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RULE XV

BUSINESS IN ORDER ON SPECIAL DAYS

Suspensions

§ 885. Motions to suspend the rules.

1. (a) A rule may not be suspended except by a vote of two-thirds of the Members voting, a quorum being present. The Speaker may not entertain a motion that the House suspend the rules except on Mondays, Tuesdays, and Wednesdays and during the last six days of a session of Congress.

This provision (formerly clause 1 of rule XXVII) developed from a rule adopted in 1794, which provided that no rule should be rescinded without one day's notice. In 1822 a paragraph was added that no rule should be suspended except by a two-thirds vote. In 1828 it was amended to provide that the order of business, as established by the rules, should not be changed except by a two-thirds vote. Originally contemplating motions to suspend the rules on any day, the rule was amended in 1847 to restrict the motion to Mondays of each week, and, in 1880, to the first and third Mondays of each month. In 1874 the old limit of 10 days at the end of the session was reduced to six days. In the 93d Congress, the rule was amended to permit motions to suspend the rules on the first and third Mondays and on the Tuesdays immediately following those days and to eliminate the distinction between days on which committees and individuals had preference (H. Res. 6, Jan. 3, 1973, pp. 26, 27). In the 95th Congress, the rule was amended to permit such motions on every Monday and Tuesday (H. Res. 5, Jan. 4, 1977, 95th Cong., pp. 53–70). During the first session of the 108th Congress, the House authorized the Speaker to entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under this clause (sec. 3(d), H. Res. 5, Jan. 7, 2003, p. 11). That authority was extended by unanimous consent through the last Wednesday in June (Apr. 30, 2003, p. 10063) and by resolution through the entire 108th Congress (H. Res. 297, June 26, 2003, p. 16275). In the 109th Congress, the House amended the rule to permit motions to suspend the rules every Wednesday (sec. 2(e), H. Res. 5, Jan. 4, 2005, p. 43). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 1 of rule XXVII (H. Res. 5, Jan. 6, 1999, p. 47).

§ 886. Nature of the motion to suspend the rules.

Originally, when the House was operating under the older rules for the order of business, the motion was used to establish a special order of business for the consideration of a particular measure (IV, 3152, 3162; V, 6852). In 1890, the House adopted rules for the order of business that enabled the House on any day to consider public bills on its calendars. About the same time, the House perfected the process of establishing a special order of business by a majority vote through a report from the Committee on Rules (IV, 3169). As a result of these changes, the use of the motion to suspend gradually changed from one that established a special order of business to one that passes or adopts a measure (V, 6790, 6846, 6847). The latter motion suspends all rules inconsistent with its purposes, including a rule requiring that a recess be taken (V, 5752) or that a quorum be present when a bill is reported from committee (Sept. 22, 1992, p. 26932). The motion is not available in the Committee of the Whole (May 28, 2014, p. __).

Although the normal use of the motion is to pass or adopt a noncontroversial measure, the motion may also be used to change or suspend a rule or order that is susceptible to suspension or to suspend the parliamentary law of Jefferson's Manual (V, 6796, 6862). The rules forbid the Speaker to entertain a motion to suspend the rules relating to the privilege of the floor (clause 2(b) of rule IV; V, 7283; VIII, 3634), the use of the Hall of the House (clause 2(b) of rule IV; V, 7270), or the introduction of persons in the galleries (clause 7 of rule XVII; VI, 197).

The motion to suspend may include a series of actions, such as the discharge of a committee from consideration of a bill and the passage of it (V, 6850), the reconsideration of the vote passing a bill, amendment of it, and passage again (V, 6849), the permission for a committee to report several bills (V, 6857), an order to the Clerk to incorporate in the engrossment of a general appropriation bill a provision not otherwise in order (IV, 3845), an authorization to the House to entertain a specified motion to suspend the rules on a future day not a suspension day (IV, 3845), a motion to take a bill (V, 6288; VIII, 3425) or a motion to reconsider, from the table (V, 5640). A motion to suspend may provide for agreeing to a conference report that has been ruled out of order by the Speaker (Dec. 20, 1974, p. 41860) or may provide for passage of a bill that consists of the text of two bills previously passed by the House (Sept. 19, 2000, p. 18510). One motion to suspend the rules having been rejected, the Speaker may recognize for a similar motion (Dec. 21, 1973, pp. 43270–81).

A motion to suspend the rules may provide for the passage of a bill regardless of whether it has been reported by committee, referred to a calendar, or even previously introduced (VIII, 3421; July 16, 1996, p. 17228). It may include an amendment without the formality of committee approval (June 22, 1992, p. 15617). Copies of reports on bills considered under suspension are not required to be available in advance. No advance notice to Members of bills to be called up under suspension of the rules

is required (Mar. 20, 1978, p. 7535; Jan. 22, 2007, p. 1895) including to the sponsor (July 30, 2010, p. 14822). However, if a special rule requires that the object of a motion to suspend the rules be announced on the floor at least one hour before the Chair's entertaining the motion, unanimous consent is required to permit the Chair to entertain the motion before that time (Sept. 28, 1996, p. 25765, 25774).

§ 886a. Consideration of the motion to suspend the rules.

The motion that the House "suspend the rules and pass [or adopt]" a measure is not subject to the demand for a division of the question, either as to the two branches of the motion or as to distinct substantive propositions in the subject of the motion (V, 6141–6143). The motion may not be amended (V, 5322, 5405, 6858; Deschler, ch. 21, § 14.6; Apr. 11, 2000, p. 5206; July 30, 2011, p. 12544), and the power to withdraw and modify the motion rests with its proponent (May 10, 2006, p. 7807). The motion may not be postponed (V, 5322) or laid on the table (V, 5405). The motion to reconsider may be applied to an affirmative (Sept. 28, 1996, p. 25796) but not a negative vote on the motion (V, 5645, 5646; VIII, 2781; Sept. 28, 1996, p. 25797). The motion to refer may not be applied to the bill that it is proposed to pass under suspension of the rules (V, 6860).

Some older precedents indicate that the right of a Member to have read the paper on which the Member is called to vote is not changed by the fact that the procedure is by suspension of the rules (V, 5277; VIII, 3400), and in earlier instances the separate motion to suspend the rules and dispense with reading of pending measures was held in order (V, 5278–84). However, under the modern practice, only the motion to suspend the rules is itself read. The Clerk reports the title of the bill and a motion that the measure be read in full is not in order (July 30, 2010, p. 14815). Amendments included in the motion are not reported separately. Where a motion to suspend the rules and agree to a resolution that provided for concurring in a Senate amendment with an amendment consisting of the text of a bill introduced in the House, the Speaker ruled that the reading of the resolution itself was sufficient and that it could be re-read to the House only by unanimous consent (Dec. 21, 1973, pp. 43251–63).

For a discussion of debate on the motion and the Chair's recognition of a Member to control time in opposition to the motion, see § 891, *infra*.

§ 887. Precedence of the motion to suspend the rules.

In the early practice, when the motion to suspend the rules was used to enable a matter to be taken up for consideration out of order, it was not admitted when a subject was already before the House (V, 5278, 6836, 6837, 6852, 6853). However, a motion to suspend the rules was in order to dispense with the reading of a pending measure (V, 5278). A bill taken up under this early practice might be amended by the House (V, 6842, 6856) or withdrawn by the mover, in which case another Member might not present it (V, 6854, 6855).

In the later practice, if the motion includes both suspension of the rules and action on the subject, it is admitted even though another matter is

pending (V, 6834), the yeas and nays are demanded on another privileged motion (V, 6835), or the previous question has been ordered or moved on another matter (V, 6827, 6831–6833; VIII, 3418; Sept. 17, 1990, p. 24695). Earlier rulings did not permit a motion to suspend the rules to permit a vote to be taken en gros on a series of pending Senate amendments (V, 6828, 6830). The motion to suspend the rules has been ruled out of order when the House is considering a bill under a special order (V, 6838) or when a question of privilege under rule IX is before the House (V, 6825, 6826; VI, 553, 565), and yields to such questions of privilege (III, 2553; VI, 565). The motion to suspend the rules has been held of equal privilege with the motion to instruct conferees under former clause 1(c) of rule XXVIII (current clause 7(c) of rule XXII), which is of the highest privilege (Mar. 1, 1988, pp. 2749, 2751, 2754). A motion to suspend the rules and approve the Journal was held in order, although the Journal had not been read and the highly privileged motion to fix the day to which the House should adjourn was pending (IV, 2758). Moreover, in the absence of a motion to suspend, the ordinary motions relating to business of the House may be made on suspension days as on other days (IV, 3080).

The motion to suspend the rules may be made on days other than suspension days by unanimous consent (V, 6795) or by adoption of a resolution reported by the Committee on Rules. On suspension days the motion to suspend the rules has been admitted at the discretion of the Speaker since 1881 (V, 6791–6794, 6845; VIII, 3402–3404; Nov. 2, 2009, p. 26393), and no appeal may be taken from the Speaker's denial of recognition (II, 1425).

§ 888. Individual and committee motions to suspend the rules.

Authorization by a committee is not required for the Speaker to recognize for a motion to suspend the rules (VIII, 3410), including a motion to suspend the rules and pass a measure "as amended" (June 22, 1992, p. 15617).

Before the 93d Congress, the rule gave to individuals preference on the first Monday of the month for making motions to suspend the rules, and preference on the third Mondays for committees to make the motion (V, 6790). If on a committee day an individual motion was made and seconded, it was then too late to make a point of order (V, 6809). In rare instances, under earlier House practice, the Speaker called the committees in regular order for motions to suspend the rules, but this method was not required (V, 6810, 6811). The earlier practice also required a motion to be formally and specifically authorized by a committee (V, 6805–6807), including specific authorization to include an amendment (V, 6812); but after the motion was seconded and debate had begun it was too late to raise a question as to the authorization (V, 6808). The committee could not present a bill that had not been referred to it (V, 6813) or was not within its jurisdiction (V, 6848).

§ 889. The second of the motion to suspend the rules.

Before the 102d Congress, certain motions to suspend the rules were required to be seconded, if demanded, by a majority by tellers, but this requirement was eliminated from the rule (H. Res. 5, Jan. 3, 1991, p. 39). The requirement for a second was adopted in 1874, was rescinded two years later, but was again adopted in 1880. The object of it was to prevent consumption of the time of the House by forcing consideration of undesirable propositions (V, 6797). The requirement (formerly clause 2 of rule XXVII) was amended in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16) so that a second was not required where printed copies of the proposed measure were available. The constitutional right of a Member to demand the yeas and nays, or the right of a Member under clause 1(b) of rule XX to demand a recorded vote, did not exist on the question of ordering a second under the former clause 2 of rule XXVII, which only permitted the ordering of a second by tellers if a quorum was present (V, 6032–6036; VIII, 3109; Dec. 16, 1981, p. 31851). The fact that a majority of the Members of the House did not pass between the tellers on the question of ordering a second did not conclusively show that a quorum was not present in the Chamber, and the Speaker could count the House to determine whether a quorum was actually present (Dec. 16, 1981, p. 31851). However, where a quorum failed on the vote for a second, under clause 6 of rule XX the yeas and nays were ordered (IV, 3053–3055; Dec. 21, 1973, pp. 43251–63).

§ 889a. Withdrawal of motion.

A motion to suspend the rules may be withdrawn at any time before the Chair puts the question and a voice vote is taken thereon (V, 6840, 6844; VIII, 3405, 3419; June 5, 2012, p. __). The motion may be withdrawn by unanimous consent, even after the Speaker has put the question on its adoption and postponed further proceedings (Deschler, ch 21 § 13.23; Dec. 5, 2012, p. __).

§ 890. Dilatory motions pending motions to suspend rules.

(b) Pending a motion that the House suspend the rules, the Speaker may entertain one motion that the House adjourn but may not entertain any other motion until the vote is taken on the suspension.

This provision (formerly clause 8 of rule XVI) was adopted in 1868 (V, 5743), and amended in 1911 (VIII, 2823). A technical change was effected in the 110th Congress (sec. 505(c), H. Res. 6, Jan. 4, 2007, p. 19 (adopted Jan. 5, 2007)). A motion for a recess (V, 5748–5751) and for a call of the House when there was no doubt of the presence of a quorum (V, 5747) were held to be dilatory motions within the meaning of the rule. But where a motion to suspend the rules has been made and, after one motion to

adjourn has been acted on, a quorum has failed, another motion to adjourn has been admitted (V, 5744–5746).

(c) A motion that the House suspend the rules is debatable for 40 minutes, one-half in favor of the motion and one-half in opposition thereto.

§ 891. The 40 minutes of debate on motion to suspend the rules.

This provision (formerly clause 2 of rule XXVII) was adopted in 1880 (V, 6821). It was amended and redesignated from clause 3 to clause 2 of rule XXVII in the 102d Congress to conform to the repeal of the former clause 2, relating to the requirement of a second (H. Res. 5, Jan. 3, 1991, p. 39). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 2 of rule XXVII. Former clause 2 consisted of paragraph (b) and another provision currently found in clause 1(a) of rule XIX permitting 40 minutes debate on an otherwise debatable question on which the previous question has been ordered without debate (H. Res. 5, Jan. 6, 1999, p. 47). Before the adoption of this provision in 1880 (V, 6821) the motion to suspend the rules was not debatable (V, 5405, 6820). The 40 minutes of debate is divided between the mover and a Member opposed to the bill, unless it develops that the mover is opposed to the bill, in which event some Member in favor is recognized for debate (VIII, 3416; Oct. 5, 2004, pp. 20850–52, 20862). When the mover and the opponent divide their time with others, the practice as to alternation of recognition is not insisted on so rigidly as in other debate (II, 1442). Debate should be confined to the object of the motion and may not range to the merits of a bill not scheduled for suspension on that day (Nov. 23, 1991, p. 34189).

Where recognition for the 20 minutes in opposition is contested, the Speaker will accord priority first on the basis of true opposition, then on the basis of committee membership, and only then on the basis of party affiliation, the latter preference inuring to the minority party (VIII, 3415; Nov. 18, 1991, p. 32510). The Chair will not examine the degree of opposition to the motion by a member of the committee who seeks the time in opposition (Aug. 3, 1999, p. 19275). Any challenge to the Member recognized to control the time in opposition to the motion must be made when the time is allocated by the Chair (May 15, 1984, p. 12215; Speaker Wright, June 2, 1987, p. 14223).

This paragraph formerly included a provision dealing with the Speaker's authority to postpone further proceedings on motions to suspend the rules. It was added in the 93d Congress (H. Res. 998, Apr. 9, 1974, pp. 10195–99), amended in the 95th Congress (H. Res. 5, Jan. 4, 1977, pp. 53–70), and amended further in the 96th Congress (H. Res. 5, Jan. 15, 1979, pp. 7–16). It was deleted entirely in the 97th Congress (H. Res. 5, Jan. 5, 1981, pp. 98–113) when all of the Speaker's postponing authorities were consolidated into clause 5 of rule I (current clause 8 of rule XX).

Discharge motions, second and fourth Mondays

§ 892. Motion to discharge a committee.

2. (a) Motions to discharge committees shall be in order on the second and fourth Mondays of a month.

(b)(1) A Member may present to the Clerk a motion in writing to discharge—

(A) a committee from consideration of a public bill or public resolution that has been referred to it for 30 legislative days; or

(B) the Committee on Rules from consideration of a resolution that has been referred to it for seven legislative days and that proposes a special order of business for the consideration of a public bill or public resolution that has been reported by a committee or has been referred to a committee for 30 legislative days.

(2) Only one motion may be presented for a bill or resolution. A Member may not file a motion to discharge the Committee on Rules from consideration of a resolution providing for the consideration of more than one public bill or public resolution or admitting or effecting a nongermane amendment to a public bill or public resolution.

(c) A motion presented under paragraph (b) shall be placed in the custody of the Clerk, who shall arrange a convenient place for the signatures of Members. A signature may be withdrawn by a Member in writing at any time before a motion is entered on the Journal. The Clerk shall make the signatories a matter of public record, causing the names of the Members

who have signed a discharge motion during a week to be published in a portion of the Congressional Record designated for that purpose on the last legislative day of the week and making cumulative lists of such names available each day for public inspection in an appropriate office of the House. The Clerk shall devise a means for making such lists available to offices of the House and to the public in electronic form. When a majority of the total membership of the House shall have signed the motion, it shall be entered on the Journal, published with the signatories thereto in the Record, and referred to the Calendar of Motions to Discharge Committees.

(d)(1) On the second and fourth Mondays of a month (except during the last six days of a session of Congress), immediately after the Pledge of Allegiance to the Flag, a motion to discharge that has been on the calendar for at least seven legislative days shall be privileged if called up by a Member whose signature appears thereon. When such a motion is called up, the House shall proceed to its consideration under this paragraph without intervening motion except one motion to adjourn. Privileged motions to discharge shall have precedence in the order of their entry on the Journal.

(2) When a motion to discharge is called up, the bill or resolution to which it relates shall be read by title only. The motion is debatable for 20 minutes, one-half in favor of the motion and one-half in opposition thereto.

(e)(1) If a motion prevails to discharge the Committee on Rules from consideration of a resolution, the House shall immediately consider the resolution, pending which the Speaker may entertain one motion that the House adjourn but may not entertain any other dilatory motion until the resolution has been disposed of. If the resolution is adopted, the House shall immediately proceed to its execution.

(2) If a motion prevails to discharge a committee from consideration of a public bill or public resolution, a motion that the House proceed to the immediate consideration of such bill or resolution shall be privileged if offered by a Member whose signature appeared on the motion to discharge. The motion to proceed is not debatable. If the motion to proceed is adopted, the bill or resolution shall be considered immediately under the general rules of the House. If unfinished before adjournment of the day on which it is called up, the bill or resolution shall remain the unfinished business until it is disposed of. If the motion to proceed is rejected, the bill or resolution shall be referred to the appropriate calendar, where it shall have the same status as if the committee from which it was discharged had duly reported it to the House.

(f)(1) When a motion to discharge originated under this clause has once been acted on by the House, it shall not be in order to entertain during the same session of Congress—

(A) a motion to discharge a committee from consideration of that bill or resolution or of

any other bill or resolution that, by relating in substance to or dealing with the same subject matter, is substantially the same; or

(B) a motion to discharge the Committee on Rules from consideration of a resolution providing a special order of business for the consideration of that bill or resolution or of any other bill or resolution that, by relating in substance to or dealing with the same subject matter, is substantially the same.

(2) A motion to discharge on the Calendar of Motions to Discharge Committees that is rendered out of order under subparagraph (1) shall be stricken from that calendar.

This clause (formerly clause 3 of rule XXVII) was adopted December 8, 1931, and amended January 3, 1935 (VII, 1007). It displaced a rule providing for a motion to instruct a committee to report a public bill or resolution. The first discharge rule was adopted in the 61st Congress (June 17, 1910, pp. 8439, 8445). It was amended during the 62d Congress (Apr. 4–5, 1911, pp. 18, 80). It was further amended in the 62d Congress (H. Res. 407, Feb. 3, 1912, p. 1685), the 68th Congress (H. Res. 146, Jan. 18, 1924, p. 1143), and the 69th Congress (H. Res. 6, Dec. 7, 1925, p. 383). This provision was redesignated from clause 4 to clause 3 in the 102d Congress to conform to the repeal of the former clause 2 of rule XXVII, relating to the requirement of a second; it was at the same time amended to enable debate on a resolution discharged from the Committee on Rules (H. Res. 5, Jan. 3, 1991, p. 39). Under the previous form of the rule, where the Committee on Rules was discharged from further consideration of a resolution the House immediately voted on adoption of the resolution (Speaker Rayburn, Jan. 24, 1944, p. 631), but under the current form of the rule, the proponent of the motion to discharge is recognized to debate the resolution under the hour rule (Oct. 26, 2015, p. __).

In the 103d Congress, after a successful petition under this clause placed on the calendar a motion to discharge the Committee on Rules from further consideration of a resolution to require publication of the names of Members who had signed pending discharge petitions, the clause was so amended (H. Res. 134, Sept. 28, 1993, p. 22698). In the 104th Congress the clause was amended to ensure the periodic publication of such names (sec. 219, H. Res. 6, Jan. 4, 1995, p. 468). Before the 103d Congress signatures on a motion to discharge a committee were not made public until the requisite

number had signed the motion (VII, 1008; Apr. 12, 1934, p. 6489). In the 105th Congress the clause was amended to clarify that, to be a proper object of a discharge petition, a resolution providing a special rule must address the consideration of only one measure and must not propose to admit or effect a nongermane amendment (H. Res. 5, Jan. 7, 1997, p. 121). A clerical correction was effected in the 107th Congress (sec. 2(x), H. Res. 5, Jan. 3, 2001, p. 26) and a technical correction was effected in the 110th Congress (sec. 505(d), H. Res. 6, Jan. 4, 2007, p. 19 (adopted Jan. 5, 2007)). The 112th Congress clarified that paragraph (c) does not require the disclosure of actual signatures (sec. 2(f), H. Res. 5, Jan. 5, 2011, p. 80). The 113th Congress removed several references to a "standing" committee (sec. 2(f), H. Res. 5, Jan. 3, 2013, p. __).

The phrase "a majority of the total membership of the House" was construed to mean 218 Members (Speaker Byrns, Apr. 15, 1936, p. 5509), not including Delegates or the Resident Commissioner; and a Delegate or the Resident Commissioner may not sign a discharge petition even by unanimous consent (Oct. 1, 2003, p. 23853). The rule does not authorize signature of discharge motions by proxy (VII, 1014). When a Member withdraws a signature from a discharge petition at any time before it garners 218 signatures and is entered on the Journal, the withdrawal is printed in the Record (Apr. 23, 1998, p. 6590). The death or resignation of a Member who has signed a motion does not invalidate the signature (May 31, 1934, p. 10159), but it may be withdrawn by the Member's successor (Dec. 7, 1943, p. 10388; Jan. 17, 1946, p. 96; Mar. 5, 1946, p. 1968; July 30, 1946, pp. 10464, 10491; Mar. 2, 1948, pp. 1993, 2001; Jan. 16, 1950, p. 436). Under Jefferson's Manual (§ 364, *supra*) a line of Members waiting to sign a discharge petition should proceed to the rostrum from the far right-hand aisle and should not form between the Chair and Members engaging in debate (Oct. 24, 1997, p. 23293).

The seven days that the motion must be on the calendar before it may be called up begins to run as of the day the motion is placed on the calendar (Dec. 14, 1937, p. 1517). The rule does not apply to a bill that has been reported by a committee during the interval between the placing of a motion to discharge on the calendar and the day when such motion is called up for action in the House (Apr. 23, 1934, p. 7156). The Committee on Rules may not be discharged from further consideration of a resolution providing for an investigating committee (Apr. 23, 1934, p. 7161).

While paragraph (d)(1) provides that a motion to discharge shall be privileged "immediately" after the Pledge of Allegiance to the Flag, the third item in the order of business under clause 1 of rule XIV, the privilege of a motion to discharge is not limited to that specific time in the legislative day (Oct. 26, 2015, p. __). For example, the Chair has, prior to entertaining a motion to discharge: (1) recognized for a one-minute speech by unanimous consent (July 24, 1979, p. 20358); (2) received a message from the Senate, laid down credentials of a Member-elect, sworn a new Member, and recognized for the filing of privileged reports from a committee (Apr. 26, 1948,

pp. 4834, 4835); (3) entertained unanimous-consent requests either to disagree to Senate amendments or to insist on House amendments and agree to requests for conference with the Senate, appointed conferees, removed a conferee, appointed a replacement conferee, and recognized for the filing of a conference report (Oct. 12, 1942, pp. 8065, 8066); (4) laid before the House a communication from the Clerk and declared a short recess pursuant to clause 12(a) of rule I (Oct. 26, 2015, p. __).

The right to close debate on a motion to discharge a committee is reserved to the proponent of the motion (VII, 1010a); and the chair of the committee being discharged, if opposed to the motion, has been recognized to control the 10 minutes in opposition (Aug. 10, 1970, p. 27999).

Where a measure not requiring consideration in the Committee of the Whole House on the state of the Union is brought before the House by a successful motion to discharge, the Member moving its consideration is recognized in the House under the hour rule (Aug. 10, 1970, p. 28004). In the case of a special order of business successfully discharged from the Committee on Rules, the Chair advised that if the previous question were to be rejected, the provisions of paragraph (e)(1) prohibiting dilatory motions would no longer strictly apply such that the resolution would be subject to potential further debate or amendment (Oct. 26, 2015, p. __).

The point of order provided in clause 4 of rule XXI (formerly clause 5(a) of rule XXI) does not apply to an appropriation in a bill taken away from a committee by the motion to discharge (VII, 1019a).

Where the Chair postponed proceedings pursuant to clause 8 of rule XX on a measure successfully discharged under this clause, the House may complete consideration of the measure on a non-discharge day (Oct. 27, 2015, p. __).

A discharge petition in the 102d Congress received the requisite number of signatures on the same day it was filed (May 20, 1992, p. 12222), and subsequently by unanimous consent the House dispensed with the motion to discharge and agreed to consider the object of the petition (a special order of business resolution) on a date certain under the same terms as if discharged by motion (June 4, 1992, p. 13618). In the 103d Congress a petition also received the requisite number of signatures on the same day it was filed (Feb. 24, 1994, p. 2999). In the 103d Congress a petition received the requisite number of signatures to enable a motion to discharge a resolution amending this clause to require publication of Members signing a discharge petition (Sept. 8, 1993, p. 20361).

Adverse report by the Committee on Rules, second and fourth Mondays

§ 893. Adverse report by Committee on Rules.

3. An adverse report by the Committee on Rules on a resolution proposing a special order of business for the consideration of a public bill or public joint resolution may be called up under clause 6(e) of rule XIII as a privileged question by a Member, Delegate, or Resident Commissioner on a day when it is in order to consider a motion to discharge committees under clause 2.

This provision was initially adopted January 18, 1924, amended December 8, 1931 (VIII, 2268), January 3, 1949 (p. 16), January 3, 1951 (p. 18), January 4, 1965 (p. 24) (inserting the so-called "21-day rule"), January 10, 1967 (H. Res. 7, p. 28) (deleting the "21-day rule" in effect in the 89th Congress), and January 3, 1975 (H. Res. 988, 93d Cong., Oct. 8, 1974, p. 34470). Before the House recodified its rules in the 106th Congress, this provision was found only in former clause 4(c) of rule XI. It is currently found in both this provision and clause 6(e) of rule XIII (H. Res. 5, Jan. 6, 1999, p. 47).

District of Columbia business, second and fourth Mondays

§ 894. District of Columbia.

4. The second and fourth Mondays of a month shall be set apart for the consideration of such District of Columbia business as may be called up by the Committee on Oversight and Government Reform after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only.

The first rule allocating a fixed day for District of Columbia business was adopted in 1870. In 1890 the rule (formerly clause 8 of rule XXIV) was amended (IV, 3304). It was again amended December 8, 1931 (VII, 872). In the 104th Congress it was amended to reflect that the jurisdiction of the former Committee on the District of Columbia had been subsumed

within the amalgamated jurisdiction of the newly designated Committee on Government Reform and Oversight (and in the 106th and 110th Congresses to reflect a change in the name of a committee) (sec. 202, H. Res. 6, Jan. 4, 1995, p. 465; H. Res. 5, Jan. 6, 1999, p. 47; sec. 215(f), H. Res. 6, Jan. 4, 2007, p. 19). Before the House recodified its rules in the 106th Congress, this provision was found in former clause 8 of rule XXIV (H. Res. 5, Jan. 6, 1999, p. 47).

The Committee on Government Reform and Oversight (now Oversight and Government Reform) may not, on a District day, call up a bill reported from another committee (IV, 3311). If certain of the committee's bills are on one of the calendars of the Committees of the Whole, a motion to go into committee to consider them is in order (IV, 3310). Bills reported from the District Committee (now Oversight and Government Reform) are not so privileged as to prevent their being taken up under call of committees on Wednesday (VII, 937). Business unfinished on one District day does not come up on the next unless called up (IV, 3307; VII, 879, 880). The question of consideration may not be demanded against District business generally, but may be demanded against any bill as it is presented (IV, 3308, 3309).

On District days it is in order to go into the Committee of the Whole to consider revenue or general appropriation bills (VI, 716–718; VII, 876, 1123). Consideration of conference reports is in order on District Monday (VIII, 3202). District of Columbia business is in order on the second and fourth Mondays of the month before or after other business (such as motions to suspend the rules), and the fact that the House has considered some District of Columbia business before motions to suspend the rules does not affect the eligibility of further such business after suspensions have been completed (Sept. 17, 1984, p. 25523).

Private Calendar, first and third Tuesdays

§ 895. Interruption of the regular order on Tuesdays for consideration of the Private Calendar.

5. (a) On the first Tuesday of a month, the Speaker shall direct the Clerk to call the bills and resolutions on the Private Calendar after disposal of such business on the Speaker's table as requires reference only. If two or more Members, Delegates, or the Resident Commissioner object to the consideration of a bill or resolution so called, it shall be recommitted to the committee that reported it. No other business shall be in order before completion of the call of

the Private Calendar on this day unless two-thirds of the Members voting, a quorum being present, agree to a motion that the House dispense with the call.

(b)(1) On the third Tuesday of a month, after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar. Preference shall be given to omnibus bills containing the texts of bills or resolutions that have previously been objected to on a call of the Private Calendar. If two or more Members, Delegates, or the Resident Commissioner object to the consideration of a bill or resolution so called (other than an omnibus bill), it shall be recommitted to the committee that reported it. Two-thirds of the Members voting, a quorum being present, may adopt a motion that the House dispense with the call on this day.

(2) Omnibus bills shall be read for amendment by paragraph. No amendment shall be in order except to strike or to reduce amounts of money or to provide limitations. An item or matter stricken from an omnibus bill may not thereafter during the same session of Congress be included in an omnibus bill. Upon passage such an omnibus bill shall be resolved into the several bills and resolutions of which it is composed. The several bills and resolutions, with any amendments adopted by the House, shall be engrossed, when necessary, and otherwise considered as passed

severally by the House as distinct bills and resolutions.

(c) The Speaker may not entertain a reservation of the right to object to the consideration of a bill or resolution under this clause. A bill or resolution considered under this clause shall be considered in the House as in the Committee of the Whole. A motion to dispense with the call of the Private Calendar under this clause shall be privileged. Debate on such a motion shall be limited to five minutes in support and five minutes in opposition.

§ 896. Tuesday as a day for private business.

This provision (formerly clause 6 of rule XXIV) was adopted in the 62d Congress in lieu of special orders under which pension and private business formerly had been considered. The rule was amended on April 23, 1932 (VII, 846) and was adopted in its present form on March 27, 1935 (pp. 4480–89, 4538). When the House recodified its rules in the 106th Congress, this provision was transferred from former clause 6 of rule XXIV and the archaic reference to the "Calendar of the Committee of the Whole House" was changed to the "Private Calendar" (H. Res. 5, Jan. 6, 1999, p. 47). A Member serving as an "official objector" for the Private Calendar has periodically included in the Record an explanation of how bills on the Private Calendar are considered (see, *e.g.*, Dec. 5, 1995, p. 35354; June 17, 1997, p. 11015; Nov. 17, 2003, p. 29279). Clause 4 of rule XII prohibits consideration of certain private bills. Under former clause 6(e)(2) of rule XV (current clause 7(b) of rule XX), the Speaker has discretion to recognize a Member to move a call of the House before the call of the Private Calendar (July 8, 1987, p. 18972). Unanimous consent is required to place the call at another time during the day (July 16, 1996, p. 17224; Apr. 21, 1998, p. 6184), including after one-minute speeches (Dec. 18, 2012, p. __).

§ 897. Methods of considering omnibus bills.

During the consideration of omnibus bills the Chair declines to recognize Members for unanimous-consent requests to address the House (May 7, 1935, p. 7100); motions to strike the last word are not in order, and requests for extension of time under the five-minute rule are not entertained (Speaker Byrns, Mar. 17, 1936, pp. 3890, 3894).

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 may prescribe, by special order, that such omnibus bills shall be passed over (June 27, 1968, p. 19106). During the consideration of the First Omni-

bus Bill of 1968, seven roll calls occurred and seven of the 15 bills carried therein were stricken by motion (Sept. 17, 1968, pp. 27165–84). Amendments to the bill were strictly limited by the rule to those striking or reducing amounts of money carried in the bill or to provide limitations, and debate on those permissible motions was under the five-minute rule. After the passage of an omnibus bill, it is resolved into the various private bills of which it is composed and each is engrossed and messaged to the Senate as if individually passed; thus it is possible, after passage of the omnibus bill, to lay on the table a private House or Senate bill that was included therein (by unanimous consent) (Sept. 17, 1968, p. 27184).

On the third Tuesday of the month, the calendar is not called unless the Speaker so directs (Oct. 16, 1990, p. 29646); and in those cases, omnibus bills on the Calendar are called before individual bills thereon (Feb. 17, 1970, pp. 3605–13). A motion to dispense with the call of the Private Calendar on the third Tuesday of each month is likewise in order (provided that the Chair has not exercised discretionary authority (Nov. 17, 1981, p. 27770 (sustained by tabling of appeal)) to dispense with the call).

§ 898. Former Corrections Calendar.

For the former Corrections Calendar rule, see § 898 of the House Rules and Manual for the 111th Congress (H. Doc. 110–162).

§ 899. Former Consent Calendar.

For the former Consent Calendar rule, see § 899 of the House Rules and Manual for the 111th Congress (H. Doc. 110–162).

Calendar Call of Committees, Wednesdays

§ 900. Calendar Wednesday business.

6. (a) On Wednesday of each week, business shall not be in order before completion of the call of those committees (except as provided by clause 4 of rule XIV) whose chair, or other member authorized by the committee, has announced to the House a request for such call on the preceding legislative day.

(b) A bill or resolution on either the House or the Union Calendar, except bills or resolutions that are privileged under the Rules of the House, may be called under this clause. A bill or resolution called up from the Union Calendar shall be considered in the Committee of the

Whole House on the state of the Union without motion, subject to clause 3 of rule XVI. General debate on a measure considered under this clause shall be confined to the measure and may not exceed two hours equally divided between a proponent and an opponent.

(c) This clause does not apply during the last two weeks of a session of Congress.

(d) Precedents, rulings, or procedures in effect before the One Hundred Eleventh Congress regarding the priority of business and the availability of other business on Wednesday shall be applied only to the extent consistent with this clause.

This clause (formerly clause 7 of rule XXIV), was adopted March 1, 1909, and amended March 15, 1909. The last sentence of paragraph (b) (first proviso of former clause 7 of rule XXIV) was adopted January 18, 1916. The clause was rewritten in the 111th Congress to provide for Calendar Wednesday business from a committee only upon its request (sec. 2(e), H. Res. 5, Jan. 6, 2009, p. 7). For a history of the clause as it existed before that Congress, and related precedents, see §§ 900, 901 of the House Rules and Manual for the 110th Congress (H. Doc. 109–157). Paragraph (d) was added in the 113th Congress (sec. 2(f), H. Res. 5, Jan. 3, 2013, p. __).

§ 901. Decisions on Calendar Wednesday.

The rule applies to unprivileged bills only, and when a bill otherwise unprivileged is given a privileged status by unanimous consent or by rule it is automatically rendered ineligible for consideration on Calendar Wednesday (VII, 932–935). The rule does not apply to amendments between the Houses, unreported bills, or Senate bills being held at the Speaker's desk (Mar. 12, 2008, p. 3854). House Calendar bills have no preference over Union Calendar bills (VII, 938).

When a bill on the Union Calendar is called up on Calendar Wednesday the House automatically resolves itself into the Committee of the Whole House on the state of the Union (VII, 939; Jan. 25, 1984, p. 358), and when a Union Calendar bill is the unfinished business the Speaker declares the House in the Committee of the Whole without motion (VII, 940, 942).

The question of consideration may be raised on a bill on the House Calendar on Calendar Wednesday, even after one Wednesday has been devoted to its consideration (VIII, 2447), and the question of consideration is prop-

erly raised on Union Calendar bills before automatically resolving into Committee of the Whole House on the state of the Union (VII, 952).

During the 61st and 62d Congresses it was held that the call of committees rested where the call left off on the preceding day, whether the last call was on a Wednesday or during the morning hour on another day, thus making but one committee call under the two rules. But under the later practice there have been two distinct calls of committees, one under clause 4 of rule XIV (formerly clause 4 of rule XXIV), the morning hour, and another under Calendar Wednesday (VII, 944) when committees are called twice (VII, 924; Mar. 12, 2008, p. 3853).

The same rule of debate applies to House Calendar bills called up on Calendar Wednesday as on other days, and the Member in charge of the bill may move the previous question at any time (VII, 955).

The previous question having been ordered on a bill on Calendar Wednesday, the bill becomes the unfinished business on Thursday (VII, 895, 967).

It is in order to consider a vetoed bill on Calendar Wednesday, because such a question is privileged under the Constitution (VII, 912), but a bill privileged by reason of the Rules of the House cannot be called up on Calendar Wednesday (VII, 932); for example, a general appropriation bill (VII, 904), or a bill under consideration by reason of a special order, unless the special order expressly sets aside Calendar Wednesday (VII, 773), or a conference report (VII, 899). A motion to reconsider an action taken on a bill on Tuesday may be entered, but may not be considered on Calendar Wednesday (VII, 905). Privileged bills may be reported but not considered on Calendar Wednesday (VII, 907), except by unanimous consent (Jan. 25, 1984, p. 357). The Speaker has entertained a unanimous-consent request for business (to send a bill to conference) (Mar. 28, 1984, p. 6869) and for one-minute speeches (Mar. 21, 1984, pp. 6187, 6188; May 7, 2008, p. 7993) before the call of committees on Calendar Wednesday. District of Columbia business is eligible for consideration on Calendar Wednesday (VII, 937). A motion to adjourn (May 7, 2008, pp. 7996, 8000) and the administration of the oath (May 7, 2008, p. 7997; VI, 22) may interrupt the call of committees. Once Calendar Wednesday proceedings are completed, other business may be conducted (VII, 921).

It has been held that if no Member opposed to the bill desires to claim the hour specified in the rule for general debate against the bill, the time may be claimed by a Member who is in favor of the bill (VII, 962), but this principle has been questioned (VII, 961).

Clause 2(b) of rule XIII (formerly clause 2(l)(1) of rule XI), requiring the chair of each committee to report or cause to be reported promptly measures approved by the committee and to take such necessary steps to bring the matter to a vote, is sufficient authority for the chair to call up a properly-noticed bill on Calendar Wednesday, but any other committee member must obtain specific authority of the committee to call up a reported bill on Calendar Wednesday (VII, 928, 929; Feb. 22, 1950, p. 2162; Feb. 1, 1984, p. 1193; Sept. 12, 1984, p. 25100; Apr. 18, 2007, p. 9201).

Before the Legislative Reorganization Act of 1946 and the subsequent adoption of former clause 2(l)(1)(A) of rule XI, authority to call up a bill on Calendar Wednesday must have been given to its chair by a committee (IV, 3127).

RULE XVI

MOTIONS AND AMENDMENTS

Motions

§ 902. Motions reduced to writing and entered on the Journal.

1. Every motion entertained by the Speaker shall be reduced to writing on the demand of a Member, Delegate, or Resident Commissioner and, unless it is withdrawn the same day, shall be entered on the Journal with the name of the Member, Delegate, or Resident Commissioner offering it. A dilatory motion may not be entertained by the Speaker.

In 1880 the first sentence of this clause was composed of language adopted in 1789 and 1806 (V, 5300). The last sentence of this clause (formerly clause 10 of rule XVI) was adopted in 1890 (V, 5706) to make permanent a principle already enunciated in a ruling of the Speaker, who had declared that the "object of a parliamentary body is action, and not stoppage of action" (V, 5713). When the House recodified its rules, it consolidated clause 1 and former clause 10 of rule XVI under this clause (H. Res. 5, Jan. 6, 1999, p. 47).

Because of this provision it has been held not in order to amend or strike a Journal entry setting forth a motion exactly as made (IV, 2783, 2789). A motion not entertained is not entered on the Journal (IV, 2813, 2844–2846). See § 71, *supra*, for discussion of Journal entries. Any Member may demand that a motion, including the motion to adjourn, be reduced to writing and in the proper form (Mar. 30, 1993, p. 6791; Sept. 27, 1993, p. 22608; Jan. 4, 1995, p. 509), and the demand may be initiated by the Chair (July 24, 1986, p. 17641). Consistent with this clause, the chair of the Committee of the Whole requires that each amendment be reduced to writing (July 22, 1994, p. 17617). Although a motion to recommit is properly presented in writing, no rule requires that the proponent distribute copies on the floor (June 28, 2000, p. 12749).