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. 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.**

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

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.

On Aug. 7, 1961,[8] Mr. L. Mendel Rivers, of South Carolina, asked that the bill (H.R. 7913), to bring the number of cadets at the U.S. Military Academy and the U.S. Air Force Academy up to full strength, be passed over without prejudice. His request came while the bill was being considered and after an amendment thereto had been offered.

The Speaker pro tempore[9] ruled that the objection came too late, the question on the floor being the amendment to the bill, not whether it should be considered.

**§ 8.2 Objections to the consideration of a bill on the Consent Calendar come too late after the bill and amendments have been read and the pending question is on the passage of the bill.**

On Aug. 31, 1959,[10] Mr. Thomas B. Curtis, of Missouri, raised a parliamentary inquiry as to whether three objections could be heard to a bill (H.R. 2247) conveying certain real property of the United States. The Speaker pro tempore[11] ruled that such objections could not be heard since the time therefor had passed, amendments had been read and the pending question was on the passage of the bill itself.

**§ 8.3 An objection to passing over a bill without prejudice on the Consent Calendar comes too late after consideration of the next bill has begun.**

On Jan. 16, 1956,[12] Mr. Francis E. Walter, of Pennsylvania, objected to a unanimous-consent request to pass over a bill without prejudice, after such unanimous consent had been granted and consideration of the next bill had begun.

The Speaker[13] ruled that such objection came too late and was of no effect.

### *Reservation of Objection*

**§ 8.4 When the Chair inquires whether there is objection to consideration of a bill on the Consent Calendar, any Member may reserve the right to object and thus secure time for debate. However, any Member may demand the regular order and thus re-**

8. 107 CONG. REC. 14738, 14739, 87th Cong. 1st Sess.
9. Carl Albert (Okla.).
10. 105 CONG. REC. 17404, 17405, 86th Cong. 1st Sess.
11. Frank N. Ikard (Tex).
12. 102 CONG. REC. 593, 84th Cong. 2d Sess.
13. Sam Rayburn (Tex.).

**quire that the objection be exercised or withdrawn.**

On Apr. 4, 1932,[14] Mr. William H. Stafford, of Wisconsin, addressed a parliamentary inquiry as to the effect of a reservation of the right to object to a measure on the Consent Calendar.

> MR. STAFFORD: Mr. Speaker, I wish to inquire whether when a bill has been objected to and is again on the Consent Calendar and the bill is called is it permissible to reserve objection, or is it necessary to object forthwith? . . .
>
> THE SPEAKER:[15] Objection can be reserved and the bill discussed for three hours, or more if the House would permit it, and whenever any gentleman calls for the regular order then the Member must object or else withdraw his objection.
>
> MR. STAFFORD: Then if three Members reserve the right to object, that will meet the requirements of the objection stage until the regular order is demanded?
>
> THE SPEAKER: It is the Chair's understanding of the rule that any one Member can reserve the right to object and as long as the House permits him to discuss the matter he may continue. That is within the control of the membership of the House.

### *Objection by the Speaker*

**§ 8.5 The Speaker has objected to the consideration of a bill on the Consent Calendar.**

On July 16, 1946,[16] the Speaker[17] from the chair objected to the consideration of a bill on the Consent Calendar (H.R. 3129) to amend the Securities Exchange Act to limit the power of the Securities Exchange Commission to regulate transactions in exempted securities, such bill having been passed over the first time it was called on the Consent Calendar.

### *Passing Over Without Prejudice*

**§ 8.6 Official objectors may ask unanimous consent to pass over a measure without prejudice[18] when in their opin-**

14. 75 CONG. REC. 7412, 72d Cong. 1st Sess.
15. John N. Garner (Tex.).
16. 92 CONG. REC. 9095, 79th Cong. 2d Sess.
17. Sam Rayburn (Tex.).
18. Rule XIII clause 4, *House Rules and Manual* (1981), provides that the first time a measure is called on the Consent Calendar and objection is heard ". . . to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the 'Consent Calendar' is again called. . . ." The term 'without prejudice' in the rule means merely that a measure will remain on the calendar until the next call of the calendar. However, the term "without prejudice" as used by the official objectors means that the measure will be treated as though it had not been called the first time, so that only one objection would be required to prevent consid-

**ion time is needed to apprise all Members as to the status of the measure.**

On Mar. 15, 1955,[1] during the call of the Consent Calendar of the joint resolution (H.J. Res. 107) to release United States reversionary rights to school land in California, Mr. Paul Cunningham, of Iowa, made the following remarks:

> . . . (T)he Members of the Consent Calendar objectors committee are not here to obstruct the passage of the legislation nor to interfere with the proper consideration or passage of the bill of any Member. On the contrary, our purpose is, in addition to what the gentleman from North Carolina has already said, to expedite the passage of legislation, at the same time protecting Members from having bills passed by unanimous consent that should not be passed by unanimous consent. . . . Therefore, we have at times asked unanimous consent to pass over bills without prejudice when we were not opposed to the bill at all and would personally vote for it if it came up under a rule. However, the Members of the objectors committee feel that time should be given so that all of the Members of the House can be fully apprised of what is happening or what may happen.[2]

**§ 8.7 A bill called on the Consent Calendar has been passed over without prejudice at the Speaker's request.**

On Apr. 4, 1966,[3] at the call on the Consent Calendar of the resolution (H.J. Res. 837) to authorize the President to proclaim State and Municipal Bond Week, the Speaker[4] asked that the resolution be passed over without prejudice. There was no objection.

## § 9. Debate; Amendment of Measures

### *Consideration as in Committee of the Whole*

**§ 9.1 Parliamentarian's Note: Bills (and amendments thereto) on the Consent Calendar (if also pending on the Union Calendar) are considered in the House as in the Committee of the Whole under the five-minute rule (§§ 9.3, 9.4, infra). However, where a bill is on the House Calendar and is considered on the Consent Calendar, or where**

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eration the next time the measure is called on the Consent Calendar. See 7 Cannon's Precedents § 1000.

1. 101 CONG. REC. 2931, 84th Cong. 1st Sess.
2. For a similar statement of the purpose of passing over without prejudice see the remarks of Mr. Wayne N. Aspinall (Colo.) at 103 CONG. REC. 2249, 85th Cong. 1st Sess., Feb. 19, 1957.
3. 112 CONG. REC. 7482, 89th Cong. 2d Sess.
4. John W. McCormack (Mass.).