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

There was no objection.

§ 6. Precedence Over Other House Business

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

The calendar yields to reports from the Committee on Rules,[18] questions of privilege,[19] and resolutions of inquiry.[20]

Precedence Over Unfinished Business

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

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

> MR. BYRNS: Suppose this bill should reach the previous-question stage today and a roll call be ordered, would the roll call be in order at 12 o'clock on Monday?
>
> THE SPEAKER:[3] The Chair reads from Cannon's Procedure, referring to the call of the Consent Calendar on Monday, which includes suspensions:
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>> It (the calling of the Consent Calendar) also has precedence of con-

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.

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.[4]

Precedence of Conference Report

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

On Nov. 30, 1945,[5] Mr. Clarence Cannon, of Missouri, and Mr. John W. McCormack, of Massachusetts, asked unanimous consent that consideration of a conference report take precedence over the call of the Consent Calendar on the following Monday. The Chair ruled:

THE SPEAKER:[6] 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,[7] 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:[8] Not before this recognition. This was made the special order of business at this time.[9]

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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.

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