation bills,⁽¹⁵⁾ contested election cases,⁽¹⁶⁾ and unfinished business on which the previous question was pending at adjournment on the previous day.⁽¹⁷⁾

The calendar yields to reports from the Committee on Rules,⁽¹⁸⁾

13. 109 CONG. REC. 24788, 88th Cong. 1st Sess.

14. Rule XIII clause 4, *House Rules and Manual* § 746 (1981).

15. 7 Cannon's Precedents § 986.

16. 7 Cannon's Precedents § 988.

17. See § 6.1, *infra*.

18. 59 CONG. REC. 598, 66th Cong. 2d Sess., Dec. 15, 1919.

questions of privilege,⁽¹⁹⁾ and resolutions of inquiry.⁽²⁰⁾

Precedence Over Unfinished Business

§ 6.1 The calling of the Consent Calendar on the first and third Mondays of the month has precedence over unfinished business coming over from the previous day on which the previous question was ordered.⁽¹⁾

On Mar. 17, 1934,⁽²⁾ during consideration of the cotton control bill (H.R. 8402), Mr. Joseph W. Byrns, of Tennessee, raised the following parliamentary inquiry:

MR. BYRNS: Suppose this bill should reach the previous-question stage today and a roll call be ordered, would the roll call be in order at 12 o'clock on Monday?

THE SPEAKER:⁽³⁾ The Chair reads from Cannon's Procedure, referring to the call of the Consent Calendar on Monday, which includes suspensions:

It (the calling of the Consent Calendar) also has precedence of con-

19. 6 Cannon's Precedents § 553.

20. 6 Cannon's Precedents § 409.

1. Business under consideration on "consent day" and undisposed of at adjournment does not come up as unfinished business on the following legislative day but goes over to the next day when that class of business is again in order. 7 Cannon's Precedents § 1005.

2. 78 CONG. REC. 4721, 73d Cong. 2d Sess.

3. Henry T. Rainey (Ill.).