

Chapter 40

Private Calendar

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Research References

4 Hinds §§ 3266–3303
7 Cannon §§ 846–871
Deschler Ch 22 §§ 10–14
Manual §§ 895–897

§ 1. In General

Usage and Purpose; Referrals to the Calendar

The Private Calendar is used to facilitate the consideration of bills that 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 62d Congress. Before that time, private bills had been considered pursuant to special rules from the Committee on Rules. *Manual* § 896. Today, private bills when favorably reported are delivered to the Clerk for reference to the Private Calendar under the direction of the Speaker. *Manual* §§ 828, 831. The Speaker may correct the erroneous referral of a private bill to the Union Calendar or that of a public bill to the Private Calendar. *Manual* § 828; 7 Cannon § 859.

Generally, the Private Calendar and unanimous consent requests are the exclusive procedures for consideration of private bills. The Speaker does not schedule them under suspension of the rules.

Measures Eligible

Resolutions as well as bills may be considered pursuant to the Private Calendar rule. Rule XV clause 5. The use of omnibus private bills—that is,

the consolidation into one bill of numerous private bills that have been objected to by two or more Members when first called on the calendar—has been permitted under the rules since 1935. *Manual* § 895. The validity of this consolidation procedure has been sustained. Deschler Ch 22 § 13.1.

Rule XII clause 4 prohibits the introduction of certain private bills. See **BILLS AND RESOLUTIONS**.

§ 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* § 895. The calling of the calendar is mandatory on the first Tuesday unless specifically dispensed with by the House and, within the Speaker’s discretion, on the third Tuesday. Deschler Ch 22 § 11.

On the first Tuesday of the month, after disposition of matters requiring referral but before beginning the call, the Speaker has recognized a Member to call up a conference report (Deschler Ch 22 § 11.12), for a motion for a call of the House (100–1, July 8, 1987, p 18972), and for a unanimous-consent request (Deschler Ch 22 § 11).

The call has been entertained before the Speaker recognized for a privileged motion to discharge a committee from a resolution of inquiry (Deschler Ch 24 § 8.7) 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, because the call is discretionary, the Speaker may entertain a unanimous-consent request for business not otherwise privileged, 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. Deschler Ch 22 § 4.2.
- 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 § 12.7.

- 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.

Rule XV clause 5 specifically provides for a privileged motion to dispense with all or part of the call of the Private Calendar by a two-thirds vote. *Manual* § 895; Deschler Ch 22 § 11.1. The motion is debatable for 10 minutes, divided between the proponent and an opponent of the motion. *Manual* § 895.

§ 4. Objections; Screening Procedures

Under rule XV clause 5, a bill called on the Private Calendar on the first Tuesday of the month that is objected to by two or more Members is automatically recommitted to the committee reporting it. On the third Tuesday of each month the same procedure is followed, with the exception that omnibus private bills are in order regardless of objection. See § 6, *infra*.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar objectors during a Congress. Deschler Ch 22 § 15.3. These official objectors screen all bills that are placed on the calendar. When the calendar is called, the objectors may oppose or delay the consideration of any private bill that they feel is objectionable for any reason. The objectors may adopt and announce specific criteria that must be satisfied if a private bill is to be called up for consideration on the calendar. *Manual* § 896. For example, the objectors may require that a measure be on the calendar for at least seven days before being considered. Deschler Ch 22 § 12.1.

Form

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.]

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.]*

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]

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

§ 5. Consideration and Debate

Bills

The Speaker may not entertain a reservation of the right to object to the consideration of a bill or resolution on the Private Calendar. *Manual* § 895. Bills called up from the Private Calendar are considered in the House as in the Committee of the Whole. 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 House or in the Committee of the Whole. Deschler Ch 22 § 11.5. If a private bill is being considered in the House, debate follows the hour rule. Deschler Ch 22 § 13.6.

Amendments

Amendments to bills called on the Private Calendar are debated under strict five-minute rule, with debate limited to five minutes in favor of and five minutes in opposition to an amendment. Recognition in opposition to such an amendment goes first to a member of the committee reporting the bill. Deschler Ch 22 § 13.2. Recognition of Members seeking to extend the debate time ordinarily will be declined. Deschler Ch 22 §§ 13.4, 13.5. Pro forma amendments are not in order. Deschler Ch 22 §§ 13.13–13.17.

Motions to Strike the Enacting Clause

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

Passing Over Calendared Measures

The House by unanimous consent may provide that a bill be passed over without prejudice. Deschler Ch 22 §§ 12.4–12.6. Such a 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.

Form

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.

§ 6. Omnibus Private Bills

Generally

Omnibus private bills consist of individual private bills previously re-committed after two objections and grouped together under a single bill number for rereporting, consideration, and passage. They are in order on the third Tuesday only, but they may be considered on the first Tuesday by unanimous consent. Deschler Ch 22 § 11.2. If an omnibus bill is passed by the House, it is resolved into individual bills for transmittal to the Senate and subsequently to the President. *Manual* §§ 895, 897.

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 or reduce monetary amounts or provide limitations. Matters so stricken may not again be included in an omnibus bill during the session. *Manual* § 895. 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.

Under rule XV clause 5, the Speaker may not entertain a reservation of the right to object to the consideration of an omnibus private bill. Amendments to measures on the Private Calendar are debatable under the five-minute rule. Debate is limited to ten minutes, divided between the proponent and an opponent. The rule does not admit a pro forma amendment or an extension of time under the five-minute rule. Deschler Ch 22 §§ 13.2–13.5.

§ 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 and are considered before the call of the other bills on the calendar. 7 Cannon § 854. 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. 8 Cannon §§ 2334, 2694.

§ 8. House–Senate Action on Private Bills

As in the case of public bills, Private Calendar bills are messaged to the Senate after passage by the House. 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* § 895; Deschler Ch 22 § 14.1.

If amended by the Senate, further consideration and disposition by the House is effected by unanimous consent or by a special rule. The House has, by suspension of the rules, adopted a resolution agreeing to an unrelated Senate amendment of a public character to a private bill. 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.

After passage in the House of an omnibus private bill, Senate bills pending on the Speaker's table that 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 laid on the table 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.