

Private Calendar

- § 1. In General
- § 2. Calling the Calendar; When in Order
- § 3. Waivers; Dispensing With the Call
- § 4. Objections; Screening Procedures
- § 5. Consideration and Debate
- § 6. Omnibus Private Bills
- § 7. Disposition of Unfinished Business
- § 8. House-Senate Action on Private Bills

Research References

- 4 Hinds §§ 3266–3303
- 7 Cannon §§ 846–871
- 7 Deschler Ch 22 §§ 10–14
- Manual §§ 893–895

§ 1. In General

Usage and Purpose; Referrals to the Calendar

The Private Calendar is used to facilitate the consideration of bills which are limited in their applicability to particular individuals or entities. Deschler Ch 22 § 10.

A formal calendar for private bills was established by rule during the Sixty-second Congress (1911–1912). Prior to this time, private bills had been considered pursuant to special rules from the Committee on Rules. *Manual* § 894. Today, private bills when favorably reported are delivered to the Clerk for reference to the Private Calendar under the direction of the Speaker. *Manual* §§ 742, 743. A private bill erroneously referred to the Union Calendar may be re-referred to the Private Calendar by direction of the Speaker. 7 Cannon § 859.

Measures Eligible

Resolutions as well as bills may be considered pursuant to the Private Calendar rule. Rule XXIV clause 6. The use of omnibus private bills—that is, the consolidation into one bill of numerous private bills which have been objected to by two or more Members when first called on the Calendar—has been permitted under the rules since 1935. *Manual* § 893. The validity of this consolidation procedure has been sustained. Deschler Ch 22 § 13.1.

Clause 2 of Rule XXII prohibits the introduction of certain private bills. See *BILLS*.

§ 2. Calling the Calendar; When in Order

The Private Calendar is called up on the first and third Tuesdays of the month after the disposal of “such business on the Speaker’s table as requires reference only. . . .” *Manual* § 893. The calling of the calendar is mandatory on the first Tuesday, unless specifically dispensed with by the House, and discretionary with the Speaker on the third Tuesday. *Deschler Ch 22 § 11*.

On the first Tuesday of the month, after disposition of matters requiring referral, the Speaker has recognized a Member to call up a conference report (89–1, Aug. 3, 1965, pp 19187–91) and for a motion for a call of the House (100–1, July 8, 1987, p 18972), and for unanimous-consent requests (92–2, Aug. 1, 1972, p 26151) before beginning the call.

But the call has been entertained before the Speaker recognized for a privileged motion to discharge a committee from a resolution of inquiry (92–1, Aug. 3, 1971, pp 29060–64) and before the consideration of a veto message carried over as unfinished business (94–1, Oct. 7, 1975, pp 32036–41).

On the third Tuesday, since the call is discretionary, the Speaker may entertain both unanimous-consent requests for business not otherwise privileged (89–1, Aug. 3, 1965, p 19202; 91–2, Nov. 17, 1970, p 37654) and the call does not displace other privileged business (*Deschler Ch 22 § 11.3*).

§ 3. Waivers; Dispensing With the Call

Deviations from the Private Calendar rule have been permitted by special order or by unanimous consent. By such means the House may:

- Permit a private bill to be considered at a time other than that specified by the rule. *Deschler Ch 22 §§ 11.5–11.7*.
- Transfer the entire calendar to days other than those specified. *Deschler Ch 22 § 11.8*.
- Dispense with the calendar altogether during a particular week. 88–2, Jan. 31, 1964, p 1552.
- Take up other specified business during the time for the call of the calendar. *Deschler Ch 22 § 11.11*.
- Recommit a private bill on the calendar to committee. *Deschler Ch 22 §§ 12.4–12.7*.

- Restore to the calendar measures stricken therefrom. Deschler Ch 22 §§ 12.13–12.15.
- Rescind actions previously taken in connection with the calendar. Deschler Ch 22 §§ 12.16, 12.17.

The rules specifically provide for a motion to dispense with the call of the Private Calendar, by a two-thirds vote, on the first Tuesday of each month. *Manual* § 893. See also Deschler Ch 22 § 11.1. A motion to dispense with the call of the calendar on the third Tuesday of each month is likewise in order, the call of the calendar being within the discretion of the Chair. 97–1, Nov. 17, 1981, p 2770; *Manual* § 895.

§ 4. Objections; Screening Procedures

Where a bill is called on the Private Calendar on the first Tuesday of the month and it is objected to by two or more Members it is automatically recommitted to the committee reporting it. See clause 6, Rule XXIV, and 92–1, Apr. 6, 1971, p 9747. On the third Tuesday of each month the same procedure is followed with the exception that omnibus private bills (see § 6, *infra*) are in order regardless of objection. See clause 6, Rule XXIV, and 92–1, Apr. 6, 1971, p 9747.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar objectors during a Congress. 103–1, Aug. 2, 1993, p _____. These official objectors screen all bills which are placed on the calendar. When the calendar is called, the objectors are on the floor ready to oppose the consideration of any private bill which they feel is objectionable for any reason. 89–1, Mar. 2, 1965, p 3914. See also Deschler Ch 22 §§ 12.2, 12.3. In addition, the objectors may adopt and announce specific criteria which must be satisfied if a private bill is to be called up for consideration on the calendar. Thus, the objectors may require that a measure be on the calendar for at least seven days before being considered. Deschler Ch 22 § 12.1.

Forms

THE SPEAKER: This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Private Calendar.

[The Clerk calls the first bill by calendar number and title.]

THE SPEAKER: Is there objection to the consideration of the bill? . . .The Chair hears none. The Clerk will report the committee amendments. *[The Clerk reads the amendments.]*

THE SPEAKER: Without objection, the amendments are agreed to, the House bill is engrossed, read a third time and passed, and a motion to reconsider is laid on the table.

[Or]

§ 5

HOUSE PRACTICE

(If at least two Members object) THE SPEAKER: Two objections are heard, and the bill is recommitted.

§ 5. Consideration and Debate

Bills

Private bills called up from the Private Calendar are considered in the House *as in* the Committee of the Whole. *Manual* § 893. Debate on bills in that forum is under the five-minute rule. However, where a private bill is considered independently of the Calendar, pursuant to a special rule from the Committee on Rules, the House may provide for consideration in the Committee of the Whole. Deschler Ch 22 § 11.5. If, by unanimous consent, a private bill is being considered in the House, the Member making the unanimous-consent request is recognized for one hour. Deschler Ch 22 § 13.6.

Amendments

Amendments to bills called on the Private Calendar are debated under the five-minute rule with debate limited to five minutes in favor of and five minutes in opposition to an amendment. 90–1, Dec. 14, 1967, p 36535; Deschler Ch 22 § 13.2. Recognition in opposition to such an amendment goes first to a Member of the committee reporting the bill. 90–1, Dec. 14, 1967, p 36535. Recognition of Members seeking to extend the debate time will ordinarily be declined. Deschler Ch 22 §§ 13.4, 13.5. *Pro forma* amendments are not in order (Deschler Ch 22 §§ 13.13–13.17), and the reservation of an objection is not permitted during the call. Deschler Ch 22 § 12.9.

Motions to Strike the Enacting Clause

A motion to strike the enacting clause is in order during the consideration of a private bill (8 Cannon § 2786), including an omnibus private bill (Deschler Ch 22 § 13.10); such motion takes precedence over an amendment to strike out a title of the bill (Deschler Ch 22 § 13.11), and is debatable under the five-minute rule (Deschler Ch 22 § 13.12).

Passing Over Calendared Measures

It is in order to ask unanimous consent that a bill be passed over without prejudice. Deschler Ch 22 §§ 12.4–12.7. If granted, the bill retains its place on the Calendar. A request that the bill be passed over comes too late after committee amendments to the bill have been adopted. 96–1, Dec. 18, 1979, pp 36758, 36759.

Forms

THE SPEAKER: Today is the day for the call of the Private Calendar. The Clerk will call the first bill on the Private Calendar.

[*The Clerk calls the first bill by calendar number and title.*]

MEMBER: Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

MEMBER: Mr. Speaker, I object and ask that this bill be now considered.

THE SPEAKER: Objection is heard to passing the bill over. Is there objection to the present consideration of the bill? . . . Two objections are heard, and under the rule the bill is recommitted to the Committee on _____.

§ 6. Omnibus Private Bills

Generally

Omnibus private bills are numerous private bills consisting of individual private bills on the Calendar previously recommitted after two objections, re-reported and grouped together under a single bill number for consideration and passage. They are in order on the third Tuesday and are not in order on the first Tuesday (Deschler Ch 22 § 11) except by unanimous consent (Deschler Ch 22 § 11.2). If an omnibus bill is passed, it is resolved into individual bills for transmittal to the Senate and subsequently to the President. *Manual* § 895.

Consideration and Debate

Omnibus private bills have preference over individual private bills on the calendar on the third Tuesday. Deschler Ch 22 § 11.4. Such bills are read by paragraph, and no amendments are entertained except to strike out or reduce monetary amounts or provide limitations. Matters so stricken out may not again be included in an omnibus bill during the session. *Manual* § 893. Debate is limited to motions allowable under the rule, and does not admit motions to strike out the last word or reservation of objections. See 92-1, Apr. 6, 1971, p 9747. Debate on a permissible motion is under the five-minute rule. 90-2, Sept. 17, 1968, p 27165.

Striking Part of Omnibus Bill

Where an omnibus private bill improperly includes an individual private bill previously laid on the table, the Chair on presentation of a point of order may order the individual bill stricken from the omnibus bill. Deschler Ch 22 § 13.18.

§ 7. Disposition of Unfinished Business

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order (7 Cannon § 854), and are considered before the call of the other bills on the calendar. Unfinished omnibus bills follow the same procedure and go over until the next Tuesday on which that class of business is again in order. Deschler Ch 22 § 11.13. However, when the previous question is ordered on a private bill, and the bill remains unfinished at adjournment, the bill comes up for disposition on the next legislative day. See 92-1, Apr. 6, 1971, p 9747. See also 8 Cannon §§ 2334, 2694.

§ 8. House-Senate Action on Private Bills

Private Calendar bills after passage by the House are messaged to the Senate just as are public bills and are subject to amendment. If amended by the Senate, further consideration and disposition by the House is effected by unanimous consent, a special rule, or by a motion to suspend the rules. The House has by motion suspended the rules and adopted a resolution agreeing to a private bill with an unrelated Senate amendment of a public character. Deschler Ch 22 § 14.7. This is an exception from the general practice that the Speaker will not schedule private bills under suspension of the rules. Omnibus bills on their passage are resolved into several separate bills of which they are composed, and are messaged to the Senate as individual bills and not as an omnibus bill. *Manual* § 893; Deschler Ch 22 § 14.1.

After passage in the House of an omnibus private bill, Senate bills pending on the Speaker's table which are identical or similar to those contained therein may be disposed of in the House by unanimous consent. Similarly, after disposition in the House of a private Senate bill, a similar House bill may be disposed of by unanimous consent. This procedure is followed so that two measures involving the same private relief will not be messaged to the Senate. Deschler Ch 22 § 14.3. This problem may also be addressed by a special rule from the Committee on Rules. Deschler Ch 22 § 14.6.