

## CHAPTER 22

# *Calendars*

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# Calendars

## A. INTRODUCTORY

### § 1. Calendars of the House

There are five legislative calendars in the House of Representatives. They are: (1) the Calendar of the Committee of the Whole House on the state of the Union (Union Calendar); (2) the House Calendar; (3) the Calendar of the Committee of the Whole House (Private Calendar); (4) the Consent Calendar; and (5) the Calendar of Motions to Discharge Committees.<sup>(1)</sup> Rule XIII provides that there shall be three calendars for the reference of bills reported from committees: (1) a Calendar of the Committee of the Whole House on the state of the Union for “. . . bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property”; (2) a House Calendar for “. . . bills of a public character not raising revenue nor directly or indirectly appropriating money or property”; and

1. The calling up of motions to discharge committees is treated in Ch. 18, *supra*.

(3) a Calendar of the Committee of the Whole House for private bills.<sup>(2)</sup>

Favorably reported bills are referred to a calendar by the Speaker. Bills adversely reported from a committee are laid on the table unless request is made by the committee at the time or by a Member within three days that they be referred to a calendar.<sup>(3)</sup> And bills favorably reported and referred to either the House or Union Calendars may be placed on the Consent Calendar under a notice procedure at the request of any Member.<sup>(4)</sup>

A point of order<sup>(5)</sup> may be raised that a bill is on the wrong calendar when it is called up for consideration.<sup>(6)</sup> However, such a point of order comes too late when consideration of a bill in question has begun.<sup>(7)</sup>

2. Rule XIII clause 1, *House Rules and Manual* § 742 (1981).

3. Rule XIII clause 2, *House Rules and Manual* § 744 (1981).

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

5. Generally, see Ch. 31, *infra*.

6. 6 Cannon's Precedents §§ 746, 747.

7. 7 Cannon's Precedents § 856.

When the Speaker directs the transfer of an erroneously referred bill it is transferred to the proper calendar as of the date of its original reference.<sup>(8)</sup>

### ***Adversely Reported Measures***

**§ 1.1 Measures adversely reported from a committee are not referred to a calendar unless a request is made that they be referred to a calendar.**

On July 15, 1959,<sup>(9)</sup> Mr. William H. Meyer, of Vermont, asked that House Concurrent Resolutions 245, 246, 247, 248, 249, 251, and 254, which had been reported adversely, be referred to the calendar.

The Speaker<sup>(10)</sup> ordered the measures referred to the Union Calendar.<sup>(11)</sup>

8. 6 Cannon's Precedents §§ 744-748; see also § 1.2, *infra*.
9. 105 CONG. REC. 13493, 86th Cong. 1st Sess.
10. Sam Rayburn (Tex.).
11. This procedure was carried out pursuant to Rule XIII clause 2: ". . . bills reported adversely shall be laid on the table, unless the committee reporting a bill, at the time, or any Member within three days thereafter, shall request its reference to the calendar, when it shall be referred, as provided in clause 1 of this

### ***Improperly Referred Bills***

**§ 1.2 When a bill has been erroneously referred to the Union Calendar the Speaker directs its transfer to the proper calendar as of the date it was originally reported from committee.**

On Dec. 7, 1950,<sup>(12)</sup> Mr. Andrew J. Biemiller, of Wisconsin, raised a parliamentary inquiry:

MR. BIEMILLER: Mr. Speaker, on the 7th of August the bill H.R. 7789, which was reported by the Committee on Interstate and Foreign Commerce, was referred to the Union Calendar. I believe that this was done in error and that the bill should have been referred to the House Calendar.

THE SPEAKER:<sup>(13)</sup> The Chair has examined the bill and finds that it is not chargeable to the Treasury. Therefore, the reference to the Union Calendar was in error and the bill is now referred to the House Calendar as of the date it was originally reported by the committee.

### **§ 2. Union and House Calendars**

Public bills favorably reported are first referred to either the

rule." *House Rules and Manual* § 744 (1981).

12. 96 CONG. REC. 16307, 81st Cong. 2d Sess.
13. Sam Rayburn (Tex.).

Union or House Calendars, and those that are not required to be referred to the former are referred to the latter. Bills appropriating money or property, are referred to the Union Calendar since they must be considered in the Committee of the Whole House on the state of the Union.<sup>(14)</sup> Thus, measures belonging on the Union Calendar are those on subjects under the jurisdiction of the Committee of the Whole, a discussion of which is found in Chapter 19, *supra*.

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***Consideration in House as in Committee of the Whole***

**§ 2.1 The House has often agreed, by unanimous consent, to consider a Union Calendar bill in the House as in the Committee of the Whole.**

On June 28, 1966,<sup>(15)</sup> the House adopted a special rule (H. Res. 895) for the consideration in the Committee of the Whole House on the state of the Union of a calendared bill (H.R. 5256) changing the method of computing the retirement pay of members of the armed forces. Then Mr. F. Edward

**14.** Rule XXIII clause 3, *House Rules and Manual* § 865 (1981).

**15.** 112 CONG. REC. 14547-49, 89th Cong. 2d Sess.

Hébert, of Louisiana, asked unanimous consent that that bill be considered in the House as in the Committee of the Whole.

There was no objection.

**§ 2.2 Where the House grants unanimous consent for the immediate consideration of a bill on the Union Calendar, the bill is considered in the House as in the Committee of the Whole and debated under the five-minute rule, and motions to strike out the last word are in order.**

On Apr. 6, 1966,<sup>(16)</sup> Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent for the immediate consideration of the bill (H.R. 14224) amending the Social Security Act to extend the initial period for enrolling under the program of supplementary medical insurance benefits for the aged, pending on the Union Calendar.

Mr. John W. Byrnes, of Wisconsin, then raised a parliamentary inquiry:

MR. BYRNES of Wisconsin: Mr. Speaker, I make this parliamentary inquiry only that the Members might understand what the opportunities might be for discussion. I make the parliamentary inquiry to the effect that if the request of the gentleman from Ar-

**16.** 112 CONG. REC. 7749, 89th Cong. 2d Sess.

kansas is agreed to that the bill can be considered under unanimous-consent request—do I state it correctly that there will be the opportunity for striking out the last word and having an opportunity to speak?

THE SPEAKER:<sup>(17)</sup> The bill is to be considered in the House as in the Committee of the Whole, and motions to strike out the last word will be in order.

MR. BYRNES of Wisconsin: Will the gentleman make the request that the bill be considered in the House as in the Committee of the Whole?

THE SPEAKER: The Chair will state that the unanimous-consent request will automatically carry that privilege.

### ***Requests for Immediate Consideration***

#### **§ 2.3 The Speaker may recognize a Member to ask for the immediate consideration of an important bill pending on the Union Calendar.**

On Apr. 6, 1966,<sup>(18)</sup> the Speaker<sup>(19)</sup> made the following statement:

THE SPEAKER: 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).

## **B. CONSENT CALENDAR**

### **§ 3. In General**

The Consent Calendar is a device provided for in the rules of the House of Representatives by which noncontroversial bills and

17. John W. McCormack (Mass.).

18. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

19. John W. McCormack (Mass.).

resolutions may be granted immediate consideration on the first and third Mondays of each month.

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

The rule governing the Consent Calendar<sup>(1)</sup> was adopted on Mar. 15, 1909, and amended in 1924, 1925, 1931, and 1932.<sup>(2)</sup>

## § 4. When in Order

The applicable House rule<sup>(3)</sup> provides that the Consent Calendar shall be in order on the first and third Mondays of each month. However, the House has agreed to consider it on other days to assure that it will be called when the House will be in session<sup>(4)</sup> or to dispense with it because of other pressing House business.<sup>(5)</sup>

### *Change of Day for Call*

#### **§ 4.1 The day for the call of the Consent Calendar is often changed by unanimous consent.**

For example, on Mar. 29, 1961,<sup>(6)</sup> Mr. John W. McCormack,

2. A description of the original rule and its subsequent amendments is found in 7 Cannon's Precedents § 972.
3. Rule XIII clause 4, *House Rules and Manual* § 746 (1981).
4. See § 4.1, *infra*.
5. See § 4.2, *infra*.
6. 107 CONG. REC. 5289, 5290, 87th Cong. 1st. Sess.
7. The date has been changed because of the intervention of numerous other holidays. For example: (1)

of Massachusetts, asked unanimous consent that the call of the Consent Calendar be made in order on the second Tuesday of the month due to the adjournment of the House for Easter recess.

There was no objection.<sup>(7)</sup>

### ***Suspension for Other Business***

#### **§ 4.2 Calls of Consent and Private Calendars may, by unanimous consent, be dispensed with to facilitate consideration of other business.**

On Jan. 31, 1964,<sup>(8)</sup> Mr. Carl Albert, of Oklahoma, asked unanimous consent that the call of the Consent Calendar on the following Monday and the Private Calendar on the following Tuesday be dispensed with.

In response to a parliamentary inquiry, the Majority Leader announced that the House would continue to consider the Civil Rights Act during this period.

There was no objection.

7. The date has been changed because of the intervention of numerous other holidays. For example: (1) change due to Fourth of July (107 CONG. REC. 10856, 87th Cong. 1st Sess., June 20, 1961); and (2) change due to Labor Day (109 CONG. REC. 16159, 88th Cong. 1st Sess., Aug. 28, 1963).
8. 110 CONG. REC. 1552, 88th Cong. 2d Sess.

***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,<sup>(9)</sup> 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,<sup>(10)</sup> 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,<sup>(11)</sup> or which have not been on the Consent Calendar at all, to strike bills from the calendar,<sup>(12)</sup> to recommit a measure after withdrawal thereof,<sup>(13)</sup> to restore a measure to the calendar,<sup>(14)</sup> and to have a measure laid on the table.<sup>(15)</sup>

***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,<sup>(16)</sup> 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:<sup>(17)</sup> . . . 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,<sup>(18)</sup> 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,<sup>(19)</sup> 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,<sup>(20)</sup> 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.**

<sup>20</sup> 101 CONG. REC. 12380, 84th Cong. 1st Sess.

On May 6, 1946,<sup>(1)</sup> 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<sup>(2)</sup> 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,<sup>(3)</sup> 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:<sup>(4)</sup> 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,<sup>(5)</sup> 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,<sup>(6)</sup> 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:<sup>(7)</sup> 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.<sup>(8)</sup>

***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,<sup>(9)</sup> 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:<sup>(10)</sup> 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,<sup>(11)</sup> 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,<sup>(12)</sup> 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,<sup>(13)</sup> 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.<sup>(14)</sup> It takes precedence over motions to resolve into Committee of the Whole for consideration of revenue and appropriation bills,<sup>(15)</sup> contested election cases,<sup>(16)</sup> and unfinished business on which the previous question was pending at adjournment on the previous day.<sup>(17)</sup>

The calendar yields to reports from the Committee on Rules,<sup>(18)</sup>

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,<sup>(19)</sup> and resolutions of inquiry.<sup>(20)</sup>

### *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.<sup>(1)</sup>**

On Mar. 17, 1934,<sup>(2)</sup> 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:<sup>(3)</sup> 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.).

tested-election cases and unfinished business coming over from the previous day with the previous question ordered. . . .

MR. [JOHN J.] O'CONNOR (of New York): Mr. Speaker, I understand that the question just read is based on a decision by Mr. Speaker Gillett reported in Hinds' Precedents. Mr. Gillett's decision does not go as far as that. What Mr. Speaker Gillett held was that it was discretionary, and that the vote was of equal privilege with the calling of the Consent Calendar, and therefore it would be in the discretion of the Speaker.

THE SPEAKER: Since the rule is mandatory, we would have to go ahead with the consideration of the Consent Calendar.<sup>(4)</sup>

### ***Precedence of Conference Report***

#### **§ 6.2 Consideration of conference reports may take precedence over the calling of the Consent Calendar.**

On Nov. 30, 1945,<sup>(5)</sup> Mr. Clarence Cannon, of Missouri, and Mr. John W. McCormack, of Massachusetts, asked unanimous con-

4. But see 7 Cannon's Precedents §990 for a ruling by Speaker Frederick H. Gillett (Mass.) that a vote on a matter on which the previous question is ordered and the call of the Consent Calendar are both privileged on the day for the call of the Consent Calendar.
5. 91 CONG. REC. 11279, 79th Cong. 1st Sess.

sent that consideration of a conference report take precedence over the call of the Consent Calendar on the following Monday. The Chair ruled:

THE SPEAKER:<sup>(6)</sup> It is not necessary to obtain unanimous consent for that. The Chair can recognize the gentleman to call up the conference report before the call of the Consent Calendar and will do so.

### ***Superseding Calendar by Unanimous Consent***

#### **§ 6.3 A unanimous-consent agreement providing for a special order of business may supersede the call of the Consent Calendar.**

On Mar. 4, 1957,<sup>(7)</sup> the House granted unanimous consent that Mr. Frederic R. Coudert, Jr., of New York, address the House for one hour to commemorate the 168th anniversary of the Congress. Mr. Wayne N. Aspinall, of Colorado, raised a parliamentary inquiry as to whether the Consent Calendar was the proper business before the House. The Chair responded:

THE SPEAKER:<sup>(8)</sup> Not before this recognition. This was made the special order of business at this time.<sup>(9)</sup>

6. Sam Rayburn (Tex.).
7. 103 CONG. REC. 2753, 85th Cong. 1st Sess.
8. Sam Rayburn (Tex.).
9. Compare 7 Cannon's Precedents §978, indicating that the Speaker

## § 7. Measures Qualified for the Calendar

Measures on the Consent Calendar are first referred to the Union or House Calendars.<sup>(10)</sup> A private bill does not qualify.<sup>(11)</sup> To qualify, a measure must involve a legislative proposition,<sup>(12)</sup> and, generally, must meet the criteria established by the official objectors.<sup>(13)</sup>

### *Bills Relating to Citizens of Foreign Government*

**§ 7.1 Bills providing for payment of money to a foreign government for the purpose of indemnifying its citizens for injuries are public bills and are properly referred to the Consent Calendar.**

On Feb. 1, 1937,<sup>(14)</sup> Mr. Jesse P. Wolcott, of Michigan, directed a parliamentary inquiry as to why certain measures were on the Consent Calendar rather than the

may decline to recognize a request for unanimous consent to call other business when the Consent Calendar is in order.

10. See § 1, supra.
11. See § 7.3, infra.
12. 7 Cannon's Precedents §§ 980–982.
13. See § 7.4, infra.
14. 81 CONG. REC. 649, 75th Cong. 1st Sess.

Private Calendar since they provided for payments to a foreign country on behalf of citizens of that country. The Speaker ruled as follows:

THE SPEAKER:<sup>(15)</sup> In answer to the question of the gentleman from Michigan, the Chair is of the opinion that the bills to which the gentleman refers are properly on the Consent Calendar under the rules of the House. The gentleman will note that these bills provide for the payment of moneys to a foreign government; and, under the rules, they are public bills and properly on the Consent Calendar.

**§ 7.2 A bill which authorizes the payment of an indemnity to another government on account of losses sustained by a subject of that government, is not a private bill, and is, therefore, properly on the Consent Calendar.**

On June 25, 1930,<sup>(16)</sup> Mr. Fiorello H. LaGuardia, of New York, made the point of order that a bill (H.R. 9702) on the Consent Calendar authorizing payment to the British Government on behalf of H. W. Bennett belonged to the Private Calendar. The Chair responded:

THE SPEAKER PRO TEMPORE:<sup>(17)</sup> The gentleman from New York makes the

15. William B. Bankhead (Ala.).
16. 72 CONG. REC. 11728, 71st Cong. 2d Sess.
17. Robert Luce (Mass.).

point of order that this bill is not in order on the Consent Calendar. This bill authorizes the payment of an indemnity to the British Government. The Chair overrules the point of order.

### ***Bills Applicable to a Class***

**§ 7.3 A bill that specifies individuals or entities qualifies for the Private Calendar; but where a bill applies to a class and not to individuals as such, it then becomes a general bill and is entitled to a place on the Consent Calendar.**

On Mar. 17, 1930,<sup>(18)</sup> Mr. William H. Stafford, of Wisconsin, raised a point of order concerning the consideration of a bill "For the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department" on the grounds that the bill belonged on the Private Calendar and not the Consent Calendar. The Chair ruled:

THE SPEAKER PRO TEMPORE:<sup>(19)</sup> . . . .  
Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent

18. 72 CONG. REC. 1526, 71st Cong. 2d Sess.

19. Earl C. Michener (Mich.).

Calendar. In the judgment of the Chair this bill, while affecting a class of concerns, specifies individuals, and for the purposes of the rule the Chair holds that the bill is improperly on this calendar and transfers it as of the date of the original reference to the Private Calendar.

### ***Official Objectors' Criteria***

**§ 7.4 Special criteria which measures must satisfy in order to qualify for placement on the Consent Calendar are provided by the Consent Calendar objectors.<sup>(20)</sup>**

On Mar. 17, 1969,<sup>(1)</sup> Mr. Wayne N. Aspinall, of Colorado, introduced into the Record a written statement signed by both majority objectors and minority objectors for the Consent Calendar setting

20. Generally, the leadership of both parties appoints objectors' committees at the beginning of the Congress to screen measures on the Consent Calendar. Such committees are generally composed of three Members from each party. See, for example, 113 CONG. REC. 3509, 90th Cong. 1st Sess., Feb. 16, 1967.

1. 115 CONG. REC. 6543, 6544, 91st Cong. 1st Sess. For announcement of similar statements in other Congresses see: (1) 111 CONG. REC. 3842, 3843, 89th Cong. 1st Sess., Mar. 1, 1965; (2) 107 CONG. REC. 5661, 87th Cong. 1st Sess., Apr. 12, 1961; and (3) 105 CONG. REC. 2858, 86th Cong. 1st Sess., Feb. 24, 1959.

forth certain criteria a measure should satisfy in order to qualify for the calendar. The statement declared that to qualify a bill must (1) involve an aggregate cost of less than \$1 million; (2) include no change in national or international policy; (3) be not of general application (or of interest to districts of more than a majority of the Members); or, if of wide application, the Members should be fully informed and the bill cleared by the leadership on both sides of the aisle; and (4) a Bureau of the Budget report must have been made on the bill.

### **§ 8. Objection to or Passing Over Measures on the Calendar**

The leadership of each party will ordinarily appoint official objectors at the beginning of each Congress to screen measures on the Consent Calendar to determine whether or not they are properly placed thereon. They may interpose an objection whenever a measure fails to meet the announced criteria that it must satisfy in order to be called on a Consent Calendar day.<sup>(2)</sup> Objection may also be raised to such a measure by one or more Members under the Consent Calendar rule.

2. See §7.4, *supra*, as to Consent Calendar criteria.

It provides that the first time a measure is called on the Consent Calendar only one objection is required to prevent its consideration. The measure is then called on the next calendar day and will be considered for debate and passage unless three or more Members object. If three Members then object, the measure is stricken from the calendar.<sup>(3)</sup>

Objection to the consideration of a measure comes too late when debate has begun.<sup>(4)</sup> However, a Member may reserve the right to object and proceed to debate the measure.<sup>(5)</sup> And the unanimous-consent procedure has been used to pass over a measure without prejudice<sup>(6)</sup> and to restore a measure to the calendar.<sup>(7)</sup>

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### ***Timeliness of Objections***

#### **§ 8.1 An objection to the consideration of a bill on the Consent Calendar comes too late after an amendment to the bill has been offered and debated.**

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

4. §§ 8.1 et seq., *infra*. Also see 7 Cannon's Precedents §998.

5. §§ 8.4, *infra*.

6. §§ 8.6, *infra*.

7. §§ 5.9, *supra*.

On Aug. 7, 1961,<sup>(8)</sup> Mr. L. Mendel Rivers, of South Carolina, asked that the bill (H.R. 7913), to bring the number of cadets at the U.S. Military Academy and the U.S. Air Force Academy up to full strength, be passed over without prejudice. His request came while the bill was being considered and after an amendment thereto had been offered.

The Speaker pro tempore<sup>(9)</sup> ruled that the objection came too late, the question on the floor being the amendment to the bill, not whether it should be considered.

**§ 8.2 Objections to the consideration of a bill on the Consent Calendar come too late after the bill and amendments have been read and the pending question is on the passage of the bill.**

On Aug. 31, 1959,<sup>(10)</sup> Mr. Thomas B. Curtis, of Missouri, raised a parliamentary inquiry as to whether three objections could be heard to a bill (H.R. 2247) conveying certain real property of the United States. The Speaker pro tempore<sup>(11)</sup> ruled that such objec-

8. 107 CONG. REC. 14738, 14739, 87th Cong. 1st Sess.

9. Carl Albert (Okla.).

10. 105 CONG. REC. 17404, 17405, 86th Cong. 1st Sess.

11. Frank N. Ikard (Tex.).

tions could not be heard since the time therefor had passed, amendments had been read and the pending question was on the passage of the bill itself.

**§ 8.3 An objection to passing over a bill without prejudice on the Consent Calendar comes too late after consideration of the next bill has begun.**

On Jan. 16, 1956,<sup>(12)</sup> Mr. Francis E. Walter, of Pennsylvania, objected to a unanimous-consent request to pass over a bill without prejudice, after such unanimous consent had been granted and consideration of the next bill had begun.

The Speaker<sup>(13)</sup> ruled that such objection came too late and was of no effect.

*Reservation of Objection*

**§ 8.4 When the Chair inquires whether there is objection to consideration of a bill on the Consent Calendar, any Member may reserve the right to object and thus secure time for debate. However, any Member may demand the regular order and thus re-**

12. 102 CONG. REC. 593, 84th Cong. 2d Sess.

13. Sam Rayburn (Tex.).

**quire that the objection be exercised or withdrawn.**

On Apr. 4, 1932,<sup>(14)</sup> Mr. William H. Stafford, of Wisconsin, addressed a parliamentary inquiry as to the effect of a reservation of the right to object to a measure on the Consent Calendar.

MR. STAFFORD: Mr. Speaker, I wish to inquire whether when a bill has been objected to and is again on the Consent Calendar and the bill is called is it permissible to reserve objection, or is it necessary to object forthwith? . . .

THE SPEAKER:<sup>(15)</sup> Objection can be reserved and the bill discussed for three hours, or more if the House would permit it, and whenever any gentleman calls for the regular order then the Member must object or else withdraw his objection.

MR. STAFFORD: Then if three Members reserve the right to object, that will meet the requirements of the objection stage until the regular order is demanded?

THE SPEAKER: It is the Chair's understanding of the rule that any one Member can reserve the right to object and as long as the House permits him to discuss the matter he may continue. That is within the control of the membership of the House.

***Objection by the Speaker***

**§ 8.5 The Speaker has objected to the consideration of a bill on the Consent Calendar.**

14. 75 CONG. REC. 7412, 72d Cong. 1st Sess.

15. John N. Garner (Tex.).

On July 16, 1946,<sup>(16)</sup> the Speaker<sup>(17)</sup> from the chair objected to the consideration of a bill on the Consent Calendar (H.R. 3129) to amend the Securities Exchange Act to limit the power of the Securities Exchange Commission to regulate transactions in exempted securities, such bill having been passed over the first time it was called on the Consent Calendar.

***Passing Over Without Prejudice***

**§ 8.6 Official objectors may ask unanimous consent to pass over a measure without prejudice<sup>(18)</sup> when in their opin-**

16. 92 CONG. REC. 9095, 79th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

18. Rule XIII clause 4, *House Rules and Manual* (1981), provides that the first time a measure is called on the Consent Calendar and objection is heard ". . . 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. . . ." The term 'without prejudice' in the rule means merely that a measure will remain on the calendar until the next call of the calendar. However, the term "without prejudice" as used by the official objectors means that the measure will be treated as though it had not been called the first time, so that only one objection would be required to prevent consid-

**ion time is needed to apprise all Members as to the status of the measure.**

On Mar. 15, 1955,<sup>(1)</sup> during the call of the Consent Calendar of the joint resolution (H.J. Res. 107) to release United States reversionary rights to school land in California, Mr. Paul Cunningham, of Iowa, made the following remarks:

. . . (T)he Members of the Consent Calendar objectors committee are not here to obstruct the passage of the legislation nor to interfere with the proper consideration or passage of the bill of any Member. On the contrary, our purpose is, in addition to what the gentleman from North Carolina has already said, to expedite the passage of legislation, at the same time protecting Members from having bills passed by unanimous consent that should not be passed by unanimous consent. . . . Therefore, we have at times asked unanimous consent to pass over bills without prejudice when we were not opposed to the bill at all and would personally vote for it if it came up under a rule. However, the Members of the objectors committee feel that time should be given so that all of the Members of the House can be fully apprised of what is happening or what may happen.<sup>(2)</sup>

eration the next time the measure is called on the Consent Calendar. See 7 Cannon's Precedents §1000.

1. 101 CONG. REC. 2931, 84th Cong. 1st Sess.
2. For a similar statement of the purpose of passing over without preju-

**§ 8.7 A bill called on the Consent Calendar has been passed over without prejudice at the Speaker's request.**

On Apr. 4, 1966,<sup>(3)</sup> at the call on the Consent Calendar of the resolution (H.J. Res. 837) to authorize the President to proclaim State and Municipal Bond Week, the Speaker<sup>(4)</sup> asked that the resolution be passed over without prejudice. There was no objection.

**§ 9. Debate; Amendment of Measures**

*Consideration as in Committee of the Whole*

**§ 9.1 Parliamentarian's Note: Bills (and amendments thereto) on the Consent Calendar (if also pending on the Union Calendar) are considered in the House as in the Committee of the Whole under the five-minute rule (§§ 9.3, 9.4, infra). However, where a bill is on the House Calendar and is considered on the Consent Calendar, or where**

dice see the remarks of Mr. Wayne N. Aspinall (Colo.) at 103 CONG. REC. 2249, 85th Cong. 1st Sess., Feb. 19, 1957.

3. 112 CONG. REC. 7482, 89th Cong. 2d Sess.
4. John W. McCormack (Mass.).

**a Union Calendar bill or any bill requiring consideration in Committee of the Whole is considered by unanimous consent and the request includes a stipulation that the bill be considered in the House, it is considered under the "hour rule" and no amendments are in order except by the Member calling up the bill or unless the previous question is rejected.**

**§ 9.2 Where the House, during the call of the Consent Calendar, grants unanimous consent for the immediate consideration of a Union Calendar bill it is considered in the House as in Committee of the Whole, and any Member may offer a germane amendment.**

On Aug. 3, 1970,<sup>(5)</sup> during the call on the Consent Calendar of the bill (H.R. 9804), to authorize the construction of supplemental irrigation facilities for an irrigation district, Mr. John P. Saylor, of Pennsylvania, raised a parliamentary inquiry as to whether it would be in order to offer an amendment to the bill.

The Chair responded:

5. 116 CONG. REC. 26981, 91st Cong. 2d Sess.

THE SPEAKER:<sup>(6)</sup> If the bill comes up by unanimous consent, an amendment would be in order because the bill then would be before the House (as in Committee of the Whole) for consideration.

### *Scope of Debate*

**§ 9.3 In the consideration of bills on the Consent Calendar there may be debate under the five-minute rule, but such debate must be confined to the bill.**

On May 3, 1948,<sup>(7)</sup> during consideration of a bill (S. 1545) for the construction of a bridge and roads in Colonial National Historical Park, Yorktown, Va., the debate strayed to partisan national issues. On objection, the Chair<sup>(8)</sup> ruled that such debate was out of order, but allowed such debate to continue by unanimous consent for a limited period.

### *Application of Five-minute Rule*

**§ 9.4 Debate on an amendment to a bill on the Consent Calendar is under the five-minute rule.**

On July 30, 1955,<sup>(9)</sup> during consideration of the bill on the Con-

6. John W. McCormack (Mass.).

7. 94 CONG. REC. 5198, 80th Cong. 2d Sess.

8. Joseph W. Martin, Jr. (Mass.).

9. 101 CONG. REC. 12408, 12409, 84th Cong. 1st Sess.

sent Calendar (H.R. 6857) to authorize the conveyance of certain land to the city of Milwaukee, Wis., Mr. Clare E. Hoffman, of Michigan, offered an amendment. The Speaker<sup>(10)</sup> recognized the gentleman for five minutes in support of his amendment.

### *Offering Amendments*

**§ 9.5 Unanimous consent is not required to offer an amendment to a Union Calendar bill on the Consent Calendar which is being considered by unanimous consent in the House as in the Committee of the Whole under the five-minute rule.**

On Aug. 3, 1970,<sup>(11)</sup> during consideration on the Consent Calendar of the bill (H.R. 9804), to authorize the construction of certain irrigation facilities, Mr. John P. Saylor, of Pennsylvania, announced his intention to offer an amendment.

Mr. Harold T. Johnson, of California, then raised a parliamentary inquiry as to whether Mr. Saylor must obtain unanimous consent to offer his amendment.

The Chair responded as follows:

THE SPEAKER:<sup>(12)</sup> The Chair will state that if unanimous consent is

granted for the consideration of the House bill . . . then the matter would be before the House (as in Committee of the Whole) under the five-minute rule.

### *Advance Notice of Amendments*

**§ 9.6 In considering bills on the Consent Calendar, it is the practice of those Members desiring to offer material amendments to give notice of their intentions before consent is granted for the consideration of the measure.**

On Feb. 1, 1932,<sup>(13)</sup> during consideration of a bill to expand McKinley National Park, Mr. James Wickersham, the Delegate from Alaska, offered an amendment that was objected to on the grounds that no prior notice of the amendment had been given. The Chair made the following statement:

THE SPEAKER:<sup>(14)</sup> The Chair will make this statement: It has been customary for gentlemen asking unanimous consent for the consideration of a bill to give notice to the House if they propose to offer a material amendment so that the House may have knowledge of the amendment and give consent to the consideration of the amendment as well as to the bill; otherwise a bill

10. Sam Rayburn (Tex.).

11. 116 CONG. REC. 26982, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 75 CONG. REC. 1610, 72d Cong. 1st Sess.

14. John N. Garner (Tex.).

could be called up and amendments could be offered which would be very material and far-reaching in their nature. The Chair thinks that notice should be given before consent is given for the consideration of a bill, that amendments will be proposed, so that the membership of the House may have knowledge of what is coming up.

So the Chair suggests to the Delegate from Alaska that he either withdraw his amendment or allow the bill to go over so that the matter may be considered on the next consent day.

### ***Recommitting Amended Bill***

#### **§ 9.7 A bill on the Consent Calendar, having been considered and amended, was by motion recommitted to committee.**

On Apr. 4, 1949,<sup>(15)</sup> during consideration of a bill (H.R. 1823) on the Consent Calendar to establish a Women's Reserve as a branch of the Coast Guard Reserve, Mr. Vito Marcantonio, of New York, offered an amendment to prohibit segregation or discrimination in such reserve.

The amendment was agreed to.

Mr. Herbert C. Bonner, of North Carolina, offered a motion to recommit the bill.

The motion was agreed to.

### ***Striking Enacting Clause***

#### **§ 9.8 The enacting clause of a bill on the Consent Calendar**

15. 95 CONG. REC. 3806, 3807, 81st Cong. 1st Sess.

#### **was stricken after consideration had been granted to such bill.**

On Dec. 19, 1932,<sup>(16)</sup> Mr. Fiorello H. LaGuardia, of New York, moved, after the time for objection had passed, that the enacting clause be stricken from a bill on the Consent Calendar providing for the construction of a bridge over the Mississippi River.

The motion was agreed to.

### ***Raising Point of Order***

#### **§ 9.9 A point of order that a committee report on a bill does not comply with the Ramseyer rule<sup>(17)</sup> will not lie when such bill is called on the Consent Calendar until consideration of such bill is granted.**

On Dec. 15, 1941,<sup>(18)</sup> Mr. John J. Cochran, of Missouri, made the point of order during the call for objections that the bill (H.R. 4648), for the construction of water conservation projects, did not comply with the Ramseyer rule.

The Chair replied:

16. 76 CONG. REC. 695, 696, 72d Cong. 2d Sess.

17. Rule XIII clause 3, *House Rules and Manual* §745 (1981).

18. 87 CONG. REC. 9799, 9800, 77th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:<sup>(19)</sup> The gentleman's point of order is premature, inasmuch as the bill is not

now before the House for consideration. The Chair overrules the point of order.

### C. PRIVATE CALENDAR; PRIVATE BILLS

#### § 10. In General

Taken up here are the procedures involved in the consideration and passage of private bills. The nature and form of private bills as legislation are treated in Chapter 24, *infra*.

Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent Calendar. See § 7.3, *supra*.

#### § 11. Calling Up

The Private Calendar is called on the first and third Tuesdays of the month. It is mandatory on the first Tuesday and discretionary

with the Speaker on the third Tuesday.<sup>(20)</sup>

Individual private bills have been considered at other times by special order or by unanimous consent.<sup>(1)</sup> The call of the Private Calendar itself has by unanimous consent been transferred to other days<sup>(2)</sup> or dispensed with altogether due to other pressing House business.<sup>(3)</sup>

Omnibus private bills are numerous private bills grouped together under one bill number for consideration and passage and resolved into individual bills for presentation to the President or transmittal to the Senate. They have precedence on the third Tuesday, and are not in order on the first Tuesday.<sup>(4)</sup>

Under the rule the Private Calendar is called on the first and third Tuesdays “. . . after the disposal of such business on the Speaker's table as requires ref-

19. William M. Whittington (Miss.).

20. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1981)

1. See § 11.5, 11.7, *infra*.

2. See § 11.8, *infra*.

3. The Private Calendar was dispensed with during the week of consideration of the Civil Rights Act of 1963. 110 CONG. REC. 1552, 88th Cong. 2d Sess., Jan. 31, 1964.

4. See §§ 11.1, 11.2, *infra*.

erence only. . . .”<sup>(5)</sup> However, the House has agreed by unanimous consent to consider business other than referrals before the Private Calendar is called at its regular time.<sup>(6)</sup>

#### Forms

Form of resolution providing for the consideration of the Private Calendar at an evening session.

#### H. RES. 364

*Resolved*, That on Friday, January 27, 1933, it shall be in order to move that the House take a recess until 8 o'clock p.m., and that at the evening session until 10:30 p.m. it shall be in order to consider bills on the Private Calendar unobjected to in the House as in Committee of the Whole. The call of bills on said calendar to begin at No. 536.<sup>(7)</sup>

### ***Time for Consideration of Private Bills***

**§ 11.1 The consideration of Private Calendar bills on the first Tuesday of the month is mandatory unless the House by a two-thirds vote dispenses with such business, and the rule has been interpreted to prohibit the consid-**

5. Rule XXIV clause 6, *House Rules and Manual* §893 (1981).
6. See §§11.11, 11.12, *infra*.
7. 76 CONG. REC. 2328, 72d Cong. 2d Sess.

### **eration of omnibus bills on that day.**

On June 18, 1935,<sup>(8)</sup> before the consideration of the bill (H.R. 8492) to amend the Agricultural Adjustment Act, Mr. Thomas L. Blanton, of Texas, raised a parliamentary inquiry as to whether certain bills on the Private Calendar would be in order.

THE SPEAKER:<sup>(9)</sup> . . . The Chair may say in explanation of the statement made a while ago and in further amplification of that statement that the first section of the rule which applies to the first Tuesday in the month does not include omnibus bills. It provides that on the first Tuesday of the month the Speaker shall direct the calling of the Private Calendar, and the rule cannot be dispensed with except by a two-thirds vote of the House. The second paragraph, which covers the third Tuesday in the month, provides that the Speaker may direct the calling of the Private Calendar, and there is no provision to the effect it shall not be dispensed with.

**§ 11.2 Omnibus private bills may not be considered on the first Tuesday of the month other than by unanimous consent.**

On Feb. 3, 1936,<sup>(10)</sup> Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry:

8. 179 CONG. REC. 9548, 9549, 74th Cong. 1st Sess.
9. Joseph W. Byrns (Tenn.).
10. 80 CONG. REC. 1377, 74th Cong. 2d Sess.

MR. COCHRAN: Mr. Speaker, I received notice from the Whip this morning to the effect that bills on the Private Calendar would be called tomorrow. Does that mean that an omnibus claim bill may be called up tomorrow?

THE SPEAKER:<sup>(11)</sup> The House may by unanimous consent agree to the consideration of such a bill, but . . . omnibus bills may not be considered unless unanimous consent is given. Only individual bills on the Private Calendar may be considered tomorrow.

### *Precedence of Omnibus Bills*

#### **§ 11.3 Consideration of omnibus private bills on the third Tuesday of the month is discretionary with the Speaker inasmuch as under the rules such business does not take precedence over other privileged business of the House.**

On Apr. 20, 1937,<sup>(12)</sup> Mr. Samuel Dickstein, of New York, raised a parliamentary inquiry:

MR. DICKSTEIN: Mr. Speaker, this is the (third Tuesday) day on which omnibus bills on the Private Calendar could be taken up. I thought this would be the appropriate day to bring before the House the omnibus bill that has been reported by our committee for the consideration of the House. I understand that under the rule it is not mandatory.

11. Joseph W. Byrns (Tenn.).

12. 81 CONG. REC. 3645, 75th Cong. 1st Sess.

The Speaker<sup>(13)</sup> responded, citing a decision of Speaker Byrns, that the call of the Private Calendar on the third Tuesday of the month is discretionary with the Speaker under the rule:

. . . This question was raised when the late lamented Speaker Byrns was in the chair, and he gave the following construction to the provision of the rule which the Chair has just read,<sup>(14)</sup> as appears in the Congressional Record of June 18, 1935, Seventy-fourth Congress, first session:

The consideration of private bills on the third Tuesday of the month is discretionary with the Speaker, inasmuch as under the rules such business does not take precedence over other privileged business of the House.<sup>(15)</sup>

#### **§ 11.4 Where the Speaker in his discretion directs the Clerk to call the Private Calendar on the third Tuesday of the month, omnibus bills on the calendar are called before individual bills thereon.**

On Feb. 17, 1970,<sup>(16)</sup> the House considered and passed the omnibus private bill (H.R. 15062) for the relief of sundry claimants.

The Speaker pro tempore then directed the Clerk to call the first

13. William B. Bankhead (Ala.).

14. Rule XXIV clause 6, paragraph 2.

15. 79 CONG. REC. 9548, 74th Cong. 1st Sess., June 18, 1935.

16. 116 CONG. REC. 3605-13, 91st Cong. 2d Sess.

individual bill on the Private Calendar.<sup>(17)</sup>

***Consideration by Special Order***

**§ 11.5 The House may provide for the consideration of a private bill in the Committee of the Whole pursuant to a special order.**

On Aug. 13, 1940,<sup>(18)</sup> the House considered and agreed to House Resolution 407 providing for the immediate consideration in the Committee of the Whole of a private bill (H.R. 7230) authorizing an appeal to the Supreme Court from a decision of the Court of Claims. The resolution further provided for the reporting of such bill to the House with any amendments. The bill itself was later defeated in the House—ayes 60, noes 115.<sup>(19)</sup>

**§ 11.6 Pursuant to a special order from the Rules Com-**

17. "On the third Tuesday of each month . . . the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar, preference to be given to omnibus bills containing bills or resolutions which have previously been objected to on a call of the Private Calendar. . . ." Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

18. 86 CONG. REC. 10258-74, 76th Cong. 3d Sess.

19. *Id.* at p. 10282.

**mittee, the House may provide for the consideration of a private bill in the Committee of the Whole and for the reporting of such bill to the House with any amendments.**

On June 13, 1940,<sup>(20)</sup> the House considered and agreed to the following resolution:

HOUSE RESOLUTION 511

*Resolved,* That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of H.R. 9766, a bill to authorize the deportation of Harry Renton Bridges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

***Consideration of Private Bill Before Call of Calendar***

**§ 11.7 By unanimous consent, a bill on the Private Calendar**

20. 86 CONG. REC. 8181, 76th Cong. 3d Sess.

**was brought up and passed just prior to the call of that calendar.**

On Aug. 3, 1965,<sup>(1)</sup> before the call of the Private Calendar, Mr. George F. Senner, Jr., of Arizona, asked unanimous consent for the immediate consideration of the private bill (S. 618) for the relief of Nora Isabella Samuelli. There was no objection to Mr. Senner's request.

***Call of Calendar Transferred to Another Day***

**§ 11.8 The call of the Consent and Private Calendars was by unanimous consent made in order on the second Tuesday of the month due to the adjournment of the House for Easter recess.**

The Private Calendar is frequently made in order on days other than that specified in the rules by special order of the House. For example, on Mar. 29, 1961,<sup>(2)</sup> Mr. John W. McCormack, of Massachusetts, asked unanimous consent that on Tuesday, Apr. 11, 1961, it be in order to consider business on the Consent

1. 111 CONG. REC. 19202-05, 89th Cong. 1st Sess.

2. 107 CONG. REC. 5289, 5290, 87th Cong. 1st Sess.

Calendar and the Private Calendar.

There was no objection.<sup>(3)</sup>

***Consideration on District Monday***

**§ 11.9 It is in order on District Monday for the Committee on the District of Columbia to call up bills on the Private Calendar that have been reported by that committee.**

On May 26, 1930,<sup>(4)</sup> it being District of Columbia Day, Mr. Clarence J. McLeod, of Michigan, asked unanimous consent to take up the bill on the Private Calendar (H.R. 3048) to exempt from taxation certain property of the National Society of the Sons of the American Revolution in the District of Columbia.

Mr. William H. Stafford, of Wisconsin, reserved the right to object and noted that this being a Pri-

3. The transfer of call of the Private Calendar to other days has been effected for numerous other reasons. For example: (1) Fourth of July recess, 109 CONG. REC. 11774, 88th Cong. 1st Sess., June 26, 1963; (2) before expected adjournment *sine die*, 113 CONG. REC. 25952, 25953, 90th Cong. 1st Sess., Dec. 12 1967; and (3) death of a Member, 110 CONG. REC. 5, 88th Cong. 2d Sess., Jan. 7, 1964.

4. 73 CONG. REC. 9607, 71st Cong. 2d Sess.

vate Calendar bill it was not in order at that time. The Speaker pro tempore<sup>(5)</sup> responded that the measure was in order at that time and cited 4 Hinds' Precedents §3310, holding that on District of Columbia Day a motion is in order to go into Committee of the Whole House to consider a private bill reported by the Committee on the District of Columbia.

***Consideration on Calendar Wednesday***

**§ 11.10 Private bills are not eligible for consideration on Calendar Wednesday.**

On June 5, 1940,<sup>(6)</sup> during consideration of Calendar Wednesday business, Mr. John Lesinski, of Michigan, called up a bill (H.R. 9766) to authorize the deportation of an individual. The Chair ruled:

THE SPEAKER:<sup>(7)</sup> . . . There is no question about bills that may and may not be called up on Calendar Wednesday. The rules specifically provide that on a call of committees under this rule bills may be called up from either the House or the Union Calendars except bills which are privileged under the rules.<sup>(8)</sup> This bill which the gentleman

5. Carl R. Chindblom (Ill.).
6. 86 CONG. REC. 7629, 76th Cong. 3d Sess.
7. William B. Bankhead (Ala.).
8. See Rule XXIV clause 7, *House Rules and Manual* §897 (1981).

from Michigan has called up is on the Private Calendar, and in the opinion of the Chair, under the rules, it is not eligible for consideration on Calendar Wednesday.

***Preempting Time for Call of Calendar***

**§ 11.11 By a unanimous-consent agreement the House may provide for the taking up of certain business during the time for the call of the Private Calendar.**

On Mar. 4, 1958,<sup>(9)</sup> the House commemorated the 53d anniversary of the inauguration of President Theodore Roosevelt during the time for the call of the Private Calendar, having previously agreed to do so by unanimous consent.<sup>(10)</sup>

***Precedence of Conference Report***

**§ 11.12 The Speaker has recognized a Member to call up a conference report before directing the call of the Private Calendar on the first Tuesday of the month.**

9. 104 CONG. REC. 3388, 85th Cong. 2d Sess.
10. See also the unanimous-consent request to commemorate Pan American Day before the call of the Private Calendar. 104 CONG. REC. 6436, 6437, 85th Cong. 2d Sess., Apr. 15, 1958.

On Aug. 3, 1965,<sup>(11)</sup> Mr. Emanuel Celler, of New York, before the call of the Private Calendar on a Private Calendar day, was recognized to call up the conference report on the bill (S. 1564) to enforce the 15th amendment to the U.S. Constitution and asked unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

There was no objection.

***Private Calendar Bills as Unfinished Business***

**§ 11.13 When the House adjourns before completing action upon an omnibus private bill such bill goes over as unfinished business until that class of business is again in order under the rule.**

On Mar. 17, 1936,<sup>(12)</sup> during consideration of an omnibus bill, Mr. John M. Costello, of California, moved that the House adjourn. Mr. Fred Biermann, of Iowa, inquired as to the status of the bill upon adjournment. The Speaker pro tempore<sup>(13)</sup> indicated

11. 111 CONG. REC. 19187, 89th Cong. 1st Sess.

12. 80 CONG. REC. 3901, 74th Cong. 2d Sess.

13. Edward T. Taylor (Colo.).

that the bill would be the unfinished business of the House at the next call of the Private Calendar when that class of business was again in order.

**§ 12. Objections; Disposition**

When a bill is called on the Private Calendar two methods are available to prevent its consideration. The bill can be passed over or recommitted by unanimous consent,<sup>(14)</sup> or if two objections are heard the measure is automatically recommitted to the committee which reported it.<sup>(15)</sup> To this latter purpose the leadership of each party appoints official objectors in each Congress to screen measures on the calendar.<sup>(16)</sup>

The House has used the unanimous-consent request procedure to restore measures to the calendar or to rescind actions previously taken.<sup>(17)</sup>

***Objections Based on Seven-day Requirement***

**§ 12.1 In taking up the Private Calendar, the official objec-**

14. See §§ 12.4–12.7, *infra*.

15. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

16. See §§ 12.2, 12.3, *infra*.

17. See §§ 12.14–12.17, *infra*.

**tors may limit consideration to measures that have been on the calendar for at least seven days before being called.**

On Mar. 2, 1965,<sup>(18)</sup> Mr. Edward P. Boland, of Massachusetts, announced the policy of the official objectors, both minority and majority, regarding the Private Calendar. Mr. Boland said:

. . . [T]he members of the majority and minority Private Calendar objectors committees have today agreed that during the 89th Congress they will consider only those bills which have been on the Private Calendar for a period of 7 calendar days, excluding the day the bills are reported and the day the Private Calendar is called. . . .

This policy will be strictly observed except during the closing days of each session when House rules are suspended.<sup>(19)</sup>

### ***Appointment of Official Objectors***

**§ 12.2 Appointments of official objectors for the Private Calendar were announced by the Majority and Minority Leaders.**

**18.** 111 CONG. REC. 3914, 3915, 89th Cong. 1st Sess.

**19.** See also 115 CONG. REC. 6656, 91st Cong. 1st Sess., Mar. 18, 1969; and 103 CONG. REC. 2249, 2250, 85th Cong. 1st Sess., Feb. 19, 1957.

On Feb. 19, 1945,<sup>(20)</sup> Majority Leader John W. McCormack, of Massachusetts, announced the appointment for the Private Calendar of the objectors' committee on the Democratic side, consisting of three members.

Minority Leader Joseph W. Martin, Jr., of Massachusetts, announced the establishment of two objectors' on the Republican side for the Private Calendar.

### ***Replacement of Objector***

**§ 12.3 An objector on the Private Calendar having been appointed to a subcommittee of the Committee on the Judiciary, a replacement was designated by the Minority Leader.**

On Feb. 10, 1965,<sup>(1)</sup> Minority Leader Gerald R. Ford, of Michigan, made the following announcement:

Mr. Speaker, the gentleman from Michigan [Mr. Hutchinson] is a member of the subcommittee of the Judiciary Committee which handles private claims, and that seems to be incompatible with his service on the Private Calendar objectors' committee.

At his request he is being relieved of his assignment on the Private Cal-

**20.** 91 CONG. REC. 1255, 79th Cong. 1st Sess.

**1.** 111 CONG. REC. 2468, 89th Cong. 1st Sess.

endar objectors' committee, and I have designated the gentleman from California [Mr. Talcott] to take his place.

### ***Passing Over Omnibus Bills***

**§ 12.4 An omnibus private bill is normally passed over by the Clerk when the Private Calendar is called on the first Tuesday of the month, but the House sometimes prescribes, by special order, that such omnibus bills shall be passed over.**

On June 27, 1968,<sup>(2)</sup> Mr. Carl Albert, of Oklahoma, asked unanimous consent that the [omnibus private] bill H.R. 16187 be passed over and not considered on the calling of the Private Calendar on July 2, 1968.

There was no objection.

**§ 12.5 The House agreed by unanimous consent that, on the call of the Private Calendar on the following day, an omnibus bill thereon be passed over.**

On May 20, 1968,<sup>(3)</sup> Mr. Robert T. Ashmore, of South Carolina, asked unanimous consent that the omnibus bill (H.R. 16187) be passed over for consideration on

2. 114 CONG. REC. 19106, 90th Cong. 2d Sess.

3. 114 CONG. REC. 13881, 90th Cong. 2d Sess.

the following day, the third Tuesday of the month.

There was no objection.<sup>(4)</sup>

### ***Passing Over Without Prejudice***

**§ 12.6 The House often grants unanimous-consent requests that bills on the Private Calendar be passed over without prejudice.**

On Mar. 18, 1947,<sup>(5)</sup> during the call of the Private Calendar the House granted unanimous consent that numerous bills be passed over without prejudice.

### ***Recommittal by Unanimous Consent***

**§ 12.7 By unanimous consent, a bill was stricken from the Private Calendar and recommitted to the Committee on the Judiciary.**

On Nov. 19, 1963,<sup>(6)</sup> Mr. Frank L. Chelf, of Kentucky, asked unanimous consent that the bill, H.R. 1277, be removed from the

4. For an identical procedure, see also 114 CONG. REC. 20998, 90th Cong. 2d Sess., July 12, 1968; and 114 CONG. REC. 17064, 90th Cong. 2d Sess., June 13, 1968.

5. 93 CONG. REC. 2206-08, 80th Cong. 1st Sess.

6. 109 CONG. REC. 22256, 88th Cong. 1st Sess.

Private Calendar and recommitted to the Committee on the Judiciary.

There was no objection.<sup>(7)</sup>

### ***Reservation of Objection***

**§ 12.8 The rule providing for the call of the Private Calendar prohibits the Speaker from entertaining a reservation of objection, either to the consideration of a bill thereon or to a unanimous-consent request that the bill be passed over without prejudice.**

On Nov. 4, 1969,<sup>(8)</sup> the Clerk called House Resolution 533, to refer a bill (H.R. 3722) for the relief of John S. Attinello to the Court of Claims.

Mr. Clarence J. Brown, of Ohio, asked unanimous consent that this resolution be passed over without prejudice. Mr. William L. Hungate, of Missouri, reserved the right to object, but the Chair ruled that he could not do so. The following exchange ensued:

MR. HUNGATE: Mr. Speaker, may I be heard on a point of order?

Mr. Speaker, I would raise the point of order that a reservation of objection

7. See also 109 CONG. REC. 24796, 88th Cong. 1st Sess., Dec. 17, 1963.

8. 115 CONG. REC. 32889, 91st Cong. 1st Sess.

to the unanimous-consent request would lie. This is not a reservation of objection to the bill. This is a reservation of objection to the unanimous-consent request to pass the bill over.

THE SPEAKER:<sup>(9)</sup> The Chair calls the attention of the gentleman from Missouri to the rules of the House, clause 6, rule XXIV, which can be found on the inside page of the Private Calendar for today, in connection with the call of the Private Calendar that:

No reservation of objection shall be entertained by the Speaker.

MR. HUNGATE: Mr. Speaker, may I be heard on that paragraph?

THE SPEAKER: The gentleman from Ohio has asked that the resolution be passed over without prejudice and in accordance with the specific rule applying to the Private Calendar, no reservation of objection shall be entertained by the Speaker.<sup>(10)</sup>

### **§ 12.9 Reservations of objections are not in order during the call of the Private Calendar.**

On Apr. 21, 1964,<sup>(11)</sup> the Clerk called on the Private Calendar the

9. John W. McCormack (Mass.).

10. The rule cited by Speaker McCormack was as follows: “. . . Should objection be made by two or more Members to the consideration of any bill or resolution other than an omnibus bill, it shall be recommitted to the committee which reported the bill or resolution and no reservation of objection shall be entertained by the Speaker. . . .” Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

11. 110 CONG. REC. 8524, 88th Cong. 2d Sess.

bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain. Mr. H. R. Gross, of Iowa, asked unanimous consent that this bill be passed over without prejudice. Mr. Carl Albert, of Oklahoma, reserved the right to object in order to propound a unanimous-consent request with reference to the calling of the Private Calendar.

The Speaker<sup>(12)</sup> responded, "The Chair will state that the gentleman cannot reserve the right to object on the Private Calendar."

### *Recognition for Statement*

#### **§ 12.10 In the consideration of the Private Calendar, the Chair does not recognize Members for requests to make statements.**

On May 5, 1936,<sup>(13)</sup> the Clerk called on the Private Calendar the bill (H.R. 9002) for the relief of Captain James W. Darr. Two Members objected to the consideration of the bill and it was recommended to the Committee on Military Affairs. Mr. Theodore Christianson, of Minnesota, then interjected:

MR. CHRISTIANSON: Mr. Speaker, will not the gentlemen withhold their objection for a moment? Mr. Speaker, I

12. John W. McCormack (Mass.).

13. 80 CONG. REC. 6691, 74th Cong. 2d Sess.

ask unanimous consent to make a statement regarding this bill.

THE SPEAKER:<sup>(14)</sup> The Chair cannot recognize the gentleman for that purpose under the express provisions of the rule. Otherwise the Chair would be glad to hear the gentleman.

### *Restoring Passed-over Bill to Calendar*

#### **§ 12.11 The Speaker has declined to recognize a Member to request unanimous consent to make an omnibus private bill eligible for consideration when the House had previously agreed by unanimous consent that it should be passed over.**

On July 15, 1968,<sup>(15)</sup> Mr. William L. Hungate, of Missouri, asked unanimous consent that the omnibus private bill H.R. 16187, be placed on the Private Calendar for July 16. The bill had been passed over three times by unanimous consent. The Speaker<sup>(16)</sup> ruled that such a request could not be entertained at that time.

### *Restoration of Stricken Bill*

#### **§ 12.12 The Speaker has declined to recognize Members for unanimous-consent re-**

14. Joseph W. Byrns (Tenn.).

15. 114 CONG. REC. 21326, 90th Cong. 2d Sess.

16. John W. McCormack (Mass.).

**quests that bills stricken from the Private Calendar be restored thereto until they have consulted with the official objectors.**

On Apr. 19, 1948,<sup>(17)</sup> Mr. Thomas J. Lane, of Massachusetts, asked unanimous consent that the bill H.R. 403, be restored to the Private Calendar:

THE SPEAKER: <sup>(18)</sup> Has the gentleman consulted the objectors?

MR. LANE: No; I have not.

THE SPEAKER: The Chair cannot entertain the gentleman's request until he has done so.

**§ 12.13 A private bill objected to and stricken from the Private Calendar has been restored to such calendar by unanimous consent.**

On Jan. 18, 1944,<sup>(19)</sup> Mr. Noah M. Mason, of Illinois, asked unanimous consent that the bill (H.R. 2456) for the relief of Moses Tennenbaum be reinstated on the Private Calendar.

There was no objection.

### ***Restoring Recommitted Bill***

**§ 12.14 A private bill objected to and recommitted has been**

17. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

18. Joseph W. Martin, Jr. (Mass.).

19. 90 CONG. REC. 331, 78th Cong. 2d Sess.

**restored to the Private Calendar by unanimous consent.**

On June 15, 1944,<sup>(1)</sup> Mr. John Jennings, Jr., of Tennessee, asked unanimous consent that a recommitted bill (H.R. 2354) for the relief of Mrs. Phoebe Sherman be restored to the Private Calendar.

There was no objection.

**§ 12.15 A bill which has been objected to by two Members, stricken from the Private Calendar and recommitted to the Committee on the Judiciary, was by unanimous consent restored to the Private Calendar.**

On July 18, 1962,<sup>(2)</sup> Mr. John B. Anderson, of Illinois, asked unanimous consent that, notwithstanding the action taken by the House on a bill on the previous day [the bill had been objected to and recommitted to the Committee on the Judiciary], the bill (S. 2147) be restored to the Private Calendar.

There was no objection.<sup>(3)</sup>

1. 90 CONG. REC. 5972, 78th Cong. 2d Sess.

2. 108 CONG. REC. 13997, 87th Cong. 2d Sess.

3. For a similar action see 108 CONG. REC. 87th Cong. 2d Sess., Aug. 7, 1962.

***Rescinding Reference to Court of Claims***

**§ 12.16** By resolution, the House has rescinded a previously adopted resolution whereby a private bill had been referred to the Court of Claims for a report, and the Court of Claims was directed to return the bill.

On Apr. 30, 1957,<sup>(4)</sup> Mr. Thomas J. Lane, of Massachusetts, offered a resolution (H. Res. 241) and asked unanimous consent for its immediate consideration:

*Resolved*, That the adoption by the House of Representatives of House Resolution 174, 85th Congress, is hereby rescinded. The United States Court of Claims is hereby directed to return to the House of Representatives the bill (H.R. 2648) entitled "A bill for the relief of the MacArthur Mining Co., Inc., in receivership," together with all accompanying papers, referred to said court by said House Resolution 174.

The resolution was agreed to.

***Rescinding Passage of Private Bill***

**§ 12.17** Both Houses adopted a concurrent resolution rescinding the action of each in connection with the passage of a private bill and pro-

4. 103 CONG. REC. 6159, 85th Cong. 1st Sess.

**viding that the said bill be postponed indefinitely.**

On Feb. 7, 1952,<sup>(5)</sup> Mr. Francis E. Walter, of Pennsylvania, asked unanimous consent for the immediate consideration of Senate Concurrent Resolution 50, rescinding the action on and indefinitely postponing Senate bill 1236 for the relief of Kim Song Nore:

*Resolved by the Senate (the House of Representatives concurring)*, That the action of the two Houses in connection with the passage of the bill (S. 1236) for the relief of Kim Song Nore be rescinded, and that the said bill be postponed indefinitely.

There was no objection to the unanimous-consent request, and the Senate concurrent resolution was agreed to.<sup>(6)</sup>

***Transferring Private Bill to Union Calendar***

**§ 12.18** The Chair refused to submit to the House a unanimous-consent request that a private bill be transferred to the Union Calendar.

On July 31, 1939,<sup>(7)</sup> Mr. Walter G. Andrews, of New York, asked

5. 98 CONG. REC. 934, 82d Cong. 2d Sess.

6. This action was necessary because the individual named in the bill died.

7. 84 CONG. REC. 10563, 76th Cong. 1st Sess.

unanimous consent that the bill (H.R. 4723) reported from the Committee on Military Affairs to correct the military record of Oberlin M. Carter be transferred from the Private to the Union Calendar. The Speaker<sup>(8)</sup> stated that such transfer would be contrary to the precedents and refused to recognize Mr. Andrews for that purpose.

### § 13. Consideration, Debate, and Amendment

Private bills are considered in the House as in the Committee of the Whole,<sup>(9)</sup> and amendments are considered under the five-minute rule.<sup>(10)</sup>

Provision for the consideration of omnibus bills (i.e., consolidation into one bill of numerous private bills of the same class) was added to the rules of the House in 1935.<sup>(11)</sup> The validity of this rule has been sustained, both as an internal House procedure and under principles of comity with the Senate. (See § 13.1, *infra*.)

8. William B. Bankhead (Ala.).

9. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

10. See § 13.2, *infra*.

11. H. Res. 172, 79 CONG. REC. 4480–89, 4538, 74th Cong. 1st Sess., Mar. 26, 1935.

### *Consideration and Validity of Omnibus Bills*

**§ 13.1 The House may by rule provide for the consolidation into an omnibus bill of private bills and direct the manner in which such omnibus bills shall be considered, including the consolidation therein of Senate bills passed by the Senate and referred to the House.**

On July 16, 1935,<sup>(12)</sup> the Clerk called on the Private Calendar the bill (H.R. 8060) for the relief of sundry claimants [an omnibus bill].

Mr. Thomas L. Blanton, of Texas, raised the point of order that Rule XXIV clause 6, authorizing omnibus bills, was inoperative and did not in fact authorize such omnibus bills.<sup>(13)</sup>

Mr. Blanton argued that the omnibus bill provision in Rule

12. 79 CONG. REC. 11259, 74th Cong. 1st Sess.

13. Mr. Blanton gave advance notice of his point of order four days previously along with a summary of his arguments against the application of Rule XXIV clause 6, “. . . so that,” he said, “the Speaker in the meantime may examine the authorities which may be presented by myself or by the Parliamentarian.” 79 CONG. REC. 11113, 11114, 74th Cong. 1st Sess., July 12, 1935.

XXIV clause 6, adopted four months earlier,<sup>(14)</sup> contradicted Rule XX clause 1 which provides “Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the State of the Union, if, originating in the House, it would be subject to that point.” Mr. Blanton said, “. . . After we pass one of these omnibus bills, and it is unscrambled by resolving all of the House bills passed on it, into their original forms, and we send them to the Senate and the Senate should amend them by placing an entirely new amendment on a House bill carrying \$100,000,000, under Rule XX, we would have to consider it in the Committee of the Whole House on the State of the Union, but under this new rule—clause 6 of Rule XXIV—we could consider it in the House in direct violation of Rule XX, which has neither been amended nor repealed.”

Mr. Blanton then cited Rule XXI clause 1 providing:

Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the

14. H. Res. 172, 79 CONG. REC. 4480–89, 4538, 74th Cong. 1st Sess., Mar. 26, 27, 1935.

Speaker shall state the question to be, Shall the bill be engrossed and read a third time? and, if decided in the affirmative, it shall be read the third time by title . . . and the question shall then be put upon its passage.

Mr. Blanton said:

. . . [I]ts provisions relating to the engrossment of a House bill could not be followed out with regard to one of these omnibus bills, because you do not engross a bill until just before its final passage, and under clause 6 of rule XXIV these omnibus bills may embrace a number of House bills, and also a number of Senate bills, which have already been engrossed by the Senate, and under rule XXI you could not properly engross such a bill.

Mr. Blanton next cited Rule XXIII clause 3 providing:

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. Blanton continued:

That is a standing rule of this House. It has been a rule of this House for many years. It has never been amended. It has never been repealed. It has never been changed by one

word, I submit to the Speaker. Yet, if you proceed under it, you certainly could not proceed under this new clause 6 of rule XXIV.

We all know that in the Committee of the Whole there is generous general debate allowed, while under clause 6 of Rule XXIV there is no general debate and only a few minutes allowed for amendments.<sup>(15)</sup>

Mr. Blanton next cited Rule XXIII clause 5 providing:

When general debate is closed by order of the House, any Member shall be allowed 5 minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak 5 minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. Blanton said:

This is a standing rule of the House and has been a rule of the House for many years. It has not been changed, it has not been repealed, it has not been amended; and it is in conflict with this so-called "change of one rule, clause 6 of rule XXIV." The rights which it safeguards to Members are curtailed and to a large extent wiped out by this new clause 6 of rule XXIV. Under which are we to operate?

15. 79 CONG. REC. 11259, 11260, 74th Cong. 1st Sess.

I want to call attention to just a few of the Senate rules relative to Senate bills. This so-called "change of clause 6 of rule XXIV", just one clause of one rule, not only affects House bills, Mr. Speaker, but it materially affects Senate bills that are properly passed by the Senate of the United States and messaged over to the House and properly referred to committees by the Speaker under the rules of this House, and the comity that exists between the House and the Senate, which comity has existed ever since the beginning of the Congress. . . .<sup>(16)</sup>

[The omnibus bill] comes back into the House with a new number on the House Private Calendar, with the Senate identity lost and the Senate number lost, so far as the bill number is concerned. . . .

Mr. Speaker, you cannot pass legislation in that way, that takes money out of the Public Treasury. You cannot pass legislation under the rules of the House that have been in vogue for 140 years, since Congress was first created, by a simple House resolution. That is against the Senate rules and against the rules of the House. The law provides that when a bill takes money out of the Public Treasury it must go into the Committee of the Whole House, whether it is a House bill or a Senate bill. If it is a House bill, if it takes money out of the Public Treasury, it must be debated in the Committee of the Whole. If it is a Senate bill and takes money out of the Public Treasury, it must be debated in Committee of the Whole. That is the protection placed by Congress around the taxpayers' money. . . .

16. *Id.* at pp. 11260, 11261.

I do not know what the Speaker's ruling is . . . if the Comptroller General rules against any of these bills after they are passed, or if any taxpayer of the United States, and there will be some, ever brings such a bill before the Supreme Court of the United States for revision and contests the legality of its passage, the legality of taking the people's money out of the Treasury in this haphazard way by a simple House resolution, then there will be a chance for the Supreme Court to render a proper decision upon it.

I submit the matter to the Speaker.<sup>(17)</sup>

#### The Chair responded:

The Speaker:<sup>(18)</sup> . . . The gentleman from Texas, in his argument today, has contended that this rule conflicts with a number of rules to which he has referred. Without passing upon the question of whether or not there is a conflict, the Chair will state that if there is a conflict the rule last adopted would control. The Chair assumes that if this rule should be found to conflict with previous rules, that the House intended, at least by implication, to repeal that portion of the previous rule with which it is in conflict. . . .

The gentleman contends that the House may not, in the exercise of the power conferred upon it by the Constitution "to determine the rules of its proceedings,"<sup>(19)</sup> adopt a rule which has the effect of permitting an omnibus bill to contain one or more separate Senate bills as well as sundry House bills.

The Chair, in passing upon points of order, is limited by the terms of the

rule which is applicable to the determination of the point of order. . . . Although it is not necessary for the determination of the point of order for the Chair to pass upon the question as to whether the House had the power to make such a rule, the Chair will refer but briefly to two decisions heretofore made—one by an eminent Speaker and one by the Supreme Court of the United States.

Mr. Speaker Blaine, in the Forty-third Congress, in passing upon a question involving the right of the House to formulate rules, said:

He (the Chair) has several times ruled that the right of each House to determine what shall be its rules is an organic right expressly given by the Constitution of the United States. . . . The House is incapable, by any form of rules, of divesting itself of its inherent constitutional power to exercise its function to determine its own rules.

The Supreme Court, speaking through Mr. Justice Brewer in *U.S. v. Ballin* (144 U.S. 1), said:

Neither do the advantages or disadvantages, the wisdom or folly, of . . . a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. . . .

17. *Id.* at pp. 11262, 11263.

18. Joseph W. Byrns (Tenn.).

19. U.S. Const. art. I, §5, para. 2.

There has been some concern expressed as to whether it is possible to identify the Senate bills incorporated in an omnibus House bill. This concern may be removed by merely glancing at an omnibus bill. We find there that the Senate bills carry their own number and title in a paragraph set off by itself. Inasmuch as the omnibus bill carries each individual bill included therein by its number and title, it does not seem as though too great a difficulty would be encountered for the clerks after the passage of the omnibus bill to resolve the portions thereof into their original form. That is merely a clerical undertaking which does not present any undue difficulty. The Chair would think that after the passage of an omnibus bill the Journal would show the specific action on each individual bill which had been embodied in it. A message would be sent to the Senate stating that the House had passed such and such a bill, if it be a House bill, and requesting the concurrence of the Senate therein. If it be a Senate bill, the message would merely state that the House had passed it with the attestation of the Clerk of the House, which would not be questioned by the Senate.<sup>(20)</sup>

### ***Debate on Amendments Under Five-minute Rule***

**§ 13.2 Amendments to measures on the Private Calendar are debatable under the five-minute rule. Debate is limited to five minutes in favor of and five minutes in opposition to an amendment.**

<sup>20</sup>. *Id.* at pp. 11264, 11265.

On Dec. 14, 1967,<sup>(1)</sup> during consideration of a committee amendment to a resolution (H. Res. 981) expressing the disapproval of the House with respect to the granting of permanent residence in the United States to certain aliens, Mr. H. R. Gross, of Iowa, rose in opposition to the amendment and was granted five minutes to express his opposition. At the end of that five minutes Mr. Gross asked permission to proceed an additional two minutes.

The Speaker<sup>(2)</sup> ruled that an extension of time was not in order.

Mr. Michael A. Feighan, of Ohio, sought recognition to speak in favor of the same amendment. The Chair ruled that a member of the committee reporting the resolution was entitled to recognition. Mr. Feighan proceeded for five minutes to debate the committee amendment.

### ***Requests to Address the House***

**§ 13.3 In considering bills on the Private Calendar the Chair refuses to recognize Members for unanimous-consent requests to address the House.**

On May 7, 1935,<sup>(3)</sup> at the call on the Private Calendar of the bill (S.

1. 113 CONG. REC. 36535-37, 90th Cong. 1st Sess.
2. John W. McCormack (Mass.).
3. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

41) for relief of the Germania Catering Company, Inc., the Speaker pro tempore<sup>(4)</sup> asked whether there was objection to the consideration of the bill.

Mr. Charles V. Truax, of Ohio, asked unanimous consent to proceed for five minutes. The Chair responded that he would not be recognized for that purpose.

#### *Extending Time for Debate*

**§ 13.4 In the consideration of omnibus private bills under the five-minute rule the Chair does not recognize Members for the purpose of extending time for debate in support of an amendment.**

On Apr. 22, 1936,<sup>(5)</sup> during consideration of the omnibus bill (S. 267) for the relief of certain officers and employees of the foreign service, Mr. Sol Bloom, of New York, offered an amendment. After speaking five minutes in support of his amendment Mr. Bloom asked unanimous consent to proceed for five additional minutes. The Chair responded:

THE SPEAKER:<sup>(6)</sup> The Chair cannot recognize the gentleman for that purpose under the rule.

4. John J. O'Connor (N.Y.).

5. 80 CONG. REC. 5900, 74th Cong. 2d Sess.

6. Joseph W. Byrns (Tenn.).

**§ 13.5 During the consideration of an omnibus private bill the Chair has refused to recognize Members for unanimous-consent requests to extend the time for debate in opposition to an amendment.**

On July 20, 1937,<sup>(7)</sup> during consideration of the omnibus private bill (H.R. 6336) for the relief of sundry claimants, Mr. Clarence E. Hancock, of New York, offered an amendment to strike out all of title I (H.R. 886) of the omnibus bill. After speaking five minutes in opposition to the amendment, Mr. Alfred F. Beiter, of New York, asked unanimous consent to proceed for one additional minute in order to answer a question. The Chair<sup>(8)</sup> ruled that under the rule covering the consideration of these bills, five minutes on each side is the limit for debate.

#### *Hour Rule for Debate of Bill*

**§ 13.6 When consideration of a private bill in the House is granted by unanimous consent the Member making the request is recognized for one hour.**

On Mar. 12, 1963,<sup>(9)</sup> Mr. Emanuel Celler, of New York, asked

7. 81 CONG. REC. 7293-95, 75th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

9. 109 CONG. REC. 3993, 88th Cong. 1st Sess.

unanimous consent for the immediate consideration in the House of the bill (H.R. 4374) to proclaim Sir Winston Churchill an honorary citizen of the United States. Mr. H. R. Gross, of Iowa, raised a parliamentary inquiry:

MR. GROSS: Mr. Speaker, under what circumstances will this resolution be considered? Will there be any time for discussion of the resolution, if unanimous consent is given?

THE SPEAKER:<sup>(10)</sup> In response to the parliamentary inquiry of the gentleman from Iowa, if consent is granted for the present consideration of the bill, the gentleman from New York [Mr. Celler] will be recognized for 1 hour and the gentleman from New York may yield to such Members as he desires to yield to before moving the previous question.

### *Nongermane Amendments*

#### **§ 13.7 A committee amendment to a private bill adding language that is general or public in character is not germane.**

On June 20, 1950,<sup>(11)</sup> the House considered the private bill (S. 2309) granting permanent residence to certain aliens. As reported to the floor the bill contained a committee amendment authorizing 3,200 passport visas

10. John W. McCormack (Mass.).

11. 96 CONG. REC. 8914, 81st Cong. 2d Sess.

in any fiscal year to be issued to eligible foreign specialists as non-immigrants.

Mr. Wesley A. D'Ewart, of Montana, raised the point of order against the amendment on the grounds that it was a general amendment to a private bill and therefore not germane. The Speaker<sup>(12)</sup> sustained the point of order citing section 3292 of 4 Hinds' Precedents:

It is not in order to amend a private bill by adding provisions general or public in character.

#### **§ 13.8 It is not in order to amend a private bill with a proposition that is in the nature of general legislation.**

On June 13, 1940,<sup>(13)</sup> Mr. Warren G. Magnuson, of Washington, offered an amendment to the pending private bill ordering the Secretary of Labor to take into custody and deport Harry Bridges. The amendment was as follows:

. . . Strike out all after enacting clause and insert "That any alien who, at any time after entering the United States, is found to have been at the time of entry, or to have become thereafter, a member of the Nazi, Fascist, or Communist Party, or who advises, advocates, or teaches the doctrines of nazi-ism, fascism, or communism, or

12. Sam Rayburn (Tex.).

13. 86 CONG. REC. 8213, 8214, 76th Cong. 3d Sess.

who is a member of, or affiliated with, any organization, association, society, or group, that advises, advocates, or teaches the doctrines of nazi-ism, fascism, or communism, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported in the manner provided in the Immigration Act of February 5, 1917.”

Mr. John Lesinski, of Michigan, raised the point of order that this amendment was general legislation and not germane to a private bill. The Chair sustained the point of order.

#### ***Withdrawal of Committee Amendment***

#### **§ 13.9 During the consideration of a bill on the Private Calendar, a Member obtained unanimous consent to vacate and withdraw a committee amendment which had been agreed to.**

On May 18, 1965,<sup>(14)</sup> the private bill (H.R. 2351) for the relief of Teresita Centeno Valdez was read along with committee amendments, which were agreed to. Mr. Frank L. Chelf, of Kentucky, asked unanimous consent to withdraw the committee amendments.

There was no objection.

14. 111 CONG. REC. 10874, 89th Cong. 1st Sess.

#### ***Motion to Strike Enacting Clause***

#### **§ 13.10 A motion to strike out the enacting clause is in order during the consideration of an omnibus private bill.**

On May 18, 1937,<sup>(15)</sup> during consideration of the omnibus private bill (H.R. 5897) for the relief of sundry aliens, Mr. Joe Starnes, of Alabama, made a motion to strike out the enacting clause.

Mr. John J. O'Connor, of New York, made a point of order against the motion:

MR. O'CONNOR of New York: Mr. Speaker, under the Private Calendar rule, the only motion in order during the consideration of an omnibus bill is a motion, as each bill is called, either to strike out the paragraph or to reduce the amount or to add limitations.<sup>(16)</sup>

May I say further, Mr. Speaker, that in considering this rule providing for consideration of the Private Calendar, either the individual bills or the omnibus bills, it was deliberately provided that there would be a limitation on

15. 81 CONG. REC. 4727, 4728, 75th Cong. 1st Sess.

16. “Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money stated or to provide limitations. . . .” Rule XXIV clause 6, para. 3.

motions. It was discussed in the [Rules] committee that such bills would not be handled as other bills, with a motion to strike out the enacting clause, which would go to the entire omnibus bill, which in this instance includes 15 individual bills. Such a motion does not come within the intent of the rule with respect to the handling of omnibus bills, because if you strike out the enacting clause of the omnibus bill, by one stroke you defeat the consideration of 15 individual bills, and it was intended that each of the 15 bills would be considered in the House as in Committee of the Whole, and that only those three motions mentioned would lie, and only against the individual paragraphs.

There is no question in the mind of myself, who has sometimes been called the author of the rule for the consideration of the Private Calendar, which was brought out from the Rules Committee, as to the intent with reference to this rule.

THE SPEAKER:<sup>(17)</sup> . . . [Rule XXIV, clause 6, para. 3] imposes restrictions only on the kind of amendments that may be offered during the consideration of an omnibus bill. The Chair has been unable to find any provision of the rule which would prohibit the offering of any other motion provided in the general rules of the House. Certainly the Private Calendar rule does not by specific language deprive a Member of the right to offer a motion to strike out the enacting clause as provided in clause 7, rule XXIII.

The Chair cited a similar ruling by the late Speaker Byrns on Mar. 17, 1936. At that time he held:

17. William B. Bankhead (Ala.).

A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the 5-minute rule. . . .

And this is the portion of the rule

Mr. Speaker Byrns read:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be equivalent to its rejection. . . .

Based upon that direct decision upon the question and the reasons heretofore stated, the Chair feels impelled to overrule the point of order.

**§ 13.11 A motion to strike out the enacting clause of an omnibus private bill takes precedence over an amendment to strike out a title of the bill, and, if adopted, applies to the entire bill.**

On May 16, 1939,<sup>(18)</sup> during the consideration of an omnibus private bill (H.R. 6182) for the relief of sundry aliens, Mr. Thomas A. Jenkins, of Ohio, offered an amendment to strike out all of title I (H.R. 658) of the bill.

After debate but before a vote on that amendment, Mr. A. Leonard Allen, of Louisiana, offered a preferential motion that the enacting clause be stricken out. After debate on the preferential motion Mr. Jenkins raised a parliamentary inquiry:

18. 84 CONG. REC. 5614-18, 76th Cong. 1st Sess.

MR. JENKINS of Ohio: I notice this bill has four titles. Up to this time we have only been dealing with one title, but I take it the motion to strike out the enacting clause will strike out the enacting clause for the entire bill.

THE SPEAKER PRO TEMPORE:<sup>(19)</sup> That is true.

MR. JENKINS of Ohio: As I understand it, that would not be in opposition to my amendment, except that it would strike this whole bill out, and then it could go back to the Committee on Immigration, if necessary.

THE SPEAKER PRO TEMPORE: The adoption of the pending preferential motion would strike out the enacting clause with reference to the omnibus bill and the various individual bills contained therein.

MR. [SAMUEL] DICKSTEIN [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DICKSTEIN: If the motion of the gentleman from Ohio is agreed to, then that kills this bill?

THE SPEAKER PRO TEMPORE: The gentleman from Louisiana [Mr. Allen] has offered a preferential motion to strike out the enacting clause. If that motion is adopted, then there would be no further consideration of the bill. It would apply to all titles enumerated in the bill.

MR. DICKSTEIN. If that motion is not adopted, then what will be the procedure?

THE SPEAKER PRO TEMPORE: If the gentleman's motion is not adopted, the next procedure would be to vote upon

the amendment offered by the gentleman from Ohio [Mr. Jenkins] to strike out title I of the bill. .

**§ 13.12 A motion to strike out the enacting clause is in order during the consideration of omnibus private bills and is debatable under the five-minute rule, but a motion to strike out the last word is not in order.**

On Mar. 17, 1936,<sup>(20)</sup> during consideration of the omnibus private bill (H.R. 8524) for the relief of sundry claimants, Mr. Thomas L. Blanton, of Texas, moved to strike out the enacting clause:

[MR. [FRED] BIERMANN (of Iowa)]: Mr. Speaker, I make a point of order against that. I do not believe that motion is allowed under the rule.

THE SPEAKER:<sup>(1)</sup> The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes. . . .

MR. BIERMANN: Mr. Speaker, a parliamentary inquiry. Under the rule we are working under I find these words:

Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money or to provide limitation.

My inquiry is whether or not it is going to be in order for me to move to strike out the last word?

<sup>20</sup> 80 CONG. REC. 3894, 3895, 74th Cong. 2d Sess.

<sup>1</sup> Joseph W. Byrns (Tenn.).

<sup>19</sup> Fritz G. Lanham (Tex.).

THE SPEAKER: It will not.

MR. BIERMANN: Is the gentleman from Texas out of order?

THE SPEAKER: He is not. The gentleman from Texas moved to strike out the enacting clause. He did not offer an amendment.

### *Pro Forma Amendments*

#### **§ 13.13 Motions to strike out the last word are not in order during the consideration of omnibus private bills.**

On July 20, 1937,<sup>(2)</sup> during consideration of an amendment to title I of the omnibus private bill (H.R. 6336), Mr. Fred L. Crawford, of Michigan, moved to strike out the last word. The Speaker<sup>(3)</sup> ruled that under the rule the Chair could not entertain that motion. The question at this time was the amendment offered to title I of the bill.

#### **§ 13.14 Pro forma amendments are not in order during the consideration of an omnibus private bill.**

On July 20, 1937,<sup>(4)</sup> during consideration of an amendment offered to title III of an omnibus

2. 81 CONG. REC. 7295, 75th Cong. 1st Sess.

3. William B. Bankhead (Ala.).

4. 81 CONG. REC. 7299, 75th Cong. 1st Sess.

private bill (H.R. 6336), Mr. Walter M. Pierce, of Oregon, moved to strike out the last word. The Chair ruled:

THE SPEAKER PRO TEMPORE:<sup>(5)</sup> The Chair cannot recognize the gentleman to make that motion. Under the rule for the consideration of omnibus bills on the Private Calendar, the only amendments in order are "to strike out or reduce amounts of money stated or to provide limitations." A pro forma amendment is therefore not in order.

The question is on the motion . . . to strike out the title.

#### **§ 13.15 Under the earlier practice, it was in order during the consideration of individual bills (but not omnibus bills) on the Private Calendar to strike out the last word.**

On Apr. 7, 1936,<sup>(6)</sup> during the call on the Private Calendar of the bill (S. 2682) for the relief of Chief Carpenter William F. Twitchell, U.S. Navy, Mr. Marion A. Zioncheck, of Washington, moved to strike out the last word. Mr. Clarence E. Hancock, of New York, made the point of order that under the rule amendments of this kind cannot be offered.

The Chair responded:

THE SPEAKER:<sup>(7)</sup> . . . The Chair, after examination of the rule, thinks

5. John J. O'Conner (N.Y.).

6. 80 CONG. REC. 5075, 74th Cong. 2d Sess.

7. Joseph W. Byrns (Tenn.).

that the restriction with reference to the offering of amendments applies only to omnibus bills.

**§ 13.16 Under the modern practice, pro forma amendments to bills on the Private Calendar, whether omnibus or individual bills, are not permitted.**

On Feb. 16, 1954,<sup>(8)</sup> during consideration of the private bill (H.R. 7460), Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word and asked unanimous consent to revise and extend his remarks and to proceed out of order. After passage of the bill, the Speaker<sup>(9)</sup> said, "The Chair wishes to make a statement in order to clarify the rules of procedure during the call of the Private Calendar. Inadvertently, the Chair recognized the gentleman from Michigan to strike out the last word. Under the rules of the House, of course, that may be done on bills on the Consent Calendar, but not on the Private Calendar."

On Aug. 30, 1960,<sup>(10)</sup> during consideration of the private bill (S. 3439) authorizing the President to present a gold medal to

8. 100 CONG. REC. 1826, 1827, 83d Cong. 2d Sess.  
 9. Joseph W. Martin, Jr. (Mass.).  
 10. 106 CONG. REC. 18389, 86th Cong. 2d Sess.

the poet Robert Frost, Mr. Clare E. Hoffman, of Michigan, moved to strike out the last word.

The Speaker pro tempore, Wilbur D. Mills, of Arkansas, replied, "An amendment to strike out or reduce an amount would be in order, but not a pro forma amendment."

On Dec. 14, 1967,<sup>(11)</sup> during consideration of a committee amendment to a resolution (H. Res. 981) expressing the disapproval of the House to the granting of permanent residence in the United States to certain aliens, Mr. Durward G. Hall, of Missouri, moved to strike out the requisite number of words. The Speaker<sup>(12)</sup> ruled that the motion was not in order.

**§ 13.17 An amendment proposing a minimal reduction of the amount of money in an omnibus private bill is a pro forma amendment and therefore not in order.**

On July 20, 1937,<sup>(13)</sup> Mr. Everett M. Dirksen, of Illinois, offered an amendment to an omnibus private bill (H.R. 6336) to reduce the amount stated from \$5,000 to \$4,999.99.

The Chair ruled:

11. 113 CONG. REC. 36537, 90th Cong. 1st Sess.  
 12. John W. McCormack (Mass.).  
 13. 81 CONG. REC. 7299, 75th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:<sup>(14)</sup> The Chair must hold that under the spirit of the rule for the consideration of omnibus private bills, such an amendment, which is in effect a pro forma amendment, is not in order, and in addition thereto, the amendment offered is an amendment to an amendment already adopted, and therefore not in order.

***Striking Part of Omnibus Bill***

**§ 13.18** Where an omnibus private bill contains an individual private bill that has been laid on the table, the Chair upon the presentation of a point of order has ordered the individual bill stricken from the omnibus bill.

On Apr. 22, 1936,<sup>(15)</sup> during the call on the Private Calendar of the omnibus bill H.R. 852, Mr. John J. Cochran, of Missouri, raised the point of order that title IX of such bill (H.R. 3075) was laid on the table in August of 1935:

MR. COCHRAN: . . . Mr. Speaker, I make the point of order that the committee had no right or authority to include this bill in an omnibus bill, because it has already been tabled and was not rereferred to the committee.

THE SPEAKER:<sup>(16)</sup> . . . The Chair holds that this bill, having been laid on

14. John J. O'Connor (N.Y.).  
 15. 80 CONG. REC. 5894, 5895, 74th Cong. 2d Sess.  
 16. Joseph W. Byrns (Tenn.).

the table by action of the House, is not a proper bill to be included in the pending omnibus bill. The only way to get it up would be by submitting a unanimous-consent request to take it from the table and consider it.

The Chair therefore sustains the point of order.

**§ 14. Private Bills and House-Senate Relations**

***Resolving Omnibus Bill Into Individual Bills***

**§ 14.1** Under the Private Calendar rule omnibus bills upon their passage are resolved into the several original bills of which they are composed and are messaged to the Senate as individual bills and not as an omnibus bill.

On Jan. 27, 1936,<sup>(17)</sup> Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry:

MR. COCHRAN: In the last session of Congress the House passed an omnibus-claims bill. That bill went to the Senate and one bill I have in mind was passed by the Senate with amendments and is now in conference. I desire to inquire if that conference report will come back to the House on that particular bill or will it come back to the House as a conference report on the omnibus claims bill?

17. 79 CONG. REC. 1047, 74th Cong. 2d Sess.

THE SPEAKER:<sup>(18)</sup> The conferees will report on the individual bill which was passed by the two Houses. The gentleman understands that under the Private Calendar rule, after an omnibus bill is passed by the House, it is resolved into the several bills of which it is composed so that each bill contained therein again assumes its original form. The Chair thinks the gentleman will find that there are no omnibus-claims bills in conference but that there may be some individual bills in conference that were at one time incorporated in an omnibus bill. In that case the conferees could only report on the individual bills committed to them.

MR. COCHRAN: Then it will come back here as a conference report on an individual bill and considered under the general rules of the House?

THE SPEAKER: The gentleman is correct.

### *Considering Senate Bill by Resolution*

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

18. Joseph W. Byrns (Tenn.).

On Mar. 14, 1961,<sup>(19)</sup> the House considered and adopted House Resolution 224, called up from the Committee on Rules, providing for the taking from the Speaker's table and considering in the Committee of the Whole House on the State of the Union the bill (S. 1173) to authorize the appointment of Dwight David Eisenhower to the active list of the regular Army.

### *Tabling Part of an Omnibus Bill*

**§ 14.3 After passage of an omnibus private bill on the calendar, Senate bills pending on the Speaker's table which are identical or similar to those contained in the omnibus bill may be disposed of in the House by unanimous consent. After disposition of a Senate bill, the similar House bill—a component of the omnibus bill—may be laid on the table by unanimous consent so that two measures involving the same private relief will not be messaged to the Senate.**

On Sept. 17, 1968,<sup>(20)</sup> Mr. Herbert Tenzer, of New York, asked

19. 107 CONG. REC. 3911, 3914, 87th Cong. 1st Sess.

20. 114 CONG. REC. 27184, 27185, 90th Cong. 2d Sess.

unanimous consent for the immediate consideration of the bill (S. 857) for the relief of Puget Sound Plywood, Inc., of Tacoma, Wash. This bill was similar to title IX (H.R. 4949) of the omnibus bill (H.R. 16187) which the House had just passed.<sup>(1)</sup>

There was no objection.

Mr. Tenzer then offered an amendment to the Senate bill reducing the amount of the claim provided for in the bill from \$44,016.62 to \$9,593.72, so that the Senate bill as amended would be identical to the House bill just passed.

The amendment was agreed to, the Senate bill was passed, and by unanimous consent the proceedings whereby the identical House bill (H.R. 4949) was passed were vacated and the House bill laid on the table.

### ***Considering Similar Senate and House Bills***

**§ 14.4 After the passage in the House of an omnibus private bill it is in order by unanimous consent to take from the Speaker's table and pass a similar Senate bill, in which event the proceedings whereby the House bill passed should be vacated and the bill laid on the table.**

1. *Id.* at p. 27184.

On Apr. 22, 1936,<sup>(2)</sup> Mr. Clyde Williams, of Missouri, asked unanimous consent for the present consideration of the bill (S. 713) granting jurisdiction to the Court of Claims to hear the case of David A. Wright, which was identical to the bill H.R. 2713 in the (omnibus) bill (H.R. 8524, title IV) just passed:

THE SPEAKER:<sup>(3)</sup> Is there objection?

There being no objection, the bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. WILLIAMS: Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House by which H.R. 2713 was passed.

THE SPEAKER: The gentleman from Missouri asks unanimous consent to vacate the proceedings of the House whereby H.R. 2713 was passed and to lay that bill on the table. Is there objection?

There was no objection.

**§ 14.5 Where an omnibus private bill is passed containing House bills similar to Senate bills on the Speaker's table the Speaker recognizes Members for unanimous-consent requests to take up such Senate bills for consideration; upon passage of the Senate**

2. 80 CONG. REC. 5897, 5898, 74th Cong. 2d Sess.

3. Joseph W. Byrns (Tenn.).

**bill, the House vacates action on the similar House bill.**

On Aug. 21, 1935,<sup>(4)</sup> the Chair made the following statement:

THE SPEAKER: <sup>(5)</sup> In the omnibus bills which were passed on yesterday there were included several bills which had previously passed the Senate and were on the Speaker's table. The Chair feels that those Members who are interested in those particular bills should have an opportunity to ask unanimous consent for the immediate consideration of the Senate bills, so that they can be taken out of the omnibus bills when they are reported to the Senate. . . .

MR. [WILLIAM A.] PITTENGER [of Minnesota]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1448) for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October 1918.

THE SPEAKER: Is that one of the bills in the omnibus bill that was passed yesterday?

MR. PITTENGER: It is one of the bills in the omnibus bill passed on yesterday.<sup>(6)</sup>

The Clerk read the title of the bill.

4. 79 CONG. REC. 13993, 74th Cong. 1st Sess.
5. Joseph W. Byrns (Tenn.).
6. By this Mr. Pittenger meant that the Senate bill in question was the same as the House bill (H.R. 3662) which was passed the previous day as part of the omnibus bill (H.R. 8108, 79 CONG. REC. 13842-55, 74th Cong. 1st Sess., Aug. 20, 1935), while its counterpart, S. 1443, remained at the Speaker's table.

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

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE SPEAKER: Without objection the procedure by which title IV of the omnibus bill (H.R. 3662) was passed on yesterday will be vacated, and the House bill laid on the table.

There was no objection.

***Private Senate Bills at the Speaker's Table***

**§ 14.6 The House by resolution provided for the consideration of private Senate bills on the Private Calendar as well as private Senate bills on the Speaker's table, where similar House bills have been favorably reported and were on the Private Calendar.**

On Feb. 25, 1933,<sup>(7)</sup> the House considered House Resolution 398, called up by Mr. Henry T. Rainey, of Illinois:

*Resolved,* That on Wednesday, March 1, 1933, it shall be in order to move that the House take a recess until 8 o'clock p.m., and that at the evening session until 10:30 p.m. it shall be in order to consider Senate bills on the Private Calendar and Sen-

7. 76 CONG. REC. 5021, 72d Cong. 2d Sess.

ate bills on the Speaker's table where similar House bills have been favorably reported and are now on the Private Calendar, the call of said bills to begin where the last call of the Private Calendar ended. In order to expedite the consideration of said bills the Clerk shall prepare a special Private Calendar of Senate bills eligible to be considered under this resolution, and the bills on said special calendar unobjected to shall be considered in their numerical order on said calendar in the House as in Committee of the Whole: *Provided*, That after the completion of the call of bills on said special Private Calendar of Senate bills it shall be in order to call the bills on the Private Calendar where the last call on the Private Calendar ended.

***House Bills and Unrelated Amendments***

**§ 14.7 The House has suspended the rules and agreed**

**to a private House bill with a Senate amendment extending the life of the Civil Rights Commission.**

On Oct. 7, 1963,<sup>(8)</sup> Mr. Emanuel Celler, of New York, moved that the House suspend the rules and adopt a resolution (H. Res. 541) that the private bill (H.R. 3369) for the relief of Elizabeth G. Mason, with a Senate amendment thereto extending the life of the Civil Rights Commission for one year, be taken from the Speaker's table and agreed to.

The motion and the resolution were agreed to.<sup>(9)</sup>

8. 109 CONG. REC. 18851-64, 88th Cong. 1st Sess.

9. *Id.* at pp. 18863, 18864.