On Aug. 3, 1965,[11] Mr. Emanuel Celler, of New York, before the call of the Private Calendar on a Private Calendar day, was recognized to call up the conference report on the bill (S. 1564) to enforce the 15th amendment to the U.S. Constitution and asked unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

There was no objection.

Private Calendar Bills as Unfinished Business

§ 11.13 When the House adjourns before completing action upon an omnibus private bill such bill goes over as unfinished business until that class of business is again in order under the rule.

On Mar. 17, 1936,[12] during consideration of an omnibus bill, Mr. John M. Costello, of California, moved that the House adjourn. Mr. Fred Biermann, of Iowa, inquired as to the status of the bill upon adjournment. The Speaker pro tempore[13] indicated that the bill would be the unfinished business of the House at the next call of the Private Calendar when that class of business was again in order.

§ 12. Objections; Disposition

When a bill is called on the Private Calendar two methods are available to prevent its consideration. The bill can be passed over or recommitted by unanimous consent,[14] or if two objections are heard the measure is automatically recommitted to the committee which reported it.[15] To this latter purpose the leadership of each party appoints official objectors in each Congress to screen measures on the calendar.[16]

The House has used the unanimous-consent request procedure to restore measures to the calendar or to rescind actions previously taken.[17]

Objections Based on Seven-day Requirement

§ 12.1 In taking up the Private Calendar, the official objec-

11. 111 CONG. REC. 19187, 89th Cong. 1st Sess.
12. 80 CONG. REC. 3901, 74th Cong. 2d Sess.
13. Edward T. Taylor (Colo.).
14. See §§ 12.4–12.7, infra.
15. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).
16. See §§ 12.2, 12.3, infra.
17. See §§ 12.14–12.17, infra.

tors may limit consideration to measures that have been on the calendar for at least seven days before being called.

On Mar. 2, 1965,[18] Mr. Edward P. Boland, of Massachusetts, announced the policy of the official objectors, both minority and majority, regarding the Private Calendar. Mr. Boland said:

> . . . [T]he members of the majority and minority Private Calendar objectors committees have today agreed that during the 89th Congress they will consider only those bills which have been on the Private Calendar for a period of 7 calendar days, excluding the day the bills are reported and the day the Private Calendar is called. . . .
>
> This policy will be strictly observed except during the closing days of each session when House rules are suspended.[19]

Appointment of Official Objectors

§ 12.2 Appointments of official objectors for the Private Calendar were announced by the Majority and Minority Leaders.

On Feb. 19, 1945,[20] Majority Leader John W. McCormack, of Massachusetts, announced the appointment for the Private Calendar of the objectors' committee on the Democratic side, consisting of three members.

Minority Leader Joseph W. Martin, Jr., of Massachusetts, announced the establishment of two objectors' on the Republican side for the Private Calendar.

Replacement of Objector

§ 12.3 An objector on the Private Calendar having been appointed to a subcommittee of the Committee on the Judiciary, a replacement was designated by the Minority Leader.

On Feb. 10, 1965,[1] Minority Leader Gerald R. Ford, of Michigan, made the following announcement:

> Mr. Speaker, the gentleman from Michigan [Mr. Hutchinson] is a member of the subcommittee of the Judiciary Committee which handles private claims, and that seems to be incompatible with his service on the Private Calendar objectors' committee.
>
> At his request he is being relieved of his assignment on the Private Cal-

18. 111 CONG. REC. 3914, 3915, 89th Cong. 1st Sess.

19. See also 115 CONG. REC. 6656, 91st Cong. 1st Sess., Mar. 18, 1969; and 103 CONG. REC. 2249, 2250, 85th Cong. 1st Sess., Feb. 19, 1957.

20. 91 CONG. REC. 1255, 79th Cong. 1st Sess.

1. 111 CONG. REC. 2468, 89th Cong. 1st Sess.

endar objectors' committee, and I have designated the gentleman from California [Mr. Talcott] to take his place.

Passing Over Omnibus Bills

§ 12.4 An omnibus private bill is normally passed over by the Clerk when the Private Calendar is called on the first Tuesday of the month, but the House sometimes prescribes, by special order, that such omnibus bills shall be passed over.

On June 27, 1968,[2] Mr. Carl Albert, of Oklahoma, asked unanimous consent that the [omnibus private] bill H.R. 16187 be passed over and not considered on the calling of the Private Calendar on July 2, 1968.

There was no objection.

§ 12.5 The House agreed by unanimous consent that, on the call of the Private Calendar on the following day, an omnibus bill thereon be passed over.

On May 20, 1968,[3] Mr. Robert T. Ashmore, of South Carolina, asked unanimous consent that the omnibus bill (H.R. 16187) be passed over for consideration on the following day, the third Tuesday of the month.

There was no objection.[4]

Passing Over Without Prejudice

§ 12.6 The House often grants unanimous-consent requests that bills on the Private Calendar be passed over without prejudice.

On Mar. 18, 1947,[5] during the call of the Private Calendar the House granted unanimous consent that numerous bills be passed over without prejudice.

Recommittal by Unanimous Consent

§ 12.7 By unanimous consent, a bill was stricken from the Private Calendar and recommitted to the Committee on the Judiciary.

On Nov. 19, 1963,[6] Mr. Frank L. Chelf, of Kentucky, asked unanimous consent that the bill, H.R. 1277, be removed from the

2. 114 CONG. REC. 19106, 90th Cong. 2d Sess.
3. 114 CONG. REC. 13881, 90th Cong. 2d Sess.
4. For an identical procedure, see also 114 CONG. REC. 20998, 90th Cong. 2d Sess., July 12, 1968; and 114 CONG. REC. 17064, 90th Cong. 2d Sess., June 13, 1968.
5. 93 CONG. REC. 2206–08, 80th Cong. 1st Sess.
6. 109 CONG. REC. 22256, 88th Cong. 1st Sess.

Private Calendar and recommitted to the Committee on the Judiciary.

There was no objection.[7]

Reservation of Objection

§ 12.8 The rule providing for the call of the Private Calendar prohibits the Speaker from entertaining a reservation of objection, either to the consideration of a bill thereon or to a unanimous-consent request that the bill be passed over without prejudice.

On Nov. 4, 1969,[8] the Clerk called House Resolution 533, to refer a bill (H.R. 3722) for the relief of John S. Attinello to the Court of Claims.

Mr. Clarence J. Brown, of Ohio, asked unanimous consent that this resolution be passed over without prejudice. Mr. William L. Hungate, of Missouri, reserved the right to object, but the Chair ruled that he could not do so. The following exchange ensued:

> MR. HUNGATE: Mr. Speaker, may I be heard on a point of order?
>
> Mr. Speaker, I would raise the point of order that a reservation of objection to the unanimous-consent request would lie. This is not a reservation of objection to the bill. This is a reservation of objection to the unanimous-consent request to pass the bill over.
>
> THE SPEAKER:[9] The Chair calls the attention of the gentleman from Missouri to the rules of the House, clause 6, rule XXIV, which can be found on the inside page of the Private Calendar for today, in connection with the call of the Private Calendar that:
>
> > No reservation of objection shall be entertained by the Speaker.
>
> MR. HUNGATE: Mr. Speaker, may I be heard on that paragraph?
>
> THE SPEAKER: The gentleman from Ohio has asked that the resolution be passed over without prejudice and in accordance with the specific rule applying to the Private Calendar, no reservation of objection shall be entertained by the Speaker.[10]

§ 12.9 Reservations of objections are not in order during the call of the Private Calendar.

On Apr. 21, 1964,[11] the Clerk called on the Private Calendar the

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7. See also 109 CONG. REC. 24796, 88th Cong. 1st Sess., Dec. 17, 1963.

8. 115 CONG. REC. 32889, 91st Cong. 1st Sess.

9. John W. McCormack (Mass.).

10. The rule cited by Speaker McCormack was as follows: ". . . Should objection be made by two or more Members to the consideration of any bill or resolution other than an omnibus bill, it shall be recommitted to the committee which reported the bill or resolution and no reservation of objection shall be entertained by the Speaker. . . ." Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

11. 110 CONG. REC. 8524, 88th Cong. 2d Sess.

bill (H.R. 2706) for the relief of Dr. and Mrs. Abel Gorfain. Mr. H. R. Gross, of Iowa, asked unanimous consent that this bill be passed over without prejudice. Mr. Carl Albert, of Oklahoma, reserved the right to object in order to propound a unanimous-consent request with reference to the calling of the Private Calendar.

The Speaker[12] responded, "The Chair will state that the gentleman cannot reserve the right to object on the Private Calendar."

Recognition for Statement

§ 12.10 In the consideration of the Private Calendar, the Chair does not recognize Members for requests to make statements.

On May 5, 1936,[13] the Clerk called on the Private Calendar the bill (H.R. 9002) for the relief of Captain James W. Darr. Two Members objected to the consideration of the bill and it was recommitted to the Committee on Military Affairs. Mr. Theodore Christianson, of Minnesota, then interjected:

> MR. CHRISTIANSON: Mr. Speaker, will not the gentlemen withhold their objection for a moment? Mr. Speaker, I ask unanimous consent to make a statement regarding this bill.
>
> THE SPEAKER:[14] The Chair cannot recognize the gentleman for that purpose under the express provisions of the rule. Otherwise the Chair would be glad to hear the gentleman.

Restoring Passed-over Bill to Calendar

§ 12.11 The Speaker has declined to recognize a Member to request unanimous consent to make an omnibus private bill eligible for consideration when the House had previously agreed by unanimous consent that it should be passed over.

On July 15, 1968,[15] Mr. William L. Hungate, of Missouri, asked unanimous consent that the omnibus private bill H.R. 16187, be placed on the Private Calendar for July 16. The bill had been passed over three times by unanimous consent. The Speaker[16] ruled that such a request could not be entertained at that time.

Restoration of Stricken Bill

§ 12.12 The Speaker has declined to recognize Members for unanimous-consent re-

12. John W. McCormack (Mass.).
13. 80 CONG. REC. 6691, 74th Cong. 2d Sess.
14. Joseph W. Byrns (Tenn.).
15. 114 CONG. REC. 21326, 90th Cong. 2d Sess.
16. John W. McCormack (Mass.).

quests that bills stricken from the Private Calendar be restored thereto until they have consulted with the official objectors.

On Apr. 19, 1948,[17] Mr. Thomas J. Lane, of Massachusetts, asked unanimous consent that the bill H.R. 403, be restored to the Private Calendar:

> THE SPEAKER:[18] Has the gentleman consulted the objectors?
>
> MR. LANE: No; I have not.
>
> THE SPEAKER: The Chair cannot entertain the gentleman's request until he has done so.

§ 12.13 A private bill objected to and stricken from the Private Calendar has been restored to such calendar by unanimous consent.

On Jan. 18, 1944,[19] Mr. Noah M. Mason, of Illinois, asked unanimous consent that the bill (H.R. 2456) for the relief of Moses Tennenbaum be reinstated on the Private Calendar.

There was no objection.

Restoring Recommitted Bill

§ 12.14 A private bill objected to and recommitted has been restored to the Private Calendar by unanimous consent.

On June 15, 1944,[1] Mr. John Jennings, Jr., of Tennessee, asked unanimous consent that a recommitted bill (H.R. 2354) for the relief of Mrs. Phoebe Sherman be restored to the Private Calendar.

There was no objection.

§ 12.15 A bill which has been objected to by two Members, stricken from the Private Calendar and recommitted to the Committee on the Judiciary, was by unanimous consent restored to the Private Calendar.

On July 18, 1962,[2] Mr. John B. Anderson, of Illinois, asked unanimous consent that, notwithstanding the action taken by the House on a bill on the previous day [the bill had been objected to and recommitted to the Committee on the Judiciary], the bill (S. 2147) be restored to the Private Calendar.

There was no objection.[3]

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17. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

18. Joseph W. Martin, Jr. (Mass.).

19. 90 CONG. REC. 331, 78th Cong. 2d Sess.

1. 90 CONG. REC. 5972, 78th Cong. 2d Sess.

2. 108 CONG. REC. 13997, 87th Cong. 2d Sess.

3. For a similar action see 108 CONG. REC. 87th Cong. 2d Sess., Aug. 7, 1962.

Rescinding Reference to Court of Claims

§ 12.16 By resolution, the House has rescinded a previously adopted resolution whereby a private bill had been referred to the Court of Claims for a report, and the Court of Claims was directed to return the bill.

On Apr. 30, 1957,[4] Mr. Thomas J. Lane, of Massachusetts, offered a resolution (H. Res. 241) and asked unanimous consent for its immediate consideration:

> *Resolved,* That the adoption by the House of Representatives of House Resolution 174, 85th Congress, is hereby rescinded. The United States Court of Claims is hereby directed to return to the House of Representatives the bill (H.R. 2648) entitled "A bill for the relief of the MacArthur Mining Co., Inc., in receivership," together with all accompanying papers, referred to said court by said House Resolution 174.

The resolution was agreed to.

Rescinding Passage of Private Bill

§ 12.17 Both Houses adopted a concurrent resolution rescinding the action of each in connection with the passage of a private bill and providing that the said bill be postponed indefinitely.

On Feb. 7, 1952,[5] Mr. Francis E. Walter, of Pennsylvania, asked unanimous consent for the immediate consideration of Senate Concurrent Resolution 50, rescinding the action on and indefinitely postponing Senate bill 1236 for the relief of Kim Song Nore:

> *Resolved by the Senate (the House of Representatives concurring),* That the action of the two Houses in connection with the passage of the bill (S. 1236) for the relief of Kim Song Nore be rescinded, and that the said bill be postponed indefinitely.

There was no objection to the unanimous-consent request, and the Senate concurrent resolution was agreed to.[6]

Transferring Private Bill to Union Calendar

§ 12.18 The Chair refused to submit to the House a unanimous-consent request that a private bill be transferred to the Union Calendar.

On July 31, 1939,[7] Mr. Walter G. Andrews, of New York, asked

4. 103 CONG. REC. 6159, 85th Cong. 1st Sess.

5. 98 CONG. REC. 934, 82d Cong. 2d Sess.

6. This action was necessary because the individual named in the bill died.
.

7. 84 CONG. REC. 10563, 76th Cong. 1st Sess.

unanimous consent that the bill (H.R. 4723) reported from the Committee on Military Affairs to correct the military record of Oberlin M. Carter be transferred from the Private to the Union Calendar. The Speaker[8] stated that such transfer would be contrary to the precedents and refused to recognize Mr. Andrews for that purpose.

§ 13. Consideration, Debate, and Amendment

Private bills are considered in the House as in the Committee of the Whole,[9] and amendments are considered under the five-minute rule.[10]

Provision for the consideration of omnibus bills (i.e., consolidation into one bill of numerous private bills of the same class) was added to the rules of the House in 1935.[11] The validity of this rule has been sustained, both as an internal House procedure and under principles of comity with the Senate. (See § 13.1, infra.)

8. William B. Bankhead (Ala.).
9. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).
10. See § 13.2, infra.
11. H. Res. 172, 79 CONG. REC. 4480–89, 4538, 74th Cong. 1st Sess., Mar. 26, 27, 1935.

Consideration and Validity of Omnibus Bills

§ 13.1 The House may by rule provide for the consolidation into an omnibus bill of private bills and direct the manner in which such omnibus bills shall be considered, including the consolidation therein of Senate bills passed by the Senate and referred to the House.

On July 16, 1935,[12] the Clerk called on the Private Calendar the bill (H.R. 8060) for the relief of sundry claimants [an omnibus bill].

Mr. Thomas L. Blanton, of Texas, raised the point of order that Rule XXIV clause 6, authorizing omnibus bills, was inoperative and did not in fact authorize such omnibus bills.[13]

Mr. Blanton argued that the omnibus bill provision in Rule

12. 79 CONG. REC. 11259, 74th Cong. 1st Sess.
13. Mr. Blanton gave advance notice of his point of order four days previously along with a summary of his arguments against the application of Rule XXIV clause 6, ". . . so that," he said, "the Speaker in the meantime may examine the authorities which may be presented by myself or by the Parliamentarian." 79 CONG. REC. 11113, 11114, 74th Cong. 1st Sess., July 12, 1935.