

the resolution is debatable under the hour rule unless the previous question is ordered (VI, 416, 417). If a committee reports a privileged resolution of inquiry (favorably or adversely), it may then be called up only by an authorized member of the reporting committee and not by another Member of the House (VI, 413; VIII, 2310). The Member calling up a privileged resolution of inquiry reported from committee is recognized to control one hour of debate and may move to lay the resolution on the table during that time (July 7, 1971, pp. 23807–10; Oct. 20, 1971, pp. 37055–57).

The President having failed to respond to a resolution of inquiry, the House respectfully reminded him of the fact (III, 1890).
 § 868. Resolutions of inquiry as related to the Executive. In 1796 the House declared that its constitutional requests of the Executive for information need not be accompanied by a statement of purposes (II, 1509). As to the kind of information which may be required, especially as to the papers that may be demanded, there has been much discussion (III, 1700, 1738, 1888, 1902, 1903; VI, 402, 435). There have been several conflicts with the Executive (II, 1534, 1561; III, 1884, 1885–1889, 1894) over demands for papers and information, especially when the resolutions have called for papers relating to foreign affairs (II, 1509–1513, 1518, 1519).

RULE XIV

ORDER AND PRIORITY OF BUSINESS

1. The daily order of business (unless varied by the application of other rules and except for the disposition of matters of higher precedence) shall be as follows:

- § 869. The rule for the order of business in the House.
- First. Prayer by the Chaplain.
 - Second. Reading and approval of the Journal, unless postponed under clause 8 of rule XX.
 - Third. The Pledge of Allegiance to the Flag.
 - Fourth. Correction of reference of public bills.
 - Fifth. Disposal of business on the Speaker's table as provided in clause 2.
 - Sixth. Unfinished business as provided in clause 3.

Seventh. The morning hour for the consideration of bills called up by committees as provided in clause 4.

Eighth. Motions that the House resolve into the Committee of the Whole House on the state of the Union subject to clause 5.

Ninth. Orders of the day.

Originally the House had no rule prescribing an order of business, but certain simple usages were gradually established by practice before the first rule on the subject was adopted in 1811. The rule was amended frequently to arrange the business to give the House as large a freedom as possible in selecting for consideration and completing the consideration of the bills that it deems most important. The basic form of the rule has been in place since 1890 (IV, 3056). The 98th Congress made a conforming change to the second order of business relating to the postponement of the vote on approval of the Journal (H. Res. 5, Jan. 3, 1983, p. 34). The 104th Congress added the present third order of business respecting the Pledge of Allegiance (sec. 218, H. Res. 6, Jan. 4, 1995, p. 468). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1 of rule XXIV (H. Res. 5, Jan. 6, 1999, p. —). A correction to a cross reference was effected in the 107th Congress (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. —).

The Speaker does not entertain a point of no quorum before the prayer is offered (VI, 663). Under clause 7 of rule XX, a point of no quorum may not be entertained unless a question is pending (see § 1027, *infra*).

This rule does not, however, bind the House to a daily routine, since the system of making certain important subjects privileged (see clause 5 of rule XIII and rule XXII) permits the interruption of the order of business by matters which, in fact, often supplant it entirely for days at a time. In the 106th Congress the recodification acknowledged in the parenthetical of this clause that the prescribed daily order of business could be superseded by operation of other rules (H. Res. 5, Jan. 6, 1999, p. —). But on any day, when the order of business is interrupted by a privileged matter, the business in order goes on from the place of interruption (IV, 3070, 3071) unless the House adjourns. After an adjournment the House begins again at the beginning. While privileged matters may interrupt the order of business, they may do so only with the consent of a majority of the House, expressed as to appropriation bills by the vote on going into Committee of the Whole to consider such bills, and as to matters like conference reports, questions of privilege, etc., by raising and voting on the question of consideration. The only exceptions to the principle that a majority may prevent interruption is contained in

§ 870. Privileged interruptions of the order of business in the House.

clauses 5 and 7 of rule XV, providing for a call of the Private Calendar on the first Tuesday of each month and a call of committees on Wednesdays. By this combination of an order of business with privileged interruptions the House is enabled to give precedence to its most important business without at the same time losing the power by majority vote to go to any other bills on its calendars.

§ 871. The privileged matters which may interrupt the order of business. The privileged matters which may interrupt the order of business include:

- (1) General appropriation bills (clause 5 of rule XIII; IV, 3072).
- (2) Conference reports (clause 7(a) of rule XXII; V, 6443) and motions to discharge or instruct conferees (clause 7(c) of rule XXII).
- (3) Special orders reported by the Committee on Rules for consideration by the House (clause 5 of rule XIII; IV, 3070–3076, 4621).
- (4) Consideration of amendments between the Houses after disagreement (IV, 3149, 3150).
- (5) Questions of privilege (rule IX; III, 2521).
- (6) Privileged bills reported under the right to report at any time (clauses 5 and 7 of rule XIII; IV, 3142–3144, 4621).
- (7) Call of committees on Wednesdays for bills on House and Union Calendars (clause 7 of rule XV).
- (8) Private business on Tuesday (clause 5 of rule XV).
- (9) Motions on the second and fourth Mondays of the month to discharge committees on public bills and resolutions (clause 2 of rule XV), and consideration of District of Columbia business (clause 4 of rule XV; IV, 3304).
- (10) Consideration of bills on the Corrections Calendar (clause 6 of rule XV), and motions to suspend the rules and pass bills out of the regular order (clause 1 of rule XV; V, 6790).
- (11) Bills coming over from a previous day with the previous question ordered (V, 5510–5517).
- (12) Bills returned with the objections of the President (IV, 3534–3536).
- (13) Motions to send a bill to conference (under clause 1 of rule XXII; Aug. 1, 1972, p. 26153).

In addition to these matters, the House by practice permits its order of business to be interrupted, at the discretion of the Speaker, for the reception of messages (V, 6602). Prior to the 104th Congress, addressing the House out of order by unanimous consent, the Speaker announced that on at least two subsequent days he would recognize designated Members after approval of the Journal to lead the House in the Pledge of Allegiance to the Flag (Speaker Wright, Sept. 9, 1988, p. 23310). Requests of Members for leaves of absence are in practice put before the House at the time of adjournment (IV, 3151).

When the House has no rule establishing an order of business, as at the beginning of a session before the adoption of rules, § 872. The interruption of the order of business by the request for unanimous consent. it is in order for any Member who is recognized by the Chair to offer a proposition relating to the order of business without asking consent of the House (IV, 3060). But after the adoption of the rule for the order of business, interruptions are confined to matters privileged to interrupt or to cases wherein the House gives unanimous consent for an interruption. A request for unanimous consent to consider a bill is in effect a request to suspend the order of business temporarily (IV, 3059). Therefore any Member, including the Speaker, may object, or reserve the right to object and inquire, for example, about the reasons for the request, or demand the “regular order” (IV, 3058). Debate under a reservation of objection proceeds at the sufferance of the House and may not continue after a demand for the regular order (see, *e.g.*, Speaker Foley, Nov. 14, 1991, p. 32128; Dec. 15, 1995, p. 37142). A Member objecting to a unanimous-consent request or demanding the regular order when another has reserved the right to object must stand to be observed by the Chair (Nov. 7, 1991, p. 30633; June 23, 1992, p. 15703). The Speaker, however, usually signifies his objection by declining to put the request of the Member, thus saving the time of the House. The Speaker’s guidelines for recognition for unanimous-consent requests for consideration of unreported measures are issued pursuant to clause 2 of rule XVII and are discussed in § 956, *infra*. The request for unanimous consent began to be used about 1832 when the House first felt a pressure of business and the necessity of adhering to a fixed order (IV, 3155–3159). In 1909, by the adoption of former clause 4 of rule XIII, a Consent Calendar was established, which was abolished in the 104th Congress (H. Res. 168, June 20, 1995, p. 16574). For discussion of unanimous-consent requests and reservations of objections, see House Practice (1996), pp. 359–360, 861–68, and § 956, *infra*. Unanimous consent for the immediate consideration of a measure in the House does not preclude a demand for a record vote when the Chair puts the question on final passage, since it merely permits consideration of a matter not otherwise privileged (Dec. 16, 1987, p. 35816).

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

§ 873. Disposal of business on the Speaker’s table.

- (a) Messages from the President shall be referred to the appropriate committees without debate.
- (b) Communications addressed to the House, including reports and communications from

heads of departments and bills, resolutions, and messages from the Senate, may be referred to the appropriate committees in the same manner and with the same right of correction as public bills and public resolutions presented by Members, Delegates, or the Resident Commissioner.

(c) Motions to dispose of Senate amendments on the Speaker's table may be entertained as provided in clauses 1, 2, and 4 of rule XXII.

(d) Senate bills and resolutions substantially the same as House measures already favorably reported and not required to be considered in the Committee of the Whole House on the state of the Union may be disposed of by motion. Such a motion shall be privileged if offered by direction of all reporting committees having initial jurisdiction of the House measure.

A rule to govern disposition of business on the Speaker's table (to be distinguished from the table of the House, which is the Clerk's table) was adopted in 1832. In 1880 and 1885 efforts were made to so modify the rule as to prevent delays in business on the Speaker's table, but it was not until 1890 that the present rule was adopted (IV, 3089). Before the House recodified its rules in the 106th Congress, this provision and clause 2 of rule XXII occupied a single clause (former clause 2 of rule XXIV) (H. Res. 5, Jan. 6, 1999, p. —).

Such portions of messages from the Senate as require action by the House, all messages from the President except those transmitting his objections to bills (IV, 3534–3536), and all communications and reports from the heads of departments go to the Speaker's table when received, to be disposed of under this rule. Simple resolutions of the Senate that do not require any action by the House are not referred (VII, 1048). All of the President's messages and such portions of Senate messages as, being House bills with Senate amendments, that do not require consideration in Committee of the Whole are laid before the House

§ 874. Matters on Speaker's table for action by the House or by the Speaker alone.

for action; but communications other than messages from the President, all portions of Senate messages requiring consideration in Committee of the Whole (IV, 3101), and Senate bills of all kinds (with the exception noted in the rule) are referred to the appropriate standing committees under direction of the Speaker without action by the House (IV, 3107, 3111; VI, 727). Under clause 2 of former rule XXIV (current rule XIV), the Speaker may temporarily retain custody of an executive communication addressed to him (or may pursuant to former clause 1 of rule IV (current clause 3(a) of rule II) order the Sergeant-at-Arms to assume custody) pending House disposition of a special order reported from the Committee on Rules relating to a referral of the communication to committee (Sept. 9, 1998, p. —).

A House bill returned with Senate amendments involving a new matter of appropriation, whether with or without a request for a conference, may be referred directly to a standing committee (VI, 731), and on being reported therefrom is referred directly to the Committee of the Whole (IV, 3094, 3095, 3108–3110). The usual practice, however, is to take from the Speaker's table and send to conference by unanimous consent (VI, 732). The Speaker's authority under this clause includes the discretionary authority to refer from the Speaker's table Senate amendments to House-passed bills, to standing committees, under any conditions permitted under current clause 2 of rule XII (former clause 5 of rule X) for referral of introduced bills; he may for example impose a time limitation for consideration only of a portion of the Senate amendment, not germane to the original House bill, by the standing committee with subject-matter jurisdiction, without referring the remainder of the Senate amendment to the House committee with jurisdiction over the original House bill (Speaker O'Neill, H.R. 31, Mar. 26, 1981, p. 5397). The Speaker announced his policy regarding referral of nongermane Senate amendments to committee (Jan. 3, 1983, p. 54; Jan. 6, 1987, p. 21); and his policy regarding recognition for unanimous-consent requests to dispose of Senate amendments at the Speaker's table (Apr. 26, 1984, p. 10194; Feb. 4, 1987, p. 2676) discussed in § 956, *infra*. A Senate bill to come before the House directly from the table must conform to the conditions prescribed by the rule (IV, 3098, 3099; VI, 727, 734, 737), and must have come to the House after and not before the House bill "substantially the same" has been placed on the House Calendar (IV, 3096; VI, 727, 736, 738). In the event the House bill has passed before the Senate bill is received, the Senate bill may nevertheless be disposed of on motion directed by the committee (VI, 734, 735). The House bill must be correctly on the House Calendar (VI, 736). In determining whether the House bill is substantially the same as the Senate bill, amendments recommended by the House committee must be considered (VI, 734, 736). The rule applies to private as well as to public Senate bills (IV, 3101), and to concurrent resolutions as well as to bills (IV, 3097). Although a committee must authorize the calling up of the Senate bill (VI, 739), the actual motion need not be made by a member of the committee (IV, 3100).

The authority of a committee to call up a bill must be given at a formal meeting of the committee (VIII, 2211, 2212, 2222).

A message of the President on the Speaker's table is regularly laid before the House only at the time prescribed by the order of business (V, 6635–6638). While it is always read in full and entered on the Journal and the Congressional Record (V, 6963), the accompanying documents are not read on demand of a Member or entered in the Journal

§ 875. Reference of President's messages from the Speaker's table.

or Record (V, 5267–5271; VII, 1108). The annual message of the President is usually referred to the Committee of the Whole House on the state of the Union by the House on motion (V, 6631). In the earlier practice it was distributed to appropriate standing committees by resolutions reported from the Committee on Ways and Means (V, 6621, 6622) but since the first session of the 64th Congress the practice has been discontinued (VIII, 3350). A portion of the annual message has been referred directly to a select committee (V, 6628). A message other than an annual message is usually referred directly to a standing committee by direction of the Speaker (IV, 4053; VIII, 3346), but may be referred by the House itself on motion by a Member (V, 6631; VIII, 3348), and such motion is privileged (VIII, 3348). This reference may be to a select as well as to a standing committee (V, 6633, 6634).

3. Consideration of unfinished business in

§ 876. Unfinished business.

which the House may have been engaged at an adjournment, except business in the morning hour and proceedings postponed under clause 8 of rule XX, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of. The consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

The first rule relating to unfinished business was adopted in 1794. Changes were made in 1860 and 1880, but the rule finally became unsatisfactory, because of delays caused by it, and in 1890 the present form was adopted (IV, 3112). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 3 of rule XXIV (H. Res. 5, Jan. 6, 1999, p. —). A clerical correction to a cross reference was effected in the 107th Congress (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. —).

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XIV

§ 877-§ 878

This clause should be understood in light of clause 8 of rule XX, which permits the Chair to postpone record votes on certain questions to a designated time within two legislative days (see § 1030, *infra*). The “business in which the House may be engaged at an adjournment” means, literally, business in the House, as distinguished from the Committee of the Whole; and it further means business in which the House is engaged in its general legislative time, as distinguished from the special periods set aside for classes of business, like the morning hour for calls of committee, Tuesdays for private bills, etc. In general, all business unfinished in the general legislative time goes over as unfinished business under the rule, but there are a few exceptions. Thus, a motion relating to the order of business does not recur as unfinished business on a succeeding day, even though the yeas and nays may have been ordered on it (IV, 3114). The question of consideration, also, when not disposed of at an adjournment, does not recur as unfinished business on a succeeding day (V, 4947, 4948), but may be again raised on a subsequent day when the matter is again called up as unfinished business (VIII, 2438). Where the House adjourns during the consideration of a report from the Committee on Rules, further consideration of the report becomes the unfinished business on the following day, and debate resumes from the point where interrupted (Sept. 27, 1993, p. 22609; Sept. 28, 1993, p. 22719). When the House adjourns on the second legislative day after postponement of a question under clause 8 of rule XX without resuming proceedings thereon, the question remains unfinished business on the next legislative day (Oct. 1, 1997, p. —). When the House adjourns while a motion to instruct under clause 7(c) of rule XXII is pending, the motion to instruct becomes unfinished business on the next day and does not need to be renoticed (Oct. 1, 1997, p. —).

When the House adjourns before voting on a proposition on which the previous question has been ordered, either directly or by the terms of a special order (IV, 3185), the matter comes up the next day as unfinished business (V, 5510–5517; VIII, 2691; Aug. 2, 1989, p. 18187). If several bills come over in this situation, they have precedence in the order in which the several motions for the previous question were made (V, 5518). When the previous question is ordered on a bill undisposed of at adjournment on Friday, the bill comes up for disposition on the next legislative day (VIII, 2694). A bill going over from Calendar Wednesday with the previous question ordered on it should be disposed of on the next legislative day (VII, 967), but when the previous question is ordered on a bill undisposed of when the House adjourns Tuesday, the bill goes over until Thursday (VII, 890–894; VIII, 2674, 2691). A bill coming over from a preceding day with the previous question ordered was of equal privilege with business on the former Consent Calendar (VII, 990).

The rule excepts by its terms certain classes of business which are considered in periods set apart for classes of business, viz:

- § 879. **Business unfinished in periods set apart for classes of business.**
- (a) Bills considered in the morning hour and on Calendar Wednesday for the call of committees.
 - (b) Bills in Committee of the Whole.

- (c) Private bills considered on Tuesdays.
- (d) District of Columbia bills.

(e) Bills brought up under the rule setting apart days for motions to suspend the rules, the Corrections Calendar, motions to discharge committees, and bills under consideration after a committee has been discharged.

A bill brought up in the morning hour and undisposed of when the call ceases for the day remains as unfinished business in the morning hour (IV, 3113, 3120), *i.e.*, it is considered when the House next goes to a call of committees. Business unfinished when the Committee of the Whole rises remains unfinished, to be considered first in order when the House next goes into Committee of the Whole to consider that business (IV, 4735, 4736).

On District of Columbia day business unfinished on the preceding District day is in order for consideration, but does not come before the House unless called up (IV, 3307; VII, 879). Unless postponed under clause 8 of rule XX, a motion to suspend the rules, which is undisposed of on one suspension day, goes over as unfinished business to the next suspension day, individual motions going over to a committee day, and vice versa (V, 6814–6816; VII, 1005; VIII, 3411, 3412).

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order and then select committees. Each committee when named may call up for consideration a bill or resolution reported by it on a previous day and on the House Calendar. If the Speaker does not complete the call of the committees before the House passes to other business, the next call shall resume at the point it left off, giving preference to the last bill or resolution under consideration. A committee that has occupied the call for two days may not call up another bill or resolution until the other committees have been called in their turn.

§ 880. **The morning hour for the call of committees.**

The morning hour is one of the oldest devices of the rules for devoting an early portion of the session to a specific class of business. Until 1885 it was the hour for the reception of reports from committees. In 1890 it was provided that reports should be filed with the Clerk, and the morning hour was by this rule devoted to a call of committees for the consideration of House Calendar bills (IV, 3181). Since the adoption of the Calendar Wednesday rule (clause 7 of rule XV), the morning hour has been used but rarely. Before the House recodified its rules in the 106th Congress, this provision was found in former clause 4 of rule XXIV (H. Res. 5, Jan. 6, 1999, p. —).

Originally the morning hour was a fixed period of 60 minutes (IV, 3118); but under the present rule it does not terminate until the call is exhausted or until the House adjourns (IV, 3119), unless the House on motion made at the end of 60 minutes votes to go into Committee of the Whole House on the state of the Union (clause 5 of rule XIV; IV, 3134), or unless other privileged matter intervenes (IV, 3131, 3132). Before the expiration of the 60 minutes the Speaker has declined to permit the call to be interrupted by a privileged report (IV, 3132) or by unanimous consent (IV, 3130). Where the business for which the call is interrupted is concluded, the call is resumed unless there be other interrupting business or the House adjourns (IV, 3133). A bill once brought up on the call continues before the House in that order of business until disposed of (IV, 3120), unless withdrawn by authority of the committee before action which puts it in possession of the House (IV, 3129); and may not be made a special order for a future day by a motion to postpone to a day certain (IV, 3164). In order to be called up in this order a bill must actually be on the House Calendar, and properly there, in order to be considered (IV, 3122-3126), and a bill on the Union Calendar may not be brought up on call of committees under this clause (VI, 753). If the authority of the committee to call up a bill is disputed, the Chair does not consider it his duty to decide the question (IV, 3127), but the Chair may base its decision on statements from the chairman and other members of the committee (IV, 3128).

5. After consideration of bills or resolutions under clause 4 for one hour, it shall be in order, pending consideration thereof, to entertain a motion that the House resolve into the Committee of the Whole House on the state of the Union or, when authorized by a committee, that the House resolve into the Committee of the Whole House on the state of the

§ 881. Procedure in the morning hour.
 § 882. Interruption of the call of committees by motion to go into Committee of the Whole House on the state of the Union.

Union to consider a particular bill. Such a motion shall be subject to only one amendment designating another bill. If such a motion is decided in the negative, another such motion may not be considered until the matter that was pending when such motion was offered is disposed of.

This portion of the rule was adopted in 1890 as part of the plan for enabling the House at will to go at any time to any public bill on its calendars (IV, 3134). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 5 of rule XXIV (H. Res. 5, Jan. 6, 1999, p. —).

The words of the rule “one hour” have been interpreted to mean a less time in case the call of committees shall have exhausted itself before the expiration of one hour (IV, 3135); but not otherwise (IV, 3141). After the House has been in Committee of the Whole under this order and has risen and reported, and the report has been acted on by the House, other motions to go into Committee to consider other bills are in order (IV, 3136). The motion to go into Committee generally may be made by the individual Member (IV, 3138), but when it is proposed to designate a particular bill he must have the authority of a committee (IV, 3138). The amendment to the motion to consider a particular bill must refer to a bill on the Union Calendar (IV, 3139). This order of business is used entirely for nonprivileged bills and is not used in the House for consideration of bills in Committee of the Whole House on the state of the Union if otherwise privileged under clause 5 of rule XIII.

6. All questions relating to the priority of business shall be decided by a majority without debate.

§ 884. Decision of questions as to priority of business without debate.

This provision was adopted in 1803 to prevent obstructive debate (IV, 3061). Before the House recodified its rules in the 106th Congress, this provision was found in former rule XXV (H. Res. 5, Jan. 6, 1999, p. —). The question of consideration under clause 3 of rule XVI and the motion that the House resolve itself into the Committee of the Whole are not debatable (VIII, 2447; IV, 3062, 3063).

This rule may not be invoked to establish an order of business or to inhibit the Speaker’s power of recognition (Speaker Albert, July 31, 1975, p. 26249). It has been held that appeals from decisions of the Chair as to priority of business are not debatable under this rule (V, 6952).