

§ 901 (1979), entitled “Unfinished Business of the Session,” provides that business before committees continues from session to session; under the practice of the House that rule applies to business pending before the House as well as before committees.

§ 4. Calendar Wednesday; Morning Hour Call of Committees

Rule XXIV provides for two distinct calls of standing or select committees for the consideration of reported bills—the morning hour call of committees and the call of committees on Calendar Wednesday.

Clause 1 of the rule indicates the place of the morning hour call in the order of business;⁽¹⁰⁾ clause 4⁽¹¹⁾ governs the actual procedure for the morning hour call:

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 Com-

mittees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: *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 call of committees is largely obsolete as a method for gaining consideration of reported bills; the procedure was last used in 1933.⁽¹²⁾

Rule XXIV clause 7⁽¹³⁾ provides for the Calendar Wednesday call of committees and for a motion to dispense with such proceedings:

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 Committee of the Whole House on the State of the Union. This rule shall not apply during the last 2 weeks of the session. It shall not be in order for the Speaker to entertain a motion for a re-

10. *House Rules and Manual* § 878 (1979).

11. *House Rules and Manual* § 889 (1979).

12. See § 4.2, *infra*.

13. *House Rules and Manual* § 897 (1979).

cess on any Wednesday except during the last 2 weeks of the session: *Provided*, That no more than 2 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 Congress, all of the committees of the House are not called under the Calendar Wednesday rule, at the next session of Congress the call shall commence where it left off at the end of the preceding session.

The Calendar Wednesday procedure has been little utilized in recent years due to its cumbersome operation and to the fact that non-privileged bills may be considered pursuant to a special order from the Committee on Rules, under suspension of the rules, or by unanimous consent.⁽¹⁴⁾ But the refusal of the House to consider a

14. The Calendar Wednesday procedure was last used in the 87th Congress, when the House refused to consider a bill called up under the rule (see §4.18, *infra*).

bill under the Calendar Wednesday procedure does not preclude the bill's being brought up under another procedure, such as pursuant to a rule from the Committee on Rules.⁽¹⁵⁾

The call of committees on Calendar Wednesday applies only to nonprivileged public bills, and when a bill otherwise unprivileged is given a privileged status by unanimous-consent agreement or special order, it is automatically rendered ineligible for consideration under the Calendar Wednesday procedure.⁽¹⁶⁾

If Calendar Wednesday business has not been dispensed with, such business is highly privileged on Wednesdays, and takes precedence over other business privileged under the rules; however, questions involving the privileges of the House and veto messages privileged under the Constitution take precedence over Calendar Wednesday business.⁽¹⁷⁾ The call

15. See §4.19, *infra*.

16. See 7 Cannon's Precedents §§932935. See also §4.10, *infra*, for the principle that the rule may not be used for the consideration of private bills.

17. See §§4.3–4.8, *infra*. Where the Calendar Wednesday call of committees is concluded, business otherwise in order may be called up. See 7 Cannon's Precedents §921.

18. See §§4.21–4.23, *infra*.

of committees follows routine unanimous-consent requests and one-minute speeches, but the Speaker may decline to recognize any such requests on Calendar Wednesday.⁽¹⁸⁾

As indicated by Rule XXIV clauses 4 and 7, the standing committees are called in regular alphabetical order, and then the select committees (with legislative jurisdiction), and the call begins in a new session (but not a new Congress) where it left off in the prior session.⁽¹⁹⁾ A bill unfinished on Calendar Wednesday goes over to the next Wednesday where the same committee has the call unless the previous question has been ordered, in which case the bill becomes the unfinished business on the next legislative day.⁽²⁰⁾

Calendar Wednesday business is usually dispensed with by unanimous consent, pursuant to a request made by the Majority Leader during the previous week.⁽¹⁾ If the request is objected to, Rule XXIV clause 7 provides

17. See §§ 4.3–4.8, *infra*. Where the Calendar Wednesday call of committees is concluded, business otherwise in order may be called up. See 7 Cannon's Precedents §921.

18. See §§ 4.21–4.23, *infra*.

19. See § 4.11, *infra*.

20. See §§ 4.27–4.29, *infra*.

1. See §§ 4.40–4.42, *infra*.

for a highly privileged motion to dispense with such business, which motion requires a two-thirds vote and is debatable for 10 minutes, equally divided.⁽²⁾

Dispensing with Calendar Wednesday business by less than a two-thirds vote (in the absence of unanimous consent) is one of the specified kinds of orders not permitted to be reported by the Committee on Rules, under Rule XI.⁽³⁾

Morning Hour Call of Committees

§ 4.1 Where a motion that the House take a recess was defeated on the last day of the session, the Chair directed the Clerk to call the committees under the morning hour rule (Rule XXIV clause 4).

On Mar. 3, 1931,⁽⁴⁾ which was the last day of the third session of the 71st Congress, the House rejected a motion that the House recess (there was being awaited a report of a committee of conference). Speaker Nicholas Long-

2. See §§ 4.30–4.39, *infra*. The motion was made in the 93d Congress when a unanimous-consent request was objected to (see § 4.33, *infra*).

3. *House Rules and Manual* §729(a) (1979).

4. 74 CONG. REC. 7242–44, 71st Cong. 3d Sess.

worth, of Ohio, directed the call of committees under the morning hour rule and the place of that largely obsolete procedure in the order of business was discussed:

THE SPEAKER: This is the morning hour, and the Clerk will call the committees.

The Clerk began the call of committees.

MR. [ADOLPH J.] SABATH [of Illinois]: Mr. Speaker, a parliamentary inquiry. The House has refused to recess, and that leaves us in the same position as we were in the Sixty-first Congress. I know the Speaker remembers that Uncle Joe Cannon said that a majority can do anything it desires. Is it not within the power of the House now to instruct the conferees to agree to the Senate amendment on the hospitalization bill, provided the Speaker will recognize anyone to make that motion?

THE SPEAKER: That is not in the power of the House.

MR. SABATH: Does the Chair rule that we can not instruct the conferees?

THE SPEAKER: The Chair so rules. . . .

MR. [SAM] RAYBURN [of Texas]: A parliamentary inquiry, Mr. Speaker, the House has not adjourned or recessed from Tuesday. We are still in the legislative day of Tuesday.

MR. [FIORELLO H.] LAGUARDIA [of New York]: Mr. Speaker, I ask unanimous consent to address the House for five minutes.

THE SPEAKER: The gentleman from New York asks unanimous consent to address the House for five minutes. Is there objection?

MR. RAYBURN: Mr. Speaker, a parliamentary inquiry. I made a par-

liamentary inquiry that has not been answered. The House has been legislating in Tuesday and it has not adjourned or recessed. It is still in Tuesday. There is no Wednesday and therefore how can the call of the committees be made?

The Speaker: This is the legislative day of Tuesday. We have been transacting business according to the rules. First, we had prayer by the Chaplain on Tuesday. Second, we had the reading and approving of the Journal. Third, we have had the reference of public bills—that has been passed over. Next, we have disposed of business on the Speaker's table, and next we have disposed of many public bills. Now is the morning hour for the consideration of bills called up by committees.

MR. RAYBURN: Does the Chair hold that this is Tuesday or Wednesday?

THE SPEAKER: The legislative day of Tuesday. . . .

MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker and my colleagues, the Speaker correctly ruled tonight when he directed the Clerk to call the committees under the morning hour. That is in the rule book. It is obsolete as far as the practical consideration of measures under the rules of the House is concerned. This is the first time the Speaker has called that since he has been Speaker; but he was correct. Under the rules, it was in order

§ 4.2 The Speaker directed the Clerk to call the committees under the morning hour rule and indicated that a Member calling up a bill under the morning hour must be au-

thorized by the committee to do so.

On June 12, 1933,⁽⁵⁾ the morning hour call of committees was conducted as follows:

MR. [WILLIAM P.] CONNERY [Jr., of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁶⁾ The gentleman will state it.

MR. CONNERY: What is the regular order at this time, Mr. Speaker?

THE SPEAKER: The calling of the committees.

The Chair notes the time is now 3:33 o'clock p.m. The Clerk will call the committees.

MR. [ADOLPH J.] SABATH [of Illinois] (when Committee on Elections No. 2 was called): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SABATH: Mr. Speaker, as I understand, there are several contests pending before the Committee on Elections No. 2. I wonder whether the chairman or some other member of the committee is present and can give the House some information relative to these contests.

THE SPEAKER: There has been nothing reported by the committee.

MR. CONNERY: Regular order, Mr. Speaker.

THE SPEAKER: The Clerk will call the next committee.

MR. [GORDON] BROWNING [of Tennessee] (when the Committee on the

Judiciary was called): Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H.R. 5909) to transfer Bedford County from the Nashville division to the Winchester division of the middle Tennessee judicial district.

MR. [EDWARD W.] GOSS [of Connecticut]: Mr. Speaker, I reserve a point of order. Did I understand the gentleman to say he is directed by the committee to call this up?

MR. BROWNING: Yes.

The Clerk read the bill, as follows:

Be it enacted, etc., That Bedford County of the Nashville division of the middle district of the State of Tennessee is hereby detached from the Nashville division and attached to and made a part of the Winchester division of the middle district of such State.

THE SPEAKER: The gentleman from Tennessee [Mr. Browning] is recognized for 1 hour. . . .

MR. GOSS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GOSS: Do I understand this time is allotted for general debate, or is the debate confined to the bill under the rule?

THE SPEAKER: In the House debate must be confined to the bill under consideration.

After debate, the House passed the bill and then adjourned without further business.

Precedence of Calendar Wednesday Business

§ 4.3 The call of committees on Calendar Wednesday takes

5. 77 CONG. REC. 5816, 73d Cong. 1st Sess.

6. Henry T. Rainey (Ill.).

precedence of consideration of privileged business reported by the Committee on Accounts.

On June 5, 1946,⁽⁷⁾ Speaker Sam Rayburn, of Texas, sustained a point of order as to the order of business:

MR. [FRANK W.] BOYKIN [of Alabama]: Mr. Speaker, by direction of the Committee on Accounts, I offer a resolution and ask for its immediate consideration.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: This is Calendar Wednesday, Mr. Speaker. I submit that the only business before the House that may be considered is the call of committees.

THE SPEAKER: The point of order is sustained.⁽⁸⁾

§ 4.4 A subpoena duces tecum served upon the Clerk of the House and transmitted by the Clerk to the Speaker was held to be a matter of the highest privilege and to supersede the continuation of the call of committees under the Calendar Wednesday rule.

7. 92 CONG. REC. 6351, 79th Cong. 2d Sess.

8. The former Committee on Accounts was merged into the Committee on House Administration by the Legislative Reorganization Act of 1946.

On Feb. 8, 1950,⁽⁹⁾ Speaker Sam Rayburn, of Texas, overruled a point of order against the consideration of highly privileged business on Calendar Wednesday:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, this is Calendar Wednesday, and I ask that the business of Calendar Wednesday proceed. I submit that the regular order is the continuation of the call of committees by the Clerk.

THE SPEAKER: The Chair at this time is going to lay before the House a matter of highest privilege.

The Speaker laid before the House a communication from the Clerk transmitting a subpoena issued to trim by a federal district court and directing the production of committee executive session material. There was offered and adopted a resolution in response to the subpoena.

§ 4.5 A privileged report of the Committee on Un-American Activities dealing with the contempt of a witness was considered on a Calendar Wednesday.

On June 26, 1946,⁽¹⁰⁾ which was Calendar Wednesday under the

9. 96 CONG. REC. 1695, 81st Cong. 2d Sess.

10. 92 CONG. REC. 7589-91, 79th Cong. 2d Sess.

rule, Mr. John S. Wood, of Georgia, called up a privileged report from the Committee on Un-American Activities, dealing with the contempt of a witness before the committee.

The report and accompanying resolution were considered as a privileged matter and were not called up under the Calendar Wednesday procedure. Although the House had not dispensed with Calendar Wednesday business on that day, the House did not consider such business, adjourning after disposition of the report from the Committee on Un-American Activities.

§ 4.6 The consideration of a veto message is in order on Calendar Wednesday.

On May 11, 1932,⁽¹¹⁾ the House agreed to the motion to dispense with Calendar Wednesday business on that day, a veto message having been laid before the House. Speaker John N. Garner, of Texas, indicated that the motion was not necessary, due to the constitutional privilege of a veto message:

THE SPEAKER: The Chair lays before the House the following message from the President of the United States.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, this being Cal-

endar Wednesday, ought not further business be dispensed with before we consider any other business?

THE SPEAKER: Not necessarily.

MR. STAFFORD: This is holy Wednesday.

MR. [CHARLES R.] CRISP [of Georgia]: Is there any other business under Calendar Wednesday?

MR. STAFFORD. No.

MR. CRISP: Mr. Speaker, to save any question, I move that further business under Calendar Wednesday be dispensed with.

The motion was agreed to.

THE SPEAKER: Let the Chair say, however, in connection with this Calendar Wednesday rule, that it does not suspend the Constitution of the United States, which provides that a veto message of the President shall have immediate consideration. The Clerk will read the message.

§ 4.7 The Speaker held that special orders from the Committee on Rules were not privileged for consideration on Calendar Wednesday.

On Aug. 21, 1935,⁽¹²⁾ which was Calendar Wednesday under Rule XXIV clause 7, there was called up a resolution from the Committee on Rules, giving privilege to a motion to recess and waiving the two-thirds voting requirement for consideration of certain reports from the Committee on Rules. Mr. Bertrand H. Snell, of New York,

11. 75 CONG. REC. 10035-40, 72d Cong. 1st Sess.

12. 79 CONG. REC. 14038, 14039, 74th Cong. 1st Sess.

objected that the resolution was not privileged on Calendar Wednesday and Speaker Joseph W. Byrns, of Tennessee, sustained the objection.

§ 4.8 If the House dispenses with Calendar Wednesday business it can consider what it pleases on that day.

On June 5, 1946,⁽¹³⁾ Speaker Sam Rayburn, of Texas, responded to an inquiry on the effect of dispensing with Calendar Wednesday business:

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: My inquiry is this: In the event that the House were to agree to dispense with further proceedings under Calendar Wednesday, would it then be in order for the remainder of the day for the other business on the House program for the week and especially the river and harbor bill, which was under consideration when the House adjourned yesterday afternoon to be taken up immediately if so desired by the leadership, including the Speaker and the chairmen of the committees concerned?

THE SPEAKER: If the House dispenses with further proceedings under Calendar Wednesday, then the House can do what it pleases.

Calendar Wednesday Bills Generally

§ 4.9 A motion that a Union Calendar bill be considered

13. 92 CONG. REC. 6357, 79th Cong. 2d Sess.

in the House as in the Committee of the Whole is not in order, and if unanimous consent is not granted for this purpose, the House automatically resolves itself into the Committee of the Whole on Calendar Wednesday.

On July 12, 1939,⁽¹⁴⁾ the House proceeded as follows on a Calendar Wednesday bill:

THE SPEAKER:⁽¹⁵⁾ This is Calendar Wednesday. The Clerk will call the roll of committees.

MR. [ANDREW J.] MAY [of Kentucky] (when the Committee on Military Affairs was called): Mr. Speaker, by direction of the Committee on Military Affairs, I call up the bill (H.R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, reserving the right to object, will the gentleman explain the bill before we grant this request?

MR. MAY: This is a bill to authorize the Secretary of War to furnish certain markers for graves of persons who are entitled to have them. Under the statute they are bronze markers or stone markers.

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, I object.

14. 84 CONG. REC. 8945, 76th Cong. 1st Sess.

15. William B. Bankhead (Ala.).

MR. MAY: To what is the gentleman objecting?

MR. HOBBS: I am objecting to the consideration of the bill.

MR. MAY: Then I move, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

THE SPEAKER: The Chair is of the opinion that could not be permitted under the rules of the House. The gentleman may submit a unanimous consent request, but not a motion.

The gentleman from Kentucky asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection to the request of the gentleman from Kentucky?

MR. HOBBS: I object, Mr. Speaker.

THE SPEAKER: This bill is on the Union Calendar.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 985) to authorize the Secretary of War to furnish certain markers for certain graves, with Mr. Tarver in the chair.

§ 4.10 Calendar Wednesday business is confined strictly to consideration of public bills and a committee may not call up a private bill when business of that committee is in order.

On June 5, 1940,⁽¹⁶⁾ Speaker William B. Bankhead, of Alabama, declined to recognize a member of the Committee on Im-

16. 86 CONG. REC. 7629, 7630, 76th Cong. 3d Sess.

migration and Naturalization to call up a private bill under the Calendar Wednesday procedure:

MR. [SAMUEL] DICKSTEIN [of New York]: Mr. Speaker, I have one more bill, which I have designated the gentleman from Michigan [Mr. Lesinski] to handle, and I ask the Chair to recognize the gentleman at this time.

MR. [JOHN] LESINSKI [of Michigan]: Mr. Speaker, by authority of the Committee on Immigration and Naturalization I call up the bill (H.R. 9766) to authorize the deportation of Harry Renton Bridges.

THE SPEAKER: The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor be, and is hereby, authorized and directed to take into custody and deport to Australia, the country of which he is a citizen or subject, the alien, Harry Renton Bridges, in the manner provided by sections 155 and 156, title 8, United States Code.

THE SPEAKER: The Chair feels that it is solemn duty of the presiding officer of the House to enforce the rules of the House under all circumstances. There is no question about bills that may and may not be called up on Calendar Wednesday. The rules specifically provide that on a call of committees under this rule bills may be called up from either the House or the Union Calendars, except bills which are privileged under the rules. This bill which the gentleman from Michigan has called up is on the Private Calendar, and in the opinion of the Chair, under the rules, it is not eligible for consideration on Calendar Wednesday.

***Order of Call on Calendar
Wednesday***

§ 4.11 Under the Calendar Wednesday rule, where all the committees have been called during a session of Congress, then at the commencement of a new session the call begins with the head of the committee list.

On Nov. 24, 1937,⁽¹⁷⁾ Speaker William B. Bankhead, of Alabama, made a statement on the order of business under the Calendar Wednesday rule, where the calendar was being called for the first time during the session:

THE SPEAKER: Under the rules of the House this is Calendar Wednesday. The Chair directs the Clerk to call the list of committees, beginning with the head of the list, and in order that there may be no confusion about the matter of what committee shall be called first on this call, the Chair directs attention of the House to the last proviso of the Calendar Wednesday rule, in the following language:

Provided, That when, during any one session of Congress, all of the committees of the House are not called under the Calendar Wednesday rule, at the next session of Congress the call shall commence where it left off at the end of the preceding session.

The fact is, as disclosed by the Record, that during the last session of

17. 82 CONG. REC. 357, 75th Cong. 2d Sess.

Congress not only were all of the committees of the House called once but at least twice. Under this proviso, which the Chair is bound to follow, the Chair directs the Clerk to call the committees beginning at the head of the list.

The Clerk called the following committees: Committee on Elections No. 1, Committee on Elections No. 2, Committee on Elections No. 3, Committee on Ways and Means, Committee on Appropriations, Committee on the Judiciary.

Parliamentarian's Note: The committees were called in the order listed in the Rules of the House (Rule X, clause 1) of the 75th Congress.

***Authority and Recognition to
Call Up Calendar Wednesday
Business***

§ 4.12 Any member of a committee, and not only the chairman thereof, may call up a bill on Calendar Wednesday if authorized to do so by the committee.

On Dec. 13, 1963,⁽¹⁸⁾ Speaker pro tempore John J. Rooney, of New York, answered a parliamentary inquiry on who may call up Calendar Wednesday business:

MR. OLIVER P. BOLTON [of Ohio]: Mr. Speaker, may I address that question to the Chair: If a committee chairman does not choose to call a bill up on Cal-

18. 109 CONG. REC. 24570, 88th Cong. 1st Sess.

endar Wednesday, may a member of the committee then call up a bill which has been passed out by the committee?

THE SPEAKER PRO TEMPORE: That is possible if the chairman has been specifically authorized by the members of his committee to do so.

MR. OLIVER P. BOLTON: I am sorry I did not understand the Speaker's reply. My question was: If the chairman chooses not to call up a bill, may a member of that committee then call it up?

THE SPEAKER PRO TEMPORE: Only if the committee has specifically authorized that member to do so.

MR. OLIVER P. BOLTON: I thank the Speaker.

§ 4.13 On one occasion, a letter from the chairman of a committee was evidence of the authority of another member of the committee to call up a bill on Calendar Wednesday.

On July 10, 1946,⁽¹⁹⁾ Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry on the requirement that a Member be authorized by the committee to call up a bill on Calendar Wednesday:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: As I understand the rules, the person who calls up a bill from a committee must be author-

ized and directed by the committee to call up the bill.

THE SPEAKER: That is correct.

MR. MARCANTONIO: I now propound the parliamentary inquiry as to whether or not the gentleman from Mississippi was actually directed by his committee to call up this bill.

THE SPEAKER: The gentleman from Mississippi so stated when he called up the bill.

MR. [JOHN E.] RANKIN [of Mississippi]: Yes; and I have a letter from the chairman to that effect.

THE SPEAKER: The bill, being on the Union Calendar, the House automatically resolves itself into the Committee of the Whole.

§ 4.14 Only the member authorized by the committee reporting a bill may call up such bill on Calendar Wednesday and where a committee designates a member thereof to call up a bill on Calendar Wednesday no other Member may take such action.

On Feb. 24, 1937,⁽²⁰⁾ Speaker pro tempore William J. Driver, of Arkansas, answered an inquiry during Calendar Wednesday:

THE SPEAKER PRO TEMPORE: Is there any further business from the Committee on the Judiciary?

MR. [FRANCIS E.] WALTER [of Pennsylvania]: No, Mr. Speaker.

19. 92 CONG. REC. 8590, 79th Cong. 2d Sess.

20. 81 CONG. REC. 1562, 1563, 75th Cong. 1st Sess.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, this is the Judiciary Committee's day, and the committee instructed its chairman to call up the bill (H.R. 2260) providing for appeals when constitutional questions are raised, which is a part of the President's proposal.

This bill was introduced in the Congress January 8, before the President made any suggestions. It was given thorough consideration by the Committee on the Judiciary and was to be considered on our last Calendar Wednesday day, when suddenly the House was adjourned in the middle of the afternoon. This is our next day, and it is possibly the last day we will get this session. I hope the gentleman from Pennsylvania [Mr. Walter] will call up this bill that the President wants considered. It has the approval of the committee and would have passed the House on last Calendar Wednesday if the majority leader had not adjourned the House.

MR. WALTER: Regular order, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The regular order is demanded. The Clerk will call the roll of committees.

MR. MICHENER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MICHENER: Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman that under the rules only the chairman or the member designated by the committee is authorized to call up a bill.⁽¹⁾

§ 4.15 Only a member authorized to do so by a committee may call up a bill on Calendar Wednesday and this matter is entirely within the discretion of the committee.

On June 11, 1941,⁽²⁾ Speaker Sam Rayburn, of Texas, answered an inquiry on the operation of the Calendar Wednesday rule:

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, the Committee on Agriculture has had the call today. There are other bills on the calendar that the committee has reported out and that are very important, but which have not been called up. For instance, there is the Coffee sugar bill, in which a great many people are interested and upon which the beet-sugar industry is looking for aid during the coming year. This is the Agriculture Committee's day. The rules intend that the committee shall call up all its bills on the calendar. There is not a rule of the House, and the Committee on Rules cannot even bring in a resolution, taking away from a legislative committee the right to call up its bills on the calendar on its Calendar Wednesday. The Agriculture Committee calendar has not been completed today, and the

1. See also 78 CONG. REC. 2138, 73d Cong. 2d Sess., Feb. 7, 1934.

2. 87 CONG. REC. 5047, 77th Cong. 1st Sess.

committee has the remainder of the day. Is it in order for any member of the committee to call up a bill reported by the committee in order that the democratic processes of the House shall obtain? That is, can a chairman of a committee thwart the will of a committee and refuse to exhaust the calendar of eligible bills?

THE SPEAKER: That matter is not in the hands of the Chair. However, the Chair may state that no member of a committee may call up a bill on Calendar Wednesday unless he has been specifically authorized by the committee to do so. The Chair would not know whether or not the committee has instructed another member of the committee to call up any other bill.

MR. MICHENER: The one sacred day of all calendar days is Calendar Wednesday. The rights of people of the country repose in these committees. Calendar Wednesday is known as the people's day because no arbitrary power can deprive a committee from the privilege of calling up its bills on this day. It can only be dispensed with by unanimous consent. Even the leadership of the House cannot take away from a committee the right of the people to have their legislation considered on this day. Now, a majority of the Committee on Agriculture have reported out that sugar bill favorably, and they are asking for its consideration. Is it possible that somebody within that committee which has reported the bill favorably can deny the people their right to have their legislation considered? A rule is not necessary today. If that Coffee sugar bill is not brought up today when there is plenty of time, the fault certainly rests, not with the Speaker, not with the ma-

ajority leadership, not with the Rules Committee, but with a recalcitrant Committee on Agriculture or the controlling members thereof. Why should the sugarbeet interests be discriminated against in this arbitrary way?

THE SPEAKER: The Chair answered the gentleman's parliamentary inquiry some time ago.

§ 4.16 Section 133(c) of the Legislative Reorganization Act of 1946, now incorporated in Rule XI, providing that it shall be the duty of the chairman of each committee to report or cause to be reported promptly any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote, is sufficient authority to call up a bill on Calendar Wednesday.

On Feb. 22, 1950,⁽³⁾ Speaker Sam Rayburn, of Texas, overruled a point of order against recognition of a committee chairman to call up a bill on Calendar Wednesday:

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

MR. [JOHN] LESINSKI [of Michigan] (when the Committee on Education and Labor was called): Mr. Speaker, by direction of the Committee on Edu-

3. 96 CONG. REC. 2161, 2162, 81st Cong. 2d Sess.

cation and Labor I call up the bill (H.R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin.

The Clerk read the title of the bill.

MR. [TOM] PICKETT [of Texas]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. PICKETT: Mr. Speaker, I make the point of order that the chairman of the Committee on Education and Labor has not been properly directed to call up the bill under the rules and precedents that are required to be followed in keeping with the practice on Calendar Wednesday, and on that I should like to be heard.

THE SPEAKER: The gentleman has been heard.

MR. LESINSKI: Mr. Speaker, may I be heard on the point of order?

THE SPEAKER: The Chair will hear the gentleman briefly.

MR. LESINSKI: Mr. Speaker, I was authorized by the committee to use all parliamentary means to bring the bill before the House.

MR. PICKETT: Mr. Speaker, may I be heard on the point of order?

THE SPEAKER: The Chair will hear the gentleman very briefly. The Chair has the most recent rules of the House before him and desires to read them. The Chair feels that possibly their reading will satisfy the gentleman.

MR. PICKETT: If I am not satisfied with what the Speaker reads may I be heard on the point of order?

THE SPEAKER: The Chair will hear the gentleman briefly now.

MR. PICKETT: My point of order is based on the precedents of the House annotated on page 460, paragraph 898,

of the House Rules and Manual, where it is stated that authority to call up a bill on Calendar Wednesday must have been given by the committee, and a member not authorized to do so may not call up such bill. The annotations refer to Hinds' Precedents, volume 4, paragraphs 3127 and 3128; and [Canon's] Precedents, volume 7, paragraphs 928 and 929. I wish to call these paragraphs to the attention of the Speaker.

THE SPEAKER: Those paragraphs have already been called to the attention of the Speaker.

MR. PICKETT: Mr. Speaker, further in reference to the point of order, if it be contended that the Reorganization Act of 1946 which became effective on January 3, 1947, at section 133 thereof, paragraph (c), empowers the chairman of this committee to call up the bill, in view of the language that it directs him to take or cause to be taken necessary steps to bring the matter to a vote, then my response to that would be that one of the necessary steps to cause this bill to be brought to the attention of the House for a vote is to comply with the requisites and get his committee to give him specific directions to call this bill up on Calendar Wednesday.

THE SPEAKER: The Chair is prepared to rule.

The gentleman from Michigan [Mr. Lesinski] has already stated that the committee did give him this authority. The present occupant of the chair has read the minutes of the committee and thinks the gentleman from Michigan is correct.

Also the latest rule on this matter is section 133, paragraph (c), of the Leg-

islative Reorganization Act, and there is very good reason for this rule because in times past the chairmen of committees have been known to carry bills around in their pockets for quite a while and not present them.

The rule is as follows:

It shall be the duty of the chairman of each such committee to report or cause to be reported promptly to the Senate or House of Representatives, as the case may be, any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

The Chair overrules the point of order.

Parliamentarian's Note: Section 133(c) of the Legislative Reorganization Act of 1946, cited by the Speaker, was adopted as part of the rules of the House in 1953 [Rule XI clause 2(l)(1)(A) §713(a), in the 1979 *House Rules and Manual*].

§ 4.17 The Speaker, on a Calendar Wednesday, recognized the chairman of a committee to call up a bill in spite of repeated motions to adjourn.

On Feb. 15, 1950,⁽⁴⁾ which was Calendar Wednesday, Speaker Sam Rayburn, of Texas, declined to recognize for motions to adjourn:

THE SPEAKER: The Clerk will call the committees.

4. 96 CONG. REC. 1811, 1812, 81st Cong. 2d Sess.

The Clerk called the Committee on the District of Columbia.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillan].

MR. SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

THE SPEAKER: The Chair has recognized the gentleman from South Carolina [Mr. McMillan].

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

MR. COLMER: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

MR. [JOHN L.] McMILLAN of South Carolina: Mr. Speaker, I call up the bill (H.R. 6670) to incorporate the Girl Scouts of the United States of America, and for other purposes.

The Clerk read the title of the bill.

Parliamentarian's Note: Repeated roll calls were had on this day, in an attempt to delay business under the Calendar Wednes-

day rule. The “filibuster” attempt was not actually designed to delay District of Columbia bills but to delay the call of the Committee on Education and Labor the following Wednesday, when the Federal Fair Employment Practices bill was to be called up.

Question of Consideration on Calendar Wednesday

§ 4.18 The question of consideration may be demanded in the House on a bill called up under the Calendar Wednesday rule.

On May 4, 1960, Mr. Brent Spence, of Kentucky, of the Committee on Banking and Currency called up a bill from that committee under the Calendar Wednesday rule when the committee was called. Mr. Charles A. Halleck, of Indiana, raised the question of consideration against the bill and on a yea and nay vote the House agreed to consider it.⁽⁵⁾

On Aug. 30, 1961, Mr. Adam C. Powell, of New York, called up under authority from the Committee on Education and Labor, H.R. 8890 (the Emergency Educational Act of 1961) when the committee was called under the Calendar Wednesday rule. Mr. F.

5. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

Edward Hebert, of Louisiana, raised the question of consideration and the House refused to consider the bill on a yea and nay vote.⁽⁶⁾

§ 4.19 The refusal of the House to consider a bill called up under the Calendar Wednesday rule would not prevent the reporting of a resolution by the Committee on Rules making the bill a special order of business.

On May 4, 1960,⁽⁷⁾ Speaker Sam Rayburn, of Texas, answered an inquiry on the status of a bill should the House refuse to consider it if called up under the Calendar Wednesday rule:

MR. [CHARLES A.] HALLECK [of Indiana]: In the event that the motion to consider the bill should not prevail in the House, would it still be possible if a rule were reported by the Rules Committee for the bill to be brought before the House at a later date under a rule?

THE SPEAKER: The Chair would think the House could adopt any rule reported by the Committee on Rules.

§ 4.20 When a bill is called up by a committee under the Calendar Wednesday rule, the question of consideration

6. 107 CONG. REC. 17577, 87th Cong. 1st Sess.

7. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

is properly raised after the Clerk has read the title of the bill; and if the question of consideration is decided in the affirmative, when raised against a bill on the Union Calendar, the House automatically resolves itself into the Committee of the Whole.

On May 4, 1960,⁽⁸⁾ Speaker Sam Rayburn, of Texas, answered parliamentary inquiries on consideration of Calendar Wednesday business:

MR. [CHARLES A.] HALLECK [of Indiana]: One further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: In the event that the motion to consider the bill should not prevail in the House, would it still be possible if a rule were reported by the Rules Committee for the bill to be brought before the House at a later date under a rule?

THE SPEAKER: The Chair would think the House could adopt any rule reported by the Committee on Rules.

The Chair will state to the gentleman from Indiana and to the House that when we reach the point of approving the Journal, the Chair will then order a call of the committees; and when the Committee on Banking and Currency is recognized and the gentleman from Kentucky [Mr. Spence]

presents his bill, when the title of the bill is read the House automatically resolves itself into the Committee of the Whole.

MR. HALLECK: But is a motion necessary to consider the bill?

THE SPEAKER: The question of consideration can always be raised.

MR. HALLECK: And on that, of course, it would be possible to have a record vote in the House.

THE SPEAKER: In the opinion of the Chair, that would be correct.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DAVIS of Georgia: The Chair has just stated—I believe I understood it this way—that when the bill is called up by the chairman of the Committee on Banking and Currency and the title is read the House automatically resolves itself into the Committee of the Whole.

THE SPEAKER: That is the rule.

MR. DAVIS of Georgia: But the motion raising the question must come before the title of the bill is read.

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: Sir?

THE SPEAKER: After the title is read.

MR. DAVIS of Georgia: There would still be time enough for it before the House automatically goes into the Committee of the Whole.

THE SPEAKER: That is correct.

On Apr. 14, 1937,⁽⁹⁾ the House proceeded as follows on the question of consideration raised

8. 106 CONG. REC. 9417, 86th Cong. 2d Sess.

9. 81 CONG. REC. 3455, 3456, 75th Cong. 1st Sess.

against a Calendar Wednesday bill:

THE SPEAKER:⁽¹⁰⁾ Today is Calendar Wednesday. The Clerk will call the roll of committees.

MR. [CLARENCE F.] LEA [of California] (when the Committee on Interstate and Foreign Commerce was called): Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H.R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U.S.C., title 49, sec. 4).

The Clerk read the title of the bill.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I raise the question of consideration.

THE SPEAKER: The gentleman from North Carolina raises the question of consideration of the bill. The question is, Will the House consider the bill H.R. 1668.

The question was taken: and on a division (demanded by Mr. Lea) there were—ayes 152, noes 73.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

THE SPEAKER: The question is, Will the House consider the bill (H.R. 1668) to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28 1920 (U.S.C., title 49, sec. 4)?

The question was taken; and there were—yeas 278, nays 97, answered “present” 1, not voting 54, as follows:

THE SPEAKER: The House automatically resolves itself into the Committee

of the Whole House on the state of the Union for the consideration of the bill.

Unanimous-consent Requests on Calendar Wednesday

§ 4.21 Calendar Wednesday business follows the one-minute speeches and special orders granted to take place before the business of the day.

On May 22, 1946,⁽¹¹⁾ Speaker Sam Rayburn, of Texas, answered an inquiry on the order of business where a Member had been granted a special order to address the House prior to business:

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

THE SPEAKER: Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry. Will that vitiate the call of the calendar on Calendar Wednesday, if the Speaker recognizes Members for 1-minute speeches?

THE SPEAKER: The Chair is going to recognize Members to proceed for a minute and to extend their remarks and then will recognize the gentleman from Virginia [Mr. Bland], who has an hour for Maritime Day.

11. 92 CONG. REC. 5439, 79th Cong. 2d Sess.

10. William B. Bankhead (Ala.).

MR. MARCANTONIO: I understand that after that the call of the Calendar of Committees under the Calendar Wednesday rule will be in order.

THE SPEAKER: Then the Chair will announce the call of the Calendar of Committees.

The gentleman from North Carolina is recognized.

§ 4.22 Objection was made to any extension of remarks, one-minute speeches, or any business except the call of committees under the Calendar Wednesday rule.

On Feb. 1, 1950,⁽¹²⁾ objection was made to the delivering of speeches or the transaction of business before the call of committees under the Calendar Wednesday rule (Speaker Sam Rayburn, of Texas, presiding):

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, this is Calendar Wednesday. I make a point of order against the transaction of any business except the call of the committees.

THE SPEAKER: The gentleman objects to any extension of remarks or any other business except the call of the committees.

§ 4.23 In construing the Calendar Wednesday rule, the

2. 96 CONG. REC. 1311, 81st Cong. 2d Sess.

Speaker announced the policy that he would follow in the future would be not to recognize any Member to ask unanimous consent to speak prior to business on Calendar Wednesday.

On Feb. 26, 1930,⁽¹³⁾ Speaker Nicholas Longworth, of Ohio, announced some guidelines for recognition of Members on Calendar Wednesday:

The Chair is in some doubt as to whether it is his duty to recognize, first, those gentlemen who have obtained unanimous consent to address the House today, this being Calendar Wednesday, or to direct the call of committees, Calendar Wednesday business has not been formally dispensed with, either by unanimous consent or, as it could be now, by a two-thirds vote of the House. The present occupant of the Chair has made it a general practice not to recognize for unanimous consent a request to address the House on Calendar Wednesday. However, the consent has been given while some one else was temporarily in the chair. The Chair thinks that under the circumstances perhaps the best mode of procedure would be to recognize those gentlemen who have obtained unanimous consent to address the House, but the Chair states that he will not consider this as a precedent in the future. . . .

The Chair desires to state that in recognizing the special orders in this

3. 72 CONG. REC. 4303, 4304, 71st Cong. 2d Sess.

instance he will not regard this as a precedent which should govern his ruling on the subject on some future occasion.

MR. [JOHN N.] GARNER [of Texas]: Then if I understand the Speaker, in the future the Speaker would probably hold that in case he should be absent from the chair and some other Speaker pro tempore did not take care of Calendar Wednesday, as he so wisely does, that he would hold that the special order made by the House, in his absence, could be vacated by virtue of it being Calendar Wednesday.

THE SPEAKER: The Chair does not go so far as to say that, but Calendar Wednesday from the beginning—and the Chair remembers when it was adopted—was for the purpose of preventing any other business being transacted on that day, leaving the day free for the call of committees and the rule is very strong on that subject. The rule provides—

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine.

Now, the Chair is in some doubt, where unanimous consent is given to some Member to address the House on Calendar Wednesday, whether that abolishes Calendar Wednesday to the extent of that time or whether it abolishes altogether. The Chair wants to give some consideration to that point, and therefore the Chair desires to state that he will not feel that he will be bound by this precedent in the future.

Debate on Calendar Wednesday

§ 4.24 Debate on bills considered in the Committee of the Whole under the Calendar Wednesday rule is limited to two hours, one hour controlled by the Member in charge of the bill and one hour by a Member in opposition; and in recognizing a Member to control the time in opposition to the bill, the Chair recognizes minority members on the committee reporting the bill in the order of their seniority on the committee.

On Apr. 14, 1937,⁽¹⁴⁾ Chairman J. Mark Wilcox, of Florida, answered a parliamentary inquiry in the Committee of the Whole relative to the duration and distribution of debate on a bill called up under the Calendar Wednesday procedure (H.R. 1668, to amend the Interstate Commerce Act, called up by the Committee on Interstate and Foreign Commerce):

THE CHAIRMAN: Under the rules of the House, the gentleman from California [Mr. Lea] is recognized for hour.

MR. [PEHR G.] HOLMES [of Massachusetts]: Mr. Chairman, a parliamentary inquiry.

4. 81 CONG. REC. 3456, 75th Cong. 1st Sess.

THE CHAIRMAN: The gentleman will state it.

MR. HOLMES: As I understand the rules of the House, in the consideration of this bill 2 hours of general debate is allowed on the bill?

THE CHAIRMAN: The gentleman is correct.

MR. HOLMES: Am I to understand that 1 hour will be extended me in opposition to the bill as a minority member, of the committee?

THE CHAIRMAN: Is the gentleman from Massachusetts, opposed to the bill?

MR. HOLMES: I am, Mr. Chairman.

THE CHAIRMAN: Is the gentleman from Massachusetts the ranking minority member of the committee?

MR. HOLMES: I am the ranking minority member opposed to the bill.

THE CHAIRMAN: The gentleman is entitled to recognition in opposition to the bill unless a minority member of the committee outranking the gentleman desires recognition.

MR. [CARL E.] MAPES [of Michigan]: Mr. Chairman, the gentleman from Massachusetts [Mr. Holmes] is the only minority member of the committee who is opposed to the bill.

THE CHAIRMAN: Then the gentleman from Massachusetts will be recognized in opposition to the bill.

MR. [COMPTON I.] WHITE of Idaho: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WHITE of Idaho: It is my understanding an arrangement has been made so that the opponents of the bill on the majority side will be given 30 minutes of time. I should like to know if that understanding is going to hold.

THE CHAIRMAN: Under the rules of the House, general debate is limited to 2 hours, 1 hour to be controlled by the chairman of the committee and 1 hour to be controlled by a minority member in opposition to the bill. These two gentlemen, of course, will have control of the assignment of time, and I assume, of course, it will be assigned to those in opposition to the bill.

MR. WHITE of Idaho: What opportunity will the opponents of the bill on the majority side have to be heard on the measure?

THE CHAIRMAN: The Chair has stated to the gentleman that under the rules 1 hour of the debate will be controlled by the gentleman from Massachusetts in opposition to the bill, the gentleman from Massachusetts having been recognized for that purpose.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. BULWINKLE: I understand that if the gentleman from Massachusetts [Mr. Holmes] should see fit to yield part of the time to this side of the House to be used by those in opposition, he can do so, and I should like to inquire of the gentleman from Massachusetts about that.

THE CHAIRMAN: That, of course, is within the discretion of the gentleman from Massachusetts. He can yield the time as he sees fit, and the Chair will recognize those who are designated by the gentleman.

Speaker Sam Rayburn, of Texas, answered a similar parliamentary inquiry on July 10, 1946:⁽¹⁵⁾

15. 92 CONG. REC. 8590, 79th Cong. 2d Sess.

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

MR. [JOHN E.] RANKIN [of Mississippi] (when the Committee on Rivers and Harbors was called): Mr. Speaker, by direction of the Committee on Rivers and Harbors, I call up the bill (H.R. 6024) relating to the prevention and control of water pollution, and for other purposes.

Mr. Speaker, I would like to propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: As I understand it, there are 2 hours of debate, 1 hour on each side, to be controlled by the ranking majority and minority members.

THE SPEAKER: The gentleman is correct.

Reconsideration Not in Order on Question of Consideration on Calendar Wednesday

§ 4.25 It is not in order to reconsider the vote whereby the House has declined to consider a proposition under the Calendar Wednesday rule.

On Apr. 7, 1937,⁽¹⁶⁾ Speaker William B. Bankhead, of Alabama, ruled that the motion to reconsider was not in order on the refusal of the House to consider a Calendar Wednesday bill:

THE SPEAKER: The gentleman from New York [Mr. Hamilton Fish, Jr.] raises the question of consideration.

16. 81 CONG. REC. 3253, 3254, 75th Cong. 1st Sess.

The question is, Will the House consider the bill (H.R. 2251) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching?

The House refused to consider the bill.

MR. FISH: Mr. Speaker, I move to reconsider the vote by which the House refused to consider the bill and lay that motion on the table.

THE SPEAKER: The Chair thinks that that motion is not in order on a vote of this character.

Unfinished Business on Calendar Wednesday

§ 4.26 When the Committee of the Whole during consideration of a bill on Calendar Wednesday votes to rise and the House then rejects a motion to adjourn, Calendar Wednesday business is still before the House, and if the chairman of the committee having the call calls up the same bill, the House automatically resolves itself into the Committee of the Whole and resumes consideration of the bill where it left off.

On Feb. 22, 1950,⁽¹⁷⁾ the Committee of the Whole had under consideration H.R. 4453, the Federal Fair Employment Practice

17. 96 CONG. REC. 2238-40, 81st Cong. 2d Sess.

Act, which had been called up by the Committee on Education and Labor under the Calendar Wednesday procedure. The Committee agreed to a motion to rise, and the House rejected a motion to adjourn; pending a demand for the yeas and nays on the motion to adjourn, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry as follows:

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HARRIS: As I understand, the roll call now is on the motion to adjourn.

THE SPEAKER: That is correct.

MR. HARRIS: If the motion to adjourn is not agreed to, then what will be the parliamentary situation?

THE SPEAKER: It will be Calendar Wednesday business.

MR. HARRIS: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. HARRIS: Do we automatically then go back into Committee?

THE SPEAKER: If the gentleman from Michigan calls the bill up again, yes.

Following the rejection of the motion to adjourn, Mr. John Lesinski, of Michigan, called up, by direction of the Committee on Education and Labor, the same bill. After the House decided the question of consideration in the affirmative, the Speaker directed

that the House automatically resolve itself into the Committee of the Whole for the consideration of the bill.

§ 4.27 Where the House adjourns after ordering the previous question on a bill and amendments thereto on a Calendar Wednesday, the bill becomes the unfinished business the next day and separate votes may be demanded on amendments the next day.

On May 17, 1939,⁽¹⁸⁾ Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the effect of adjournment on a pending Calendar Wednesday bill with amendments thereto, where the previous question has been ordered:

MR. [JOSEPH] MANSFIELD [of Texas]: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RAYBURN: Were the House to adjourn at this time, would the present bill be the pending business tomorrow?

THE SPEAKER: Answering the parliamentary inquiry of the gentleman

18. 84 CONG. REC. 5682, 76th Cong. 1st Sess.

from Texas, the Chair will state that the previous question having been ordered on the bill and all amendments to final passage, it would be the unfinished and privileged order of business tomorrow morning.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Can these individual amendments then be voted on?

THE SPEAKER: A separate vote can be demanded on them when that question is reached.

§ 4.28 The previous question having been ordered on a bill on Calendar Wednesday, the bill becomes the unfinished business after the reading of the Journal on the next legislative day or on any day thereafter.

On Apr. 25, 1930,⁽¹⁹⁾ the previous question was ordered on a Calendar Wednesday bill, and then a Member demanded the reading of the engrossed copy, which was not yet prepared. Speaker Nicholas Longworth, of Ohio, answered a parliamentary inquiry on when the bill would come up as unfinished business:

THE SPEAKER: The question is on the engrossment and third reading of the bill.

19. 72 CONG. REC. 7774, 71st Cong. 2d Sess.

The bill was ordered to be engrossed and read a third time.

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Speaker, I demand the reading of the engrossed bill.

THE SPEAKER: The gentleman from Minnesota demands the reading of the engrossed bill. It is plainly impossible to read the engrossed bill at this time.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SNELL: As I understand the situation, there is a decision by Speaker Gillett that, if the reading of the engrossed copy of the bill at this time is demanded, it will be in order to take this up on the next legislative day.

THE SPEAKER: The Chair would consider it the unfinished business.

MR. KNUTSON: Mr. Speaker, I withdraw my demand.

THE SPEAKER: The Clerk will read the bill by title for the third time.

Similarly, Speaker Longworth answered a parliamentary inquiry on May 14, 1930, as to the status of Calendar Wednesday business as unfinished business:

MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CRISP: Mr. Speaker, the previous question having been ordered on the bill and amendments to final passage, if the House adjourns now, ordinarily would not the matter come up the next day, and tomorrow being set apart under special order for memorial

exercises, if the House adjourns now, will not this matter, the previous question having been ordered, come up after the reading of the Journal on Friday?

THE SPEAKER: On Friday, tomorrow not being a legislative day.⁽²⁰⁾

On Feb. 22, 1950, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry after the House had ordered the previous question on a Calendar Wednesday bill and after a Member had demanded the reading of the engrossed copy thereof:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, that means the House will have to stay in session until the engrossed copy is secured?

THE SPEAKER: It does not.

MR. RANKIN: We cannot take a recess on Calendar Wednesday?

THE SPEAKER: The House can adjourn.

MR. RANKIN: We can adjourn but that ends Calendar Wednesday.

THE SPEAKER: The previous question has been ordered and the next time the House meets, whether this week or any other week, it is the pending business.

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. COLMER: Can the Speaker advise us when the engrossed copy will be available and when the vote will be taken?

THE SPEAKER: Not until the gentleman from Massachusetts makes a request about adjournment or offers a motion.

The Chair wants all Members to understand that on the convening of the House at its next session, the final disposition of this matter is the pending business.⁽¹⁾

§ 4.29 Where a quorum fails on ordering the previous question on a bill under consideration on a Calendar Wednesday, and the House adjourns, the vote goes over until the next Calendar Wednesday day of the committee reporting the bill.

On Mar. 7, 1935,⁽²⁾ Speaker Joseph W. Byrns, of Tennessee, answered an inquiry on the status of unfinished Calendar Wednesday business on which the previous question was not ordered:

MR. [FREDERICK R.] LEHLBACH [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LEHLBACH: Yesterday the previous question was moved on a bill

1. 96 CONG. REC. 2264, 81st Cong. 2d Sess.
2. 79 CONG. REC. 3121, 74th Cong. 1st Sess.

20. *Id.* at p. 8964.

then pending, and upon a division the vote was 36 to 16, whereupon a point of no quorum was made. Under the rules of the House there would follow an automatic roll call on the question of ordering the previous question, but before proceedings could be had the gentleman from New York [Mr. O'Connor] moved that the House adjourn, and the House accordingly adjourned. My inquiry is, is the motion for the previous question still pending?

THE SPEAKER: The motion is pending and the vote will again be taken the next time the committee is called under the Calendar Wednesday rule; that will be the first business in order when the Judiciary Committee is again called on Calendar Wednesday.

Privileged Motion to Dispense With Calendar Wednesday

§ 4.30 The privileged motion to dispense with Calendar Wednesday business in order on a particular Wednesday may be made and considered on a previous day.

On Monday, June 11, 1973,⁽³⁾ Speaker Carl Albert, of Oklahoma, recognized Mr. John J.

3. 119 CONG. REC. 19028-30, 93d Cong. 1st Sess.; see also 7 Cannon's Precedents §916 and §4.38, *infra*, for the proposition that the motion may be made on a previous day. On one occasion, the Speaker suggested that a Member withhold offering the motion until the Wednesday in question. 96 CONG. REC. 959, 960, 81st Cong. 2d Sess., Jan. 26, 1950.

McFall, of California, to move that the House dispense with Calendar Wednesday business in order on Wednesday, June 13 (objection had been made to a unanimous-consent request on June 8 to dispense with such business on June 13). The House agreed to the motion by a two-thirds vote.

Parliamentarian's Note: There is no prohibition in the rules against repeating the motion to dispense with Calendar Wednesday business, whether made on the same or a succeeding day.

§ 4.31 The motion to dispense with Calendar Wednesday business is in order at any time of the day on Wednesdays and need not be made early in the day.

On June 5, 1946,⁽⁴⁾ Speaker Sam Rayburn, of Texas, ruled that a motion to dispense with Calendar Wednesday business could be made on Calendar Wednesday, after the call had begun, and that the motion required a two-thirds vote. He answered a further inquiry:

THE SPEAKER: The Chair will read the rule so that there will be no misunderstanding:

On Wednesday of each week no business shall be in order except as

4. 92 CONG. REC. (6357, 79th Cong. 2d Sess.

provided by paragraph 4 of this rule unless the House, by a two-thirds vote on motion to suspend therewith, shall otherwise determine.

The question is on the motion to dispense with further proceedings under Calendar Wednesday.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Does that motion not have to be made at the very beginning of the day?

THE SPEAKER: The Chair holds otherwise.

Similarly, on Aug. 17, 1949,⁽⁵⁾ Speaker Rayburn ruled that the motion to dispense with further proceedings under the Calendar Wednesday rule was in order:

MR. [J. PERCY] PRIEST [of Tennessee]: Mr. Speaker, I ask unanimous consent that further call of the committees on Calendar Wednesday today be dispensed with.

THE SPEAKER: Is there objection to the request of the gentleman from Tennessee?

MR. MARCANTONIO: Mr. Speaker, I object.

MR. PRIEST: Mr. Speaker, I move that further call of the committees on Calendar Wednesday for today be dispensed with.

MR. MARCANTONIO: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, this is Calendar Wednesday and I submit the motion offered by the gentleman from Tennessee [Mr. Priest] is not in order, that it can only be dispensed with by unanimous consent.

THE SPEAKER: It would require a two-thirds vote, but the rules provide for dispensing with further call of the committees by motion.

The question is on the motion offered by the gentleman from Tennessee.

The motion was agreed to.

§ 4.32 The Speaker is constrained to recognize on Wednesdays any Member proposing a motion to dispense with further proceedings on that day and a two-thirds vote is required to adopt the motion.

On June 5, 1946,⁽⁶⁾ the following discussion and ruling by Speaker Sam Rayburn, of Texas, took place in relation to the motion to dispense with Calendar Wednesday business, made on Calendar Wednesday:

MR. [WILLIAM M.] WHITTINGTON [of Mississippi]: That was my inquiry, Mr. Speaker.

Mr. Speaker, I therefore move that the House dispense with further proceedings under Calendar Wednesday.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, a point of order. That can only be done by unanimous consent.

5. 95 CONG. REC. 11658, 81st Cong. 1st Sess.

6. 92 CONG. REC. 6357, 79th Cong. 2d Sess.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state the point of order.

MR. MARCANTONIO: Mr. Speaker, that motion is not in order. To dispense with Calendar Wednesday requires the unanimous consent of the House.

MR. WHITTINGTON: Mr. Speaker, with your indulgence, may I say that I agree that to dispense with Calendar Wednesday entirely can only be done by unanimous consent, but when there has been a call, and the Committee on Banking and Currency has been called, I respectfully submit that dispensing with the remainder of the proceedings under Calendar Wednesday is in order and that the point of order does not lie.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, will the gentleman yield?

MR. MARCANTONIO: I yield to the gentleman from Michigan.

MR. MICHENER: Without reference to the current controversy, may I call the Speaker's attention to the fact that Calendar Wednesday is presumed to be the people's day; that is, all committees are called in order, and whether a bill comes up for consideration rests entirely within the control of the committee having the call, the majority leadership and the Rules Committee to the contrary notwithstanding.

Calendar Wednesday is usually dispensed with only by unanimous consent. There would be very little use for such a day if this were not the case. General legislation on other days is programed by the leadership; not so on Calendar Wednesday. It would, therefore, seem fundamental if the purposes

of the rule are to be carried out, that the committees should be called in order. Were it otherwise, the majority which controls other programs could control proceedings on Calendar Wednesday.

It would seem fair to proceed with the call of committees, and that no motion to dispense with further proceedings under the Calendar Wednesday rule should be in order.

MR. MARCANTONIO: Mr. Speaker, may I say further that the motion is not in order because the call of the calendar is mandatory. That motion cannot have preference over the call of the Calendar. The only motion that can be considered, as I understand, would be a motion to adjourn, upon which the House has just voted.

MR. WHITTINGTON: Mr. Speaker, with your indulgence, I have no disposition to delay proceedings, but permit me to say it has been the general and practically universal practice with respect to dispensing with further proceedings under Calendar Wednesday, that motion has frequently been made when one committee of this House has been called. I submit that to the recollection and to the judgment not only of the Speaker but to the Members of the House.

I respectfully maintain, Mr. Speaker, that the point of order does not lie.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, will the gentleman yield?

MR. WHITTINGTON: If I have the floor.

MR. RANKIN: If you will go back and search the Record of Calendar Wednesday proceedings, you will find that time and time again when one com-

mittee has been called, then a motion has been made to dispense with further proceedings under Calendar Wednesday, and that motion carried.

MR. WHITTINGTON: If further proceedings are dispensed with, then the House can proceed to transact other business for the remainder of the day, including the unfinished river and harbor bill that is pending.

THE SPEAKER: The Chair will state that the following was held by Speaker Gillett, who has been quoted today, as follows:

The Speaker is constrained to recognize on Wednesdays any Member proposing a motion to dispense with further proceedings in order on that day.

The motion is in order, but it takes a two-thirds vote to pass it.

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, does that motion require a two-thirds vote?

THE SPEAKER: It does.

MR. WHITTINGTON; I did not understand the Speaker's answer.

THE SPEAKER: The answer was that to suspend the call of the calendar on Wednesday requires a two-thirds vote.

MR. WHITTINGTON: Is a mere motion now to dispense with further proceedings the same as a motion to suspend the rules altogether? My motion is to simply-suspend further proceedings under the call of Calendar Wednesday. I maintain there is a distinction between dispensing with the call altogether and dispensing with further proceedings under the call.

THE SPEAKER: The Chair will read the rule so that there will be no misunderstanding:

On Wednesday of each week no business shall be in order except as

provided by paragraph 4 of this rule unless the House, by a two-thirds vote on motion to suspend therewith, shall otherwise determine.

The question is on the motion to dispense with further proceedings under Calendar Wednesday.

MR. MARCANTONIO: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Does that motion not have to be made at the very, beginning of the day?

THE SPEAKER: The Chair holds otherwise.

§ 4.33 A privileged motion to dispense with Calendar Wednesday business preceded District of Columbia business under Rule XXIV clause 8.

On June 11, 1973,⁽⁷⁾ which was District of Columbia Monday, Mr. John J. McFall, of California, was first recognized by Speaker Carl Albert, of Oklahoma, to offer the privileged motion (under Rule XXIV clause 7) to dispense with Calendar Wednesday business, before Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia was recognized to call up District business.

Parliamentarian's Note: Objection had been made on the pre-

7. 119 CONG. REC. 19028-30, 93d Cong. 1st Sess.

vious week, on June 8, to a unanimous consent request to dispense with Calendar Wednesday business on June 13.

Debate on Motion to Dispense With Calendar Wednesday

§ 4.34 Ten minutes of debate (five minutes in favor and five minutes in opposition) are permitted on a motion to dispense with Calendar Wednesday business.

On June 11, 1973,⁽⁸⁾ Mr. John J. McFall, of California, moved to dispense with Calendar Wednesday business; he was recognized for five minutes and a Member in opposition was recognized for five minutes:

MR. MCFALL: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFall moves that business under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with on Wednesday, June 13, 1973. . . .

THE SPEAKER:⁽⁹⁾ The gentleman from California (Mr. McFall) is recognized for 5 minutes. . . .

THE SPEAKER: The Chair recognizes the gentleman from Iowa (Mr. Gross) for five minutes. . . .

The motion was rejected.

§ 4.35 In recognizing a Member for the five minutes in oppo-

8.119 CONG. REC. 19028-30, 93d Cong. 1st Sess.

9. Carl Albert (Okla.).

sition to a motion to dispense with business under the Calendar Wednesday rule the Speaker extends preference to a member of the committee having the call.

On Feb. 22, 1950,⁽¹⁰⁾ Speaker Sam Rayburn, of Texas, extended recognition as follows, in opposition to a motion to dispense with Calendar Wednesday business.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Florida moves to dispense for the day with the operation of clause 7, rule XXIV, providing for the call of committees on Calendar Wednesday.

MR. [DWIGHT L.] ROGERS of Florida: Mr. Speaker, do the rules provide for recognition on the motion?

THE SPEAKER: Yes; 5 minutes for and 5 minutes against. The Chair recognizes the gentleman from Florida for 5 minutes.

§ 4.36 A motion to dispense with business under the Calendar Wednesday rule must be in writing if the point of order is made; on such motion there is five minutes' debate for and five minutes against the motion, and such motion may not be laid upon the table.

10. 96 CONG. REC. 2157-59, 81st Cong. 2d Sess.

On Feb. 22, 1950,⁽¹¹⁾ Speaker Sam Rayburn, of Texas, answered inquiries relative to debate on the motion to dispense with Calendar Wednesday business:

MR. [DWIGHT L.] ROGERS of Florida: Mr. Speaker, I move to dispense for the day with the operation of clause 7, rule XXIV, providing for the call of committees on Calendar Wednesday.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Must not the motion be in writing?

MR. ROGERS of Florida: The motion is in writing.

THE SPEAKER: The Clerk will report the motion.

The Clerk read as follows:

Mr. Rogers of Florida moves to dispense for the day with the operation of clause 7, rule XXIV, providing for the call of committees on Calendar Wednesday.

MR. ROGERS of Florida: Mr. Speaker, do the rules provide for recognition on the motion?

THE SPEAKER: Yes; 5 minutes for and 5 minutes against. The Chair recognizes the gentleman from Florida for 5 minutes.

MR. MARCANTONIO: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Is not that motion subject to a motion to table?

THE SPEAKER: The Chair would not think so.

Parliamentarian's Note: Motions relating to the order of business are not subject to the motion to lay on the table. In the case of the motion to dispense with Calendar Wednesday business, which requires a two-thirds vote for adoption, it is clear that such motion should not be subject to disposition by a motion to table, which requires only a majority vote.

Vote on Motion to Dispense With Calendar Wednesday

§ 4.37 A two-thirds vote is required to adopt a motion to dispense with business under the Calendar Wednesday rule.

On Jan. 25, 1950,⁽¹²⁾ Speaker Sam Rayburn, of Texas, indicated the vote required to adopt a motion to dispense with Calendar Wednesday business:

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, I move to dispense with further proceedings under the Calendar Wednesday rule.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

11. 96 CONG. REC. 2157-59, 81st Cong. 2d Sess.

12. 96 CONG. REC. 920, 921, 81st Cong. 2d Sess.

THE SPEAKER: The gentleman will state it.

MR. MCCONMACK: This motion in order to succeed must receive a two-thirds vote, if I remember the rules correctly.

THE SPEAKER: The gentleman is correct.

On Feb. 22, 1950,⁽¹³⁾ Speaker Rayburn answered a similar inquiry and the voting on the motion proceeded as follows:

THE SPEAKER: The question is on the motion offered by the gentleman from Florida.

MR. [TOM] PICKETT [of Texas]: On that motion, Mr. Speaker. I demand the yeas and nays.

The yeas and nays were ordered.

MR. [DONALD W.] NICHOLSON [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. NICHOLSON: Does it take a two-thirds vote on this motion?

THE SPEAKER: It does.

The question was taken; and there were yeas 121, nays 286, not voting 25, as follows: . . .

So (two-thirds not having voted in favor thereof), the motion was rejected.

On June 20, 1951,⁽¹⁴⁾ the House refused by division vote to dispense with Calendar Wednesday business:

THE SPEAKER:⁽¹⁵⁾ The question is on the motion of the gentleman from Mas-

13. *Id.* at p. 2159.

14. 97 CONG. REC. 6816, 82d Cong. 1st Sess.

15. Sam Rayburn (Tex.).

sachusetts [Mr. McCormack] that Calendar Wednesday business be dispensed with.

The question was taken; and on a division (demand by Mr. Rankin) there were—ayes 138, nays 72.

So (two-thirds not having voted in favor thereof) the motion was rejected.

THE SPEAKER: This is Calendar Wednesday. The Clerk will call the committees.

The Clerk proceeded to call the committees.

§ 4.38 The House by a two thirds vote dispensed with business on Calendar Wednesday.

On July 16, 1946,⁽¹⁶⁾ the House agreed to dispense with Calendar Wednesday business in order to expedite certain legislation:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, in view of the experience we have had over the past several weeks on Calendar Wednesdays and the delay in legislation resulting from the action we have taken on those days and in view of the importance of the legislation that is now pending, I believe it would be wise on the part of the Membership if we dispense with the business in order on Calendar Wednesday tomorrow and take up the atomic bomb bill for general debate. Therefore, Mr. Speaker, I move that the business in order on Calendar Wednesday be dispensed with.

THE SPEAKER:⁽¹⁷⁾ The question is on the motion offered by the gentleman from Kentucky [Mr. May].

16. 92 CONG. REC. 9153, 79th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

A motion to reconsider was laid on the table.

§ 4.39 The House rejected the motion to dispense with Calendar Wednesday business in order to consider conference reports.

On July 10, 1946,⁽¹⁸⁾ a motion to dispense with Calendar Wednesday business (made on Calendar Wednesday) was rejected:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I make a preferential motion. Mr. Speaker, we have several conference reports—

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order; that is not a motion.

THE SPEAKER:⁽¹⁹⁾ The gentleman from Mississippi will state his motion.

MR. RANKIN: Mr. Speaker, I move that proceedings under Calendar Wednesday be dispensed with.

We have conference reports that should be considered.

THE SPEAKER: The question is on the motion. . . .

So two-thirds not having voted in favor thereof, the motion was rejected.

Unanimous Consent to Dispense With Calendar Wednesday

§ 4.40 Calendar Wednesday business is customarily dis-

18. 92 CONG. REC. 8588, 8589, 79th Cong. 2d Sess.

19. Sam Rayburn (Tex.).

dispensed with by unanimous-consent request made at the conclusion of business on the preceding week.

The Majority Leader or Majority Whip announces, at the conclusion of the scheduled business for the week, the legislative program for the following week. Also at that time he makes a unanimous-consent request relative to Calendar Wednesday business on the following week:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday of next week be dispensed with.

THE SPEAKER PRO TEMPORE:⁽²⁰⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.⁽¹⁾

§ 4.41 The Majority Leader was recognized, prior to the approval of the Journal, to ask unanimous consent to dispense with Calendar Wednesday business on that day.

On Sept. 19, 1962,⁽²⁾ Majority Leader Carl Albert, of Oklahoma,

20. Neal Smith (Iowa).

1. 110 CONG. REC. 11691, 88th Cong. 2d Sess., May 21, 1964 (request made by the Speaker in the absence of the Majority Leader and Whip).

2. 108 Cong Rec. 19940, 87th Cong. 2d Sess.

was recognized before the approval of the Journal by Speaker John W. McCormack, of Massachusetts. Mr. Albert asked unanimous consent "that the business in order under the Calendar Wednesday rule may be dispensed with, today."

The request was objected to.

§ 4.42 Calendar Wednesday business may be dispensed with by unanimous consent but not by motion before the approval of the Journal.

On Sept. 19, 1962,⁽³⁾ Carl Albert, of Oklahoma, the Majority Leader, asked unanimous consent, before the reading and approval of the Journal, that Calendar Wednesday business on that day be dispensed with. Mr. Carl D. Perkins, of Kentucky, objected to the request. Mr. Albert then moved that Calendar Wednesday business be dispensed with, and Speaker John W. McCormack, of Massachusetts, ruled that the motion was not in order before the reading and approval of the Journal.

§ 5. District of Columbia Business

3. 108 CONG. REC. 19940, 87th Cong. 2d Sess.

Rule XXIV clause 8⁽⁴⁾ sets apart two days per month for the consideration of business called up by the Committee on the District of Columbia:

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 the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

The consideration of District business on the specified days is of qualified privilege, and is of equal privilege with a special order created for that day.⁽⁵⁾ District business yields to privileged reports from the Committee on Rules,⁽⁶⁾ motions to dispense with Calendar Wednesday business,⁽⁷⁾ questions of the privileges of the House,⁽⁸⁾ conference reports,⁽⁹⁾ and motions to resolve into the Committee of the Whole for the consideration of revenue or appropriation bills.⁽¹⁰⁾ Moreover, as indi-

4. House Rules and Manual §899 (1979).

5. See §5.1, *infra*. See also 7 Cannon's Precedents §§877, 878.

6. See §5.4, *infra*.

7. See §5.6, *infra*.

8. See §5.3, *infra*.

9. See 8 Cannon's Precedents §3292.

10. See 6 Cannon's Precedents §§716718; 7 Cannon's Precedents