

being involved. I therefore submit the matter for the consideration of this body.

Parliamentarian's Note: In the 90th Congress, the Majority and Minority Leaders, and others, were summoned in a civil action brought by Adam Clayton Powell, Jr., of New York, who was contesting his exclusion from the House. The Speaker⁽¹⁵⁾ submitted the matter to the House on behalf of all those served with summonses. The majority whip offered a resolution authorizing the Speaker to appoint counsel to represent the Members;⁽⁶⁾ the resolution was agreed to.⁽¹⁷⁾

§ 18. Duties as to Legislative Schedule

The floor leaders, particularly the Majority Leader, exercise considerable initiative with respect to the legislative schedule, including the order of business and the time of recess or adjournment.

In the course of promoting legislative business deemed of interest to their respective parties, the floor leaders maintain contact

15. John W. McCormack (Mass.).

16. 113 CONG. REC. 6040, 6041, 90th Cong. 1st Sess., Mar. 9, 1967.

17. 113 CONG. REC. 6049, 90th Cong 1st Sess., Mar. 9, 1967.

with their parties' members on committees and encourage action on particular bills. As a result of planning by the Majority Leader and other leaders of his party, and as a result of cooperation between the leadership of both parties, the consideration of legislation in the House generally proceeds on an orderly basis. It has been stated⁽¹⁸⁾ that it is customary to notify the Majority and Minority Leaders as well as the Speaker of proposed requests for deviations from the authorized order of business. Members have been advised by the Speaker to consult with Majority and Minority Leaders with respect to unanimous consent requests for the consideration of bills;⁽¹⁹⁾ moreover, it has been stated that the Speaker declines to entertain motions to suspend the rules on "suspension days" unless such motions have the approval of the Majority Leader.⁽²⁰⁾

The Minority Leader customarily, on the floor of the House, addresses an inquiry to the Majority Leader concerning the schedule of legislative business for the following week.⁽¹⁾ In addition to announcing the legislative busi-

18. 6 Cannon's Precedents § 708.

19. § 18.1, *infra*.

20. § 18.2, *infra*.

1. § 18.6, *infra*.

ness to be taken up by the House, the Majority Leader frequently makes announcements concerning times of recess, adjournment, or reassembly.⁽²⁾ Such announcements are generally made following consultation between the leadership of the parties.⁽³⁾

Unanimous-Consent Requests to Consider Bills

§ 18.1 It has been stated that Members should consult with the Majority and Minority Leaders prior to seeking unanimous consent to call up bills.

The following remarks were made in the 77th Congress:⁽⁴⁾

THE SPEAKER:⁽⁵⁾ . . . Permit the Chair to make a statement. When Members come to the Chair and say they would like unanimous consent to call up a bill, the Chair has stated several times in the presence of Members that the better way to do it would be to consult with the ranking minority

2. § 18.6, *infra*.

3. § 18.7, *infra*.

4. 88 CONG. REC. 7438, 77th Cong. 2d Sess., Sept. 24, 1942.

See also § 18.2, *infra*, discussing the Speaker's refusal in one instance to recognize a Member who sought consideration of a bill by suspension of the rules and by unanimous consent.

5. Sam Rayburn (Tex.).

member and also the majority and minority leaders. I think that would expedite the matter. . . .

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I wish to say to the House that as far as any unanimous-consent requests are concerned, I naturally advise Members on this side seeking to bring up bills that they should consult with their minority Members and also with the leadership on the minority side. I say this not for the purpose of having it relate to anything that has happened, but so that the House will know as a policy, that as majority leader I have always followed, and always will follow, such procedure, and in that the Speaker concurs. The minority leadership also knows that that has been the policy and will be the policy.

Recognition for Motions to Suspend Rules

§ 18.2 It has been stated that the Speaker declines to entertain motions to suspend the rules on "suspension days" unless such motions have the approval of the Majority Leader.

The following proceedings took place on Aug. 2, 1948:⁽⁶⁾

MRS. [HELEN G.] DOUGLAS [of California]: Mr. Speaker, I move to suspend the rules and discharge the Committee on Banking and Currency from further consideration of S. 866.

6. 94 CONG. REC. 9639, 80th Cong. 2d Sess. (Speaker Joseph W. Martin, Jr., Mass.).

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose. The majority leader has already stated that there will be no suspensions today; and, under the practice of the House, suspensions must be cleared through the majority leader. The gentlewoman is not recognized for that purpose.

MRS. DOUGLAS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Under paragraph 1 of Rule XXVII it is in order, is it not, for the Speaker to entertain a motion to suspend the rules?

THE SPEAKER: Yes, it is within the discretion of the Speaker, and the Speaker states that he will not recognize any Member for that purpose without clearing it through the majority leader, and using that discretion merely refuses to recognize the gentlewoman from California.

MRS. DOUGLAS: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentlewoman will state it.

MRS. DOUGLAS: Today is the first Monday in August, and under the aforementioned rule individual Members may move to suspend the rules and pass important legislation. Do I understand clearly then that the Chair is exercising his discretion in denying the House to vote on the so-called Taft-Ellender-Wagner bill, even under the procedure requiring a two-thirds vote of the Members present?

THE SPEAKER: The Chair will state that the rule has existed for more than 50 years, and in accordance with the procedure which has been followed by

not only the present Speaker but every other Speaker, the Chair does not recognize the gentlewoman from California for that purpose.

MRS. DOUGLAS: Mr. Speaker, I ask unanimous consent for the present consideration of S. 866.

THE SPEAKER: The Chair does not recognize the gentlewoman for that purpose.

Unanimous-Consent Requests by Floor Leader

§ 18.3 The Majority Leader frequently makes unanimous-consent requests for purposes of controlling the legislative schedule and expediting legislative business.

An illustrative unanimous-consent request made by the Majority Leader was that made on Feb. 19, 1970,⁽⁷⁾ in the course of announcing the schedule of business, as follows:

MR. [CARL] ALBERT [of Oklahoma]: . . . Monday is also District-Day, but in view of the fact that Monday is a holiday and we have no additional business for Tuesday, and in order that I may make the announcement of the complete program now, I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that there are nine bills, and to advise Members what those bills are. . . .

7. 116 CONG. REC. 4039, 91st Cong. 2d Sess.

Similarly, on Feb. 21, 1967,⁽⁸⁾ the Majority Leader requested as follow

MR. ALBERT: Mr. Speaker, I note that the gentleman from California [Mr. Hosmer] has a special order for 10 minutes tomorrow, and the gentleman from Minnesota [Mr. Fraser] for 60 minutes tomorrow, which is George Washington's Birthday. I have not been able to contact the gentlemen, but I ask unanimous consent that these special orders go over until the following day when they shall be called before special orders previously granted for that day.

In anticipation of the same Washington's birthday, the acting Majority Leader, Hale Boggs, of Louisiana, had in the preceding week asked unanimous consent, "that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next."⁽⁹⁾

On Mar. 30, 1966,⁽¹⁰⁾ the Majority Leader made the following request:

MR. ALBERT: Mr. Speaker, I ask unanimous consent that any rollcall votes, except on rules, which may be requested on Monday or Tuesday of next week be put over until Wednesday next. . . .

8. 113 CONG. REC. 4135, 90th Cong. 1st Sess.

9. 113 CONG. REC. 3509, 90th Cong. 1st Sess., Feb. 16, 1967.

10. 112 CONG. REC. 7220, 89th Cong. 2d Sess.

The purpose of the request is to enable us to proceed with business on Monday and Tuesday, which are Jewish holy days. We do this only on rare occasions. It is only for that reason that we are asking to put over to Wednesday any votes which may be requested on Monday or Tuesday, except on rules.

§ 18.4 The Majority Leader, on behalf of the Committee on Rules, asked unanimous consent to call up a House resolution providing for the consideration of a particular bill.

In the 80th Congress, the Majority Leader, Charles A. Halleck, of Indiana, made a unanimous consent request as follows:⁽¹¹⁾

MR. HALLECK: Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent to call up House Resolution 621, providing for the consideration of the bill (H. R. 6228) to provide for the construction of shore protective works at the town of Nome, Alaska.

[There being no objection, the Majority Leader called up the resolution, which read in part as follows:]

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union

11. 94 CONG. REC. 7108, 80th Cong. 2d Sess., June 3, 1948.

for the consideration of the bill (H.R. 6228) to provide for the construction of shore protective works at the town of Nome, Alaska. . . .

Motion by Majority Leader to Suspend Rules

§ 18.5 The Majority Leader on occasion has moved to suspend the rules and pass a particular bill.

In the 91st Congress, the Majority Leader moved to suspend the rules and pass a bill increasing the President's salary. The proceedings were as follows:⁽¹²⁾

MR. [CARL] ALBERT [OF OKLAHOMA]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10) to increase the per annum rate of compensation of the President of the United States. . . .

Mr. Speaker, as Members all know, this is the first suspension bill of the 91st Congress. Normally the Speaker would not recognize Members to call up bills under suspension of the rules this early in the term and without committee consideration. The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. Members know that under article II, section 1, clause 7, of the Constitution the salary of the President of the United States cannot be increased during his term of office. . . .

12. 115 CONG. REC. 172, 91st Cong. 1st Sess., Jan. 6, 1969.

Members further know . . . that committee assignments have not been made and will not be made in time for normal hearings and proceedings to be had in order to consider this bill by the deadline.

Announcement of Schedule by Majority Leader

§ 18.6 The Majority Leader makes announcements concerning the legislative schedule, including prospects for recess or adjournment; frequently, the Majority Leader makes such announcements in response to inquiries by the Minority Leader.

The following exchange⁽¹³⁾ illustrates a common procedure:

MR. [GERALD R.] FORD [of Michigan]: Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of this week and for next week.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, will the distinguished gentleman yield? . . .

Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the program for this week. . . .

Monday is also District Day, but in view of the fact that Monday is a holiday . . . I ask unanimous consent that it may be in order to put District Day over until Tuesday, and I would be glad to announce to Members that

13. 116 CONG. REC. 4039, 4040, 91st Cong. 2d Sess., Feb. 19, 1970.

there are nine bills, and to advise Members what those bills are. As I understand it, they are all noncontroversial. . . .

MR. ALBERT: I did announce that I would read the list before I asked that my request be acted upon. The list is as follows:

H.R. 10335, to revise District of Columbia laws relating to the civil liability of hotels. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MR. ALBERT: Mr. Speaker, in view of the order which has been granted, Tuesday will be District Day, and the nine bills already indicated will be called.

For Wednesday, there will be a joint meeting to receive the President of the Republic of France. . . .

For Thursday and the balance of the week, we will have H.R. 12025, National Forest Timber Conservation and Management Act of 1969, under an open rule with 2 hours of debate, and S. 2910, to authorize additional funds for the Library of Congress James Madison Memorial Building, which is subject to a rule being granted.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program may be announced later. I understand there will be a conference report from the Committee on Banking and Currency on Tuesday. . . .

Mr. Speaker, if the gentleman will yield further, I would like at this time to advise the House that the Easter recess will extend from the close of busi-

ness on Thursday, March 26, 1970, to noon Monday, April 6, 1970, which is precisely in accordance with the custom of recent years in the House.

MR. FORD: Mr. Speaker, would the gentleman agree with me that in the light of this announcement, that the recess will be from the conclusion of business Thursday, March 26 to Monday noon, April 6, all Members ought to be forewarned, there is no mistake that there is a likelihood we will have important business on Thursday and important business on Monday?

MR. ALBERT: Mr. Speaker, the gentleman is correct. We must get our business done, and we cannot do it if we extend the length of these recesses.

Similarly, on Feb. 16, 1967, the following exchange took place between the Minority Leader and the acting Majority Leader: ⁽¹⁴⁾

MR. GERALD R. FORD: Mr. Speaker, I take this time for the purpose of asking the distinguished acting majority leader, the gentleman from Louisiana, the program for next week. . . .

MR. [HALE] BOGGS [of Louisiana]: In response to the request of the distinguished gentleman from Michigan, the minority leader, the program for next week is as follows:

On Monday, the Consent Calendar, followed by H.R. 2, which is commonly known as the Reserve bill of rights, and which will be called up under suspension of the rules. It is probable that there will be a rollcall vote on that bill.

Tuesday the Private Calendar, but so far there are no bills scheduled.

14. 113 CONG. REC. 3509, 90th Cong. 1st Sess.

Wednesday is a holiday, which will be observed by the usual reading of George Washington's Farewell Address.

Any further legislative business will be announced later. It is my intention that when the House adjourns today, it adjourn to meet on Monday.

As a further example, the acting Majority Leader in similar fashion responded to inquiry made by the acting Minority Leader on Feb. 22, 1968.⁽¹⁵⁾

On another occasion, where legislative business was anticipated late in the afternoon, after special orders, the Majority Leader announced such fact to the House before the commencement of special orders.⁽¹⁶⁾

Consultation Between Leadership

§ 18.7 Matters relating to the legislative schedule, including prospective recess or adjournment, are frequently settled through consultation between the leadership of both parties.

The following illustrates the manner in which an announcement is frequently made by the

15. 114 CONG. REC. 3912, 90th Cong. 2d Sess.

16. See 114 CONG. REC. 430, 90th Cong. 2d Sess., Jan. 22, 1968 (remarks of Mr. Albert).

Majority Leader respecting agreements among the leadership of the parties:⁽¹⁷⁾

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, in response to the inquiry of the distinguished minority leader—and this announcement, of course, is made after conferences between the Speaker and the minority leader and other members of the leadership and myself—I am pleased to announce to the membership of the House the following schedule of recesses heretofore agreed to

Similarly, the following remarks were made by the Majority Leader in the course of discussing anticipated legislative business:⁽¹⁸⁾

MR. ALBERT: Mr. Speaker, I ask unanimous consent that any roll call votes, except on rules, which may be requested on Monday or Tuesday of next week be put over until Wednesday next. . . .

I have discussed this with the distinguished minority leader. The purpose of the request is to enable us to proceed with business on Monday and Tuesday, which are Jewish holy days.

On Mar. 2, 1961,⁽¹⁹⁾ in the course of a discussion of the prospective Easter recess, the Majority Leader remarked, "I will say it depends on what the legislative

17. 115 CONG. REC. 368, 369, 91st Cong. 1st Sess., Jan. 9, 1969.

18. 112 CONG. REC. 7220, 89th Cong. 2d Sess., Mar. 30, 1966.

19. 107 CONG. REC. 3114, 87th Cong. 1st Sess.

situation might be as Easter approaches. . . ." The Minority Leader then remarked as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, if the gentleman will yield, in fairness I ought to state that the majority leader and the Speaker have conferred with me about the matter of the Easter recess, and it is under very active consideration. As the majority leader has pointed out, the determination will be made, I am quite sure, in plenty of time for Members to adjust themselves accordingly.

As a further illustration, the following announcements were made on Oct. 6, 1970,⁽²⁰⁾ by the Majority Leader and the Speaker:

MR. ALBERT: Mr. Speaker, I take this time to advise the House of recommendations that have been made by the leadership in joint conference on both sides of the Capitol and on both sides of the aisle.

It is our plan to offer a resolution within the next few days to provide for a House recess from the close of business on Wednesday, October 14, until noon, Monday, November 16.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, will the gentleman yield?

MR. ALBERT: I yield to the distinguished Speaker of the House.

MR. MCCORMACK: I might say that this is the unanimous opinion of the leadership on both sides, both parties in the House and both parties in the Senate, recognizing that it would be

impossible by either October 16 or October 23 to get through with the business that we have to dispose of before this particular session is over.

The Majority Leader and Minority Leader, of course, frequently cooperate in bringing specific items of legislative business to the attention of the House. As an example, the following remarks were made by the Majority Leader in the course of discussing his motion to suspend the rules and pass a bill increasing the President's salary:⁽¹⁾

MR. ALBERT: . . . The only reason that this method has been used on this occasion is that it presents to the House the opportunity to consider this legislation before the new President takes office. . . .

In view of these circumstances, the distinguished minority leader and the distinguished chairman and ranking member on Post Office and Civil Service and myself have jointly offered this resolution for the consideration of the Members of the House.

Notification by Leaders as to Reassembly of Congress

§ 18.8 Congressional leaders, including the floor leaders of the House, having been au-

1. 115 CONG. REC. 172, 91st Cong. 1st Sess., Jan. 6, 1969. For further discussion of the proceedings relating to the Majority Leader's motion to suspend the rules in this case, see § 17.13, *supra*.

²⁰ 116 CONG. REC. 35217, 35218, 91st Cong. 2d Sess.

thorized by concurrent resolution, formally called for a reassembly of Congress at an earlier date than that to which it had adjourned.

The 79th Congress, having by concurrent resolution adjourned to a day certain, was reassembled before that day in accordance with a provision in such resolution for reassembly before the day fixed in the event that certain congressional leaders, including the floor leaders, decided that legislative expediency warranted reassembly.⁽²⁾

§ 19. Role as Party Leader

In his capacity as a leader of his party, the floor leader plays a key role in the formation and promotion of his party's policies. Wherever possible, he protects the interests of his party and individual members thereof.

The Republican floor leader generally introduces the resolution assigning members of his party to House committees,⁽³⁾ and undertakes other responsibilities respecting such committee assignments.⁽⁴⁾

2. 91 CONG. REC. 8320, 79th Cong. 1st Sess., Sept. 5, 1946. See also Ch. 1, § 3, *supra*.

3. § 19.7, *infra*.

4. § 19.8, *infra*.

The floor leader may be consulted with respect to changes in committee size or composition that might affect his party's representation on the committee.⁽⁵⁾

The floor leader protects the interests of individual members of his party, as by ensuring that the Record or Journal accurately reflects the votes of Members,⁽⁶⁾ the presence of Members,⁽⁷⁾ or the legitimate reasons for a Members absence.⁽⁸⁾ Where requested to make objection to certain unanimous-consent requests, the floor leader has done so.⁽⁹⁾

On occasion, the floor leader has addressed remarks directly to members of his party on the floor of the House, for purposes of ascertaining⁽¹⁰⁾ or influencing⁽¹¹⁾ the sentiments of his party with respect to particular issues.

Announcements of Party Meetings

§ 19.1 On occasion, the floor leader has made announce-

5. § 19.9, *infra*.

6. § 19.5, *infra*.

7. § 19.5, *infra*.

8. See the remarks of Minority Leader Gerald R. Ford (Mich.) at 111 CONG. REC. 20362, 89th Cong. 1st Sess., Aug. 12, 1965.

9. § 19.6, *infra*.

10. § 19.2, *infra*.

11. § 19.3, *infra*.