

§ 7. Measures Qualified for the Calendar

Measures on the Consent Calendar are first referred to the Union or House Calendars.⁽¹⁰⁾ A private bill does not qualify.⁽¹¹⁾ To qualify, a measure must involve a legislative proposition,⁽¹²⁾ and, generally, must meet the criteria established by the official objectors.⁽¹³⁾

Bills Relating to Citizens of Foreign Government

§ 7.1 Bills providing for payment of money to a foreign government for the purpose of indemnifying its citizens for injuries are public bills and are properly referred to the Consent Calendar.

On Feb. 1, 1937,⁽¹⁴⁾ Mr. Jesse P. Wolcott, of Michigan, directed a parliamentary inquiry as to why certain measures were on the Consent Calendar rather than the

may decline to recognize a request for unanimous consent to call other business when the Consent Calendar is in order.

10. See § 1, supra.
11. See § 7.3, infra.
12. 7 Cannon's Precedents §§ 980–982.
13. See § 7.4, infra.
14. 81 CONG. REC. 649, 75th Cong. 1st Sess.

Private Calendar since they provided for payments to a foreign country on behalf of citizens of that country. The Speaker ruled as follows:

THE SPEAKER:⁽¹⁵⁾ In answer to the question of the gentleman from Michigan, the Chair is of the opinion that the bills to which the gentleman refers are properly on the Consent Calendar under the rules of the House. The gentleman will note that these bills provide for the payment of moneys to a foreign government; and, under the rules, they are public bills and properly on the Consent Calendar.

§ 7.2 A bill which authorizes the payment of an indemnity to another government on account of losses sustained by a subject of that government, is not a private bill, and is, therefore, properly on the Consent Calendar.

On June 25, 1930,⁽¹⁶⁾ Mr. Fiorello H. LaGuardia, of New York, made the point of order that a bill (H.R. 9702) on the Consent Calendar authorizing payment to the British Government on behalf of H. W. Bennett belonged to the Private Calendar. The Chair responded:

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ The gentleman from New York makes the

15. William B. Bankhead (Ala.).
16. 72 CONG. REC. 11728, 71st Cong. 2d Sess.
17. Robert Luce (Mass.).

point of order that this bill is not in order on the Consent Calendar. This bill authorizes the payment of an indemnity to the British Government. The Chair overrules the point of order.

Bills Applicable to a Class

§ 7.3 A bill that specifies individuals or entities qualifies for the Private Calendar; but where a bill applies to a class and not to individuals as such, it then becomes a general bill and is entitled to a place on the Consent Calendar.

On Mar. 17, 1930,⁽¹⁸⁾ Mr. William H. Stafford, of Wisconsin, raised a point of order concerning the consideration of a bill "For the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department" on the grounds that the bill belonged on the Private Calendar and not the Consent Calendar. The Chair ruled:

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾
Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent

18. 72 CONG. REC. 1526, 71st Cong. 2d Sess.

19. Earl C. Michener (Mich.).

Calendar. In the judgment of the Chair this bill, while affecting a class of concerns, specifies individuals, and for the purposes of the rule the Chair holds that the bill is improperly on this calendar and transfers it as of the date of the original reference to the Private Calendar.

Official Objectors' Criteria

§ 7.4 Special criteria which measures must satisfy in order to qualify for placement on the Consent Calendar are provided by the Consent Calendar objectors.⁽²⁰⁾

On Mar. 17, 1969,⁽¹⁾ Mr. Wayne N. Aspinall, of Colorado, introduced into the Record a written statement signed by both majority objectors and minority objectors for the Consent Calendar setting

20. Generally, the leadership of both parties appoints objectors' committees at the beginning of the Congress to screen measures on the Consent Calendar. Such committees are generally composed of three Members from each party. See, for example, 113 CONG. REC. 3509, 90th Cong. 1st Sess., Feb. 16, 1967.

1. 115 CONG. REC. 6543, 6544, 91st Cong. 1st Sess. For announcement of similar statements in other Congresses see: (1) 111 CONG. REC. 3842, 3843, 89th Cong. 1st Sess., Mar. 1, 1965; (2) 107 CONG. REC. 5661, 87th Cong. 1st Sess., Apr. 12, 1961; and (3) 105 CONG. REC. 2858, 86th Cong. 1st Sess., Feb. 24, 1959.

forth certain criteria a measure should satisfy in order to qualify for the calendar. The statement declared that to qualify a bill must (1) involve an aggregate cost of less than \$1 million; (2) include no change in national or international policy; (3) be not of general application (or of interest to districts of more than a majority of the Members); or, if of wide application, the Members should be fully informed and the bill cleared by the leadership on both sides of the aisle; and (4) a Bureau of the Budget report must have been made on the bill.

§ 8. Objection to or Passing Over Measures on the Calendar

The leadership of each party will ordinarily appoint official objectors at the beginning of each Congress to screen measures on the Consent Calendar to determine whether or not they are properly placed thereon. They may interpose an objection whenever a measure fails to meet the announced criteria that it must satisfy in order to be called on a Consent Calendar day.⁽²⁾ Objection may also be raised to such a measure by one or more Members under the Consent Calendar rule.

2. See § 7.4, *supra*, as to Consent Calendar criteria.

It provides that the first time a measure is called on the Consent Calendar only one objection is required to prevent its consideration. The measure is then called on the next calendar day and will be considered for debate and passage unless three or more Members object. If three Members then object, the measure is stricken from the calendar.⁽³⁾

Objection to the consideration of a measure comes too late when debate has begun.⁽⁴⁾ However, a Member may reserve the right to object and proceed to debate the measure.⁽⁵⁾ And the unanimous-consent procedure has been used to pass over a measure without prejudice⁽⁶⁾ and to restore a measure to the calendar.⁽⁷⁾

Timeliness of Objections

§ 8.1 An objection to the consideration of a bill on the Consent Calendar comes too late after an amendment to the bill has been offered and debated.

3. See Rule XIII clause 4, *House Rules and Manual* § 746 (1981).

4. §§ 8.1 et seq., *infra*. Also see 7 Cannon's Precedents § 998.

5. §§ 8.4, *infra*.

6. §§ 8.6, *infra*.

7. §§ 5.9, *supra*.