

ments to be considered in the Committee of the Whole and to restrict “en bloc” authority granted in a rule (June 21, 1989, p. 12744).

Unanimous consent requests have been entertained in Committee of the Whole: (1) to permit the modification of a designated amendment made in order by a special rule, once offered (Sept. 1, 1976, p. 28877; Nov. 19, 1993, p. —); (2) to permit a page reference to be included in a designated amendment made in order as printed where the printed amendment did not include that reference (Apr. 1, 1976, p. 9091); (3) to permit a supporter of an amendment to claim debate time allocated by special order to an opponent, where no opponent seeks recognition (May 23, 1990, p. 11988); (4) to shorten the time set by special order for debate on a particular amendment (Aug. 1, 1990, p. —; Mar. 29, 1995, p. —); (5) to lengthen such time under terms of control congruent with those set by the order of the House (May 11, 1988, p. 10495; May 21, 1991, p. —; Mar. 22, 1995, p. —; June 27, 1995, p. —); (6) to permit en bloc consideration of several amendments under a “modified closed” special order providing for the sequential consideration of designated separate amendments (Aug. 10, 1994, p. —); or (7) to permit one of two committees controlling time for general debate pursuant to a special order to yield control of its time to the other (Aug. 18, 1994, p. —).

By unanimous consent the House may delegate to the Committee of the Whole authority to entertain unanimous consent requests to change procedures contained in an adopted special order (Aug. 11, 1986, p. 20633).

RULE XXIV.

ORDER OF BUSINESS.

1. The daily order of business shall be as follows:

- First. Prayer by the Chaplain.
- Second. Reading and approval of the Journal, unless postponed pursuant to the provisions of clause 5(b)(1) of rule I.
- Third. The Pledge of Allegiance to the Flag.
- Fourth. Correction of reference of public bills.
- Fifth. Disposal of business on the Speaker’s table.
- Sixth. Unfinished business.

§ 878. The rule for the order of business in the House.

Seventh. The morning hour for the consideration of bills called up by committees.

Eighth. Motions to go into Committee of the Whole House on the state of the Union.

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 in an endeavor so to arrange the business as 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 (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. —).

The Speaker does not entertain a point of no quorum before the prayer is offered (VI, 663). Under clause 6 of rule XV, a point of no quorum may not be entertained before or during the offering of prayer or unless a question is pending (see § 774c, *supra*).

This rule does not, however, bind the House to a daily routine, since the system of making certain important subjects privileged (see clause 4(a) of rule XI, clause 9 of rule XVI, and rule XXVIII) permits the interruption of the order of business by matters which, in fact, often supplant it entirely for days at a time. 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 adjourn. 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 clauses 6 and 7 of rule XXIV, 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.

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

RULES OF THE HOUSE OF REPRESENTATIVES

Rule XXIV.

§ 880-§ 881

§ 880. The privileged matters which may interrupt the order of business. The privileged matters which may interrupt the order of business are as follows:

- (1) General appropriation bills (clause 9 of rule XVI; IV, 3072).
- (2) Conference reports (clause 1(a) of rule XXVIII; V, 6443) and motions to discharge or instruct conferees (clause 1(b) of rule XXVIII).
- (3) Special orders reported by the Committee on Rules for consideration by the House (clause 4(b) of rule XI; 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 (clause 4(a) of rule XI; IV, 3142–3144, 4621; clause 5 of rule XXII).
- (7) Call of committees on Wednesdays for bills on House and Union Calendars (clause 7 of rule XXIV).
- (8) Private business on Tuesday (clause 6 of rule XXIV).
- (9) Motions on the second and fourth Mondays of the month to discharge committees on public bills and resolutions (clause 3 of rule XXVII), and consideration of District of Columbia business (clause 8 of rule XXIV; IV, 3304).
- (10) Consideration of bills on the former Consent Calendar (clause 4 of rule XIII), and motions to suspend the rules and pass bills out of the regular order (clause 1 of rule XXVII; 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 XX; 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). 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, 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

§ 881. The interruption of the order of business by the request for unanimous consent.

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 (Speaker Foley, Nov. 14, 1991, p. —). 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. —; June 23, 1992, p. —). 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 XIV and are discussed in § 757, *supra*. 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 clause 4 of rule XIII, a Consent Calendar was established, which was abolished in the 104th Congress (H. Res. 168, June 20, 1995, p. —). For discussion of unanimous consent requests and reservations of objections, see Procedure, ch. 23, sec. 2, and § 757, *supra*. 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).

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

2. Business on the Speaker’s table shall be disposed of as follows:
Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, 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 presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills sub-

stantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

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).

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, do not require consideration in Committee of the Whole are laid before the House 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). 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 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 § 757, *supra*. 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 one 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 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. The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day there-

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

§ 885. Unfinished business.

after until disposed of, and 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).

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

§ 886. Construction of rule as to unfinished business.

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. —; Sept. 28, 1993, 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).

§ 887. Effect of previous question.

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

§ 888. 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.
 business. (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). Private bills unfinished on a Tuesday go over to the next Tuesday, and must be considered before the motion to go into Committee of the Whole House to consider other private bills. But when public business is considered on a Tuesday the unfinished business goes over until the next legislative day.

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 5 of rule I, a motion to suspend the rules on which a second has been ordered, and 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). Where the second has not been ordered, there is doubt as to whether or not the motion goes over as unfinished business (V, 6817, 6818).

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the Committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under con-

§ 889. The morning hour for the call of committees.

sideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

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 XXIV), the "morning hour" has been used but a very few times.

Originally the morning hour was a fixed period of sixty minutes (IV, 3118); but under the present rules (clause 4 of rule § 890. Procedure in the morning hour. XXIV) 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 sixty minutes votes to go into Committee of the Whole House on the state of the Union (clause 5 of rule XXIV; IV, 3134), or unless other privileged matter intervenes (IV, 3131, 3132). Before the expiration of the sixty 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). In case the authority of the committee to call up a bill is disputed the Speaker does not consider it his duty to decide the question (IV, 3127), but has made decision on statements from the chairman and other members of the committee (IV, 3128).

5. After one hour shall have been devoted to the consideration of bills called up by committees, it shall be in order, pending consideration or discussion thereof, to entertain a motion to go into Committee of the Whole House on the state of the Union, or, when authorized by a committee, to go into the Committee of the Whole House on the state of the Union to consider a particular bill, to which motion one amendment only, designating another bill, may be made; and if either motion be determined in the negative, it shall not be in order to make either motion again until the disposal of the matter under consideration or discussion.

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).

The words of the rule "one hour after" 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 non-privileged 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 (such as general appropriation bills and revenue bills, which have priority for consideration under clause 9 of rule XVI, and bills reported under the leave to report to the House at any time pursuant to clause 4(a) of rule XI).

§ 891. Interruption of the call of committees by motion to go into Committee of the Whole House on the state of the Union.

§ 892. Conditions of the motion to go into Committee of the Whole at the end of one hour.

6. On the first Tuesday of each month after disposal of such business on the Speaker's table as requires reference only, the Speaker shall direct the Clerk to call the bills and resolutions on the Private Calendar. Should objection be made by two or more Members to the consideration of any bill or resolution so called, it shall be recommitted to the committee which reported the bill or resolution, and no reservation of objection shall be entertained by the Speaker. Such bills and resolutions, if considered, shall be considered in the House as in the Committee of the Whole. No other business shall be in order on this day unless the House, by two-thirds vote on motion to dispense therewith, shall otherwise determine. On such motion debate shall be limited to five minutes for and five minutes against said motion.

On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, 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. All bills and resolutions on the Private Calendar so called, if considered, shall be considered in the House as in the Committee of the Whole. 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.

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. Any item or matter stricken from an omnibus bill shall not thereafter during the same session of Congress be included in any omnibus bill.

Upon passage of any such omnibus bill, said bill shall be resolved into the several bills and resolutions of which it is composed, and such original bills and resolutions, with any amendments adopted by the House, shall be engrossed, where necessary, and proceedings thereon had as if said bills and resolutions had been passed in the House severally.

In the consideration of any omnibus bill the proceedings as set forth above shall have the same force and effect as if each Senate and House bill or resolution therein contained or referred to were considered by the House as a separate and distinct bill or resolution.

This provision was adopted in the 62d Congress in lieu of special orders under which pension and private business formerly had been considered. The rule was amended on April 23, 1932 (VII, 846) and was adopted in its present form on March 27, 1935, pp. 4480-89, 4538. Clause 2 of rule XXII prohibits consideration of certain private bills. Under clause 6(e)(2) of rule XV, the Speaker may in his discretion recognize a Member to move a call of the House prior to the call of the Private Calendar (July 8, 1987, p. 18972).

During the consideration of omnibus bills the Chair declines to recognize Members for unanimous consent requests to address the House, (Speaker pro tempore O'Connor, May 7, 1935, p. 7100); motions to strike out the last word are not in order, and requests for extension of time under

§ 894. Tuesday as a day for private business.

§ 895. Methods of considering omnibus bills.

the five-minute rule are not entertained (Speaker Byrns, Mar. 17, 1936, pp. 3890, 3894–95).

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 may prescribe, by special order, that such omnibus bills shall be passed over (June 27, 1968, p. 19106). During the consideration of the First Omnibus Bill of 1968, seven roll calls occurred and seven of the 15 bills carried therein were stricken by motion (Sept. 17, 1968, pp. 27165–84). Amendments to the bill were strictly limited by the rule to those striking out or reducing amounts of money carried in the bill or to provide limitations, and debate on those permissible motions was under the five-minute rule. After the passage of an omnibus bill, it is resolved into the various private bills of which it is composed and each is engrossed and messaged to the Senate as if individually passed; thus it is possible, after passage of the omnibus bill, to lay on the table a private House or Senate bill which was included therein (by unanimous consent) (Sept. 17, 1968, pp. 27184–85).

On the third Tuesday of the month, the calendar is not called unless the Speaker so directs (Oct. 16, 1990, p. —); and when he does direct the Clerk to call the Private Calendar, omnibus bills on the Calendar are called before individual bills thereon (Feb. 17, 1970, pp. 3605–13). A motion to dispense with the call of the Private Calendar on the third Tuesday of each month, when the call of the Calendar is within the discretion of the Chair, is likewise in order in the Chair's discretion (although this clause only specifically provides for a motion to dispense with the call on the first Tuesday of each month), since no rule or precedent prohibits the motion and it is consistent with the discretionary authority of the Chair to dispense with the call of the entire Calendar (appeal from the Chair's ruling laid on the table) (Nov. 17, 1981, pp. 27770–71).

7. On Wednesday of each week no business shall be in order except as provided by clause 4 of this rule unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against. On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in the Committee of

§ 897. Calendar

Wednesday business.

the Whole House on the state of the Union. This rule shall not apply during the last two weeks of the session. It shall not be in order for the Speaker to entertain a motion for a recess on any Wednesday except during the last two weeks of the session: *Provided*, That not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill, the time to be equally divided between those for and against the bill: *Provided further*, That whenever any committee shall have occupied one Wednesday it shall not be in order, unless the House by a two-thirds vote shall otherwise determine, to consider any unfinished business previously called up by such committee, unless the previous question had been ordered thereon, upon any succeeding Wednesday until the other committees have been called in their turn under this rule: *Provided*, That when, during any one session of a Congress, all of the committees of the House are not called under the Calendar Wednesday rule, at the next session of that Congress the call shall commence where it left off at the end of the preceding session.

The first portion of this rule was adopted March 1, 1909, and amended March 15, 1909. The first and second provisos were
 § 898. Decisions on Calendar Wednesday. adopted January 18, 1916. The last proviso was adopted December 8, 1931 (VII, 881), and was amended in the 102d Congress to specify that the alphabetical call of the committees under Calendar Wednesday resumes where left off between sessions within a Congress (H. Res. 5, Jan. 3, 1991, p. —). The rule applies to unprivileged bills only, and when a bill otherwise unprivileged is given a privileged status by unanimous consent or by rule it is automatically rendered ineli-

gible for consideration on Calendar Wednesday (VII, 932–935). House Calendar bills have no preference over Union Calendar bills (VII, 938). The motion to dispense with a call of committees under this rule is privileged and may be made prior to the consideration of District of Columbia business under clause 8 of this rule (June 11, 1973, pp. 19028–30).

When a bill on the Union Calendar is called up on Calendar Wednesday the House automatically resolves itself into the Committee of the Whole House on the state of the Union (VII, 939; Jan. 25, 1984, p. 358), and when a Union Calendar bill is the unfinished business the Speaker declares the House in Committee of the Whole without motion (VII, 940, 942).

The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration (VIII, 2447), and the question of consideration is properly raised on Union Calendar bills in the House before automatically going into Committee of the Whole House on the state of the Union (VII, 952).

During the 61st and 62d Congresses it was held that the call of committees rested where the call left off on the preceding day, whether the last call was on a Wednesday or during the morning hour on another day, thus making but one committee call under the two rules. But under the later practice there have been two distinct calls of committees, one under clause 4 of rule XXIV, the morning hour, and another under clause 7 of rule XXIV, Calendar Wednesday (VII, 944). Prior to the adoption of the second paragraph of the rule, it was held that one committee could not occupy more than two Calendar Wednesdays (except for unfinished business) until other committees were called, notwithstanding the fact that the call rested on said committee (VII, 944), but the adoption of the second paragraph of the rule has defined the status of debate and unfinished business more explicitly. It was formerly held that a bill undisposed of on Calendar Wednesday became the unfinished business on the following Calendar Wednesday (VII, 965), but since the adoption of the second paragraph of the rule, one committee can occupy but one Calendar Wednesday for the consideration of its business (unless the House by two-thirds vote shall otherwise determine).

The same rule of debate applies to House Calendar bills called up on Calendar Wednesday as on other days, and the Member in charge of the bill may move the previous question at any time (VII, 955).

The previous question having been ordered on a bill undisposed of when the House adjourns Tuesday, the bill goes over as unfinished business until Thursday, and is not in order for consideration on Calendar Wednesday (VII, 890–894). The previous question having been ordered on a bill on Calendar Wednesday, the bill becomes the unfinished business on Thursday (VII, 895, 967).

It is in order to consider a vetoed bill on Calendar Wednesday, since such a question is privileged under the Constitution of the United States (VII, 912), but a bill privileged by reason of the rules of the House cannot be called up on Calendar Wednesday (VII, 932); for example, a general

appropriation bill (VII, 904), or a bill under consideration by reason of a special order, unless the special order expressly sets aside Calendar Wednesday (VII, 773), or a conference report (VII, 899). A motion to reconsider an action taken on a bill on Tuesday may be entered, but may not be considered on Calendar Wednesday (VII, 905). Privileged bills may be reported but not considered on Calendar Wednesday (VII, 907), except by unanimous consent (Jan. 25, 1984, p. 357). The Speaker has entertained a unanimous consent request for business (to send a bill to conference) before the call of committees on Calendar Wednesday (Mar. 28, 1984, p. 6869). District of Columbia business is eligible for consideration on Calendar Wednesday (VII, 937). Once the call of committees on Calendar Wednesday is completed, other business may be conducted (VII, 921).

The Committee on Rules cannot report a rule which is aimed strictly or directly toward setting aside Calendar Wednesday, but the committee is not thereby prevented from reporting a resolution couched in general terms which may indirectly accomplish that ultimate result, such as a resolution providing for six days' suspension of the rules (VIII, 2267).

The motion to grant a committee an additional Wednesday under the second proviso of the Calendar Wednesday rule is in order prior to the Wednesday on which the committee is called (VII, 946).

It has been held that if no Member opposed to the bill desires to claim the hour specified in the rule for general debate against the bill, the time may be claimed by some Member who is in favor of the bill (VII, 962), but this principle has been questioned (VII, 961).

Clause 2(l)(1)(A) of rule XI, requiring the chairman of each committee to report or cause to be reported promptly measures approved by his committee and to take such necessary steps to bring the matter to a vote, is sufficient authority for the chairman to call up a bill on Calendar Wednesday, but any other committee member must obtain specific authority of his committee to call up a reported bill on Calendar Wednesday (IV, 3128; VII, 928, 929; Feb. 22, 1950, p. 2162; Feb. 1, 1984, p. 1193; Sept. 12, 1984, p. 25100). Prior to the Legislative Reorganization Act of 1946 and the subsequent adoption of clause 2(l)(1)(A) of rule XI, authority to call up a bill on Calendar Wednesday must have been given to a chairman by his committee (IV, 3127). A Member not authorized to do so may not call up such bill under the Calendar Wednesday rule (IV, 3128; VII, 928, 929).

8. The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only, shall, when claimed by the Committee on Government Re-

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form and Oversight, be set apart for the consideration of such business relating to the District of Columbia as may be presented by said committee.

The first rule allocating a fixed day for District of Columbia business was adopted in 1870. In 1890 the rule was amended (IV, 3304). It was again amended December 8, 1931 (VII, 872). In the 104th Congress clause 8 was amended to reflect that the jurisdiction of the former Committee on the District of Columbia had been subsumed within the amalgamated jurisdiction of the newly designated Committee on Government Reform and Oversight (H. Res. 6, Jan. 4, 1995, p. —).

The Committee on Government Reform and Oversight may not, on a District day, call up a bill reported from another committee (IV, 3311). If certain of the committee's bills are on one of the calendars of the Committees of the Whole, a motion to go into committee to consider them is in order (IV, 3310). Bills reported from the District Committee are not so privileged as to prevent their being taken up under call of committees on Wednesday (VII, 937). Business unfinished on one District day does not come up on the next unless called up (IV, 3307; VII, 879, 880). The question of consideration may not be demanded against District business generally, but may be demanded against any bill as it is presented (IV, 3308, 3309).

On District days it is in order to go into the Committee of the Whole to consider revenue or general appropriation bills (VI, 716–718; VII, 876, 1123). Consideration of conference reports is in order on District Monday (VIII, 3202). District of Columbia business is in order on the second and fourth Mondays of the month before or after other business (such as motions to suspend the rules), and the fact that the House has considered some District of Columbia business before motions to suspend the rules does not affect the eligibility of further such business after suspensions have been completed (Sept. 17, 1984, p. 25523).

RULE XXV.

PRIORITY OF BUSINESS.

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

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

This rule was adopted in 1803 to prevent obstructive debate (IV, 3061). 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).