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The House Consensus Calendar: Establishment, Principal Features, and Practice in the 116th Congress (2019-2020)

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The House Consensus Calendar: Establishment, Principal Features, and Practice in the 116th Congress (2019-2020)

Established in the 116th Congress (2019-2020) in clause 1 of House Rule XIII and clause 7 of House Rule XV, the Consensus Calendar provides an alternative route to the floor for certain unreported House bills and resolutions that enjoy broad bipartisan support. Pursuant to Rule XV, the House is to consider at least one measure listed on the calendar during every week that it convenes, except during the first and last weeks of a Congress. In order to be placed on the Consensus Calendar, a House-originated measure must (1) not have been reported by its committee of primary jurisdiction, (2) have accumulated at least 290 cosponsors, (3) have been subject to a motion to place the measure on the Consensus Calendar filed by the measure's sponsor, and (4) have maintained at least 290 cosponsors for a cumulative total of 25 legislative days following the filing of the motion.

Once a measure has accumulated 290 cosponsors, the measure's sponsoring Member may file a written motion with the Clerk of the House asking that the measure be placed on the calendar. This is done by submitting a Consensus Calendar form to the House Tally Clerk when the House is in session.

If the committee of primary jurisdiction reports the measure after the motion is filed but before the measure is placed on the Consensus Calendar, the motion is considered as withdrawn. Likewise, if the primary committee reports the measure after its placement on the calendar, the measure is to be removed. Thus, a committee may report a bill to prevent it from being placed on the calendar or to remove it from the calendar.

After a measure is assigned to the calendar, it may be designated for consideration by the Speaker. The House then calls up the measure on the floor using the same parliamentary procedures used to process non-Consensus Calendar measures—that is, under the suspension of the rules procedure, under the terms of a special rule reported by the Rules Committee and agreed to by the House, or via a unanimous consent request.

In the 116th Congress, House Members filed 12 motions to assign measures to the Consensus Calendar. All of the associated measures were House bills. There were no motions filed on simple resolutions, joint resolutions, or concurrent resolutions.

Three of the 12 motions resulted in measures being assigned to the calendar. The remainder of the motions were considered as withdrawn or the associated measure did not accumulate the requisite number of legislative days to enable placement on the calendar.

Ten of the calendar-associated bills were considered on the House floor, and all of these measures were considered and passed in the House under the suspension of the rules procedure. Seven measures had their initial policy provisions, as introduced, enacted into law via the same bill or a related bill.

This report considers the calendar's establishment, principal features, and actions taken to assign a measure to the calendar. It provides an analysis of Consensus Calendar motions filed in the 116th Congress and discusses the use of special rules to temporarily waive or modify House rules as they pertain to the calendar.

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Introduction

In the 116th Congress (2019-2020), the House established the Consensus Calendar to provide an alternative route to the floor for certain unreported bills and resolutions that have accumulated a large number of cosponsors.¹ Pursuant to clause 7 of House Rule XV (the Consensus Calendar rule), the House is to consider at least one measure listed on the calendar during any week that it convenes. (The requirement to consider such a measure does not apply during the first and last weeks of a two-year Congress.)

To be placed on the Consensus Calendar, a measure must have originated in the House and (1) not have been reported by its committee of primary jurisdiction, (2) have accumulated at least 290 cosponsors, (3) have been the subject of a motion filed by the measure's sponsoring Member with the Clerk requesting such placement, and (4) have maintained at least 290 cosponsors for a cumulative period of 25 legislative days after the filing of the motion. Given these requirements, the Consensus Calendar procedure is limited to non-reported measures that enjoy broad bipartisan support.

This report considers the calendar's establishment and principal features. It lists the specific actions involved in assigning a measure to the calendar and analyzes the use of Consensus Calendar motions filed in the 116th Congress. In addition, it addresses the use of special rules to temporarily waive or modify House rules as they pertain to calendar-related motions or measures.

Establishment

House Rules Package (116th Congress)

On the opening day of the 116th Congress, the House approved H.Res. 6, "Adopting the Rules of the House of Representatives for the One Hundred Sixteenth Congress." Section 102(r) of H.Res. 6 amended clause 1 of Rule XIII and added a clause 7 to Rule XV to establish a Consensus Calendar. Clause 7 delineates the principal features of this calendar as well as the actions taken by a measure's sponsor to file motions and by the Clerk of the House to assign measures to the calendar.

Problem Solvers Caucus Initiative

In the fall of 2018, the House "Problems Solvers Caucus," a Congressional Member Organization with bipartisan co-chairs, proposed several changes to House rules for the upcoming 116th Congress (2019-2020).² Among these proposals, the caucus advocated for a requirement for automatic committee and leadership action on bills and joint resolutions that accumulated at least 290 cosponsors or were cosponsored by a majority of each political party. By the end of

¹ The purpose behind the Consensus Calendar route by which a measure may reach the floor may be compared to the purpose of the House discharge petition procedure, which is defined in clause 2 of Rule XV and also provides a process by which Members may call up an unreported House measure. Measures subject to the discharge procedure do not have a cosponsorship threshold. Instead, a successful effort to discharge a committee of an unreported measure requires the majority of the total membership of the House (218 Members) to sign a discharge petition, which is made available to the public. See CRS Report R45920, *Discharge Procedure in the House*, by Mark J. Oleszek.

² The Problem Solvers Caucus's proposals can be viewed at https://smucker.house.gov/sites/smucker.house.gov/files/wysiwyg_uploaded/Break%20the%20Gridlock%20Packet.pdf.

November 2018, the caucus reached an agreement with then-Minority Leader Nancy Pelosi that a Consensus Calendar, providing an alternative path to the floor for unreported measures that have accumulated at least 290 cosponsors, would be included in the upcoming Congress's House rules.³

At the start of the 116th Congress, the caucus's co-chair, Representative Josh Gottheimer of New Jersey, spoke in favor of H.Res. 6, the House opening-day rules package. He stated that it included "many of the Problem Solvers' break the gridlock ideas, including the new Consensus Calendar."⁴ Subsequently, other caucus members, in interviews with the press, noted the intended purpose of the calendar: to "improve the way that this institution operates" by addressing leadership consolidation of power, encouraging Members to work together for bipartisan legislation, and providing a "pressure point to force [legislation] to the floor for debate and a vote" even in cases when the calendar procedure is not ultimately used.⁵

Principal Features and Actions Taken Pursuant to House Rule XV

Unreported Measures

As noted, in order to be placed on the Consensus Calendar, a measure has to have been referred to at least one House committee but not reported by the committee of primary jurisdiction.⁶ Rule XV does not specify a time period that a measure must remain unreported after its referral before the process of placing it on the Consensus Calendar can begin. Once a measure achieves 290 cosponsors, the sponsor, at any time when the House is in session, may file a written motion with the Clerk formally requesting that the legislation be placed on the Consensus Calendar.

A measure is reported when the committee chair files a written report with the Clerk.⁷ If the primary committee reports a measure after the calendar motion is filed but before the measure is placed on the Consensus Calendar, the motion is considered as withdrawn. Likewise, if the primary committee reports the measure after its placement on the calendar, the measure is to be removed. Thus, a primary committee may report a bill to prevent it from being placed on the calendar or to remove it from the calendar.

³ See Problem Solvers Caucus, "Major Rules Reform Agreement Reached with Leader Pelosi, Ranking Member McGovern, and Ranking Members to Help Break the Gridlock and Better Govern for the American People," press release, November 28, 2018, <https://problemsolverscaucus-gottheimer.house.gov/media/press-releases/major-rules-reform-agreement-reached-leader-pelosi-ranking-member-mcgovern-and>. Also see press release of then-Minority Leader Nancy Pelosi, "Pelosi Statement on Problem Solvers Caucus' Proposed House Rules Change," November 14, 2018, <https://www.speaker.gov/newsroom/111418-2>.

⁴ *Congressional Record*, vol. 165, 116th Cong., 1st sess. (January 3, 2019), p. H29.

⁵ Lindsey McPherson, "Is There Consensus on the New House Consensus Calendar?," *Roll Call*, July 15, 2019, <https://www.rollcall.com/2019/07/15/is-there-consensus-on-the-new-house-consensus-calendar/>.

⁶ In the House, bills may be referred to more than one committee. When referring a bill to more than one committee, the Speaker will in almost all cases name a primary committee of jurisdiction. Generally speaking, the committee of primary jurisdiction has principal responsibility for reporting the bill and managing its consideration on the floor.

⁷ Note that a committee may order a bill reported at the end of a markup meeting but not file a written report with the Clerk. Under these circumstances, the measure remains unreported.

290 Cosponsors Threshold

The Consensus Calendar is reserved for unreported measures with broad bipartisan support. In order to demonstrate that support, the rule requires at least 290 cosponsors on the bill or resolution before the measure's sponsor may file a motion to place the measure on the Consensus Calendar. All cosponsors count toward the threshold regardless of whether the cosponsor subsequently resigns, dies, or otherwise leaves office after cosponsoring the measure.

Cosponsors Accumulated

Any House Member, Delegate, or Resident Commissioner from Puerto Rico who seeks to cosponsor a measure is to sign or be listed on a cosponsorship form provided by the sponsor's office. While the House is in session, the sponsor files the signed forms through the hopper on the House floor.⁸ The Bill Clerk records each additional cosponsor and adjusts the total number of cosponsors. This information is made publicly available in the Congress.gov database.

Cosponsors Verified

The Bill Clerk maintains the most recent list of cosponsors, which may include changes that are not yet displayed in Congress.gov. Consequently, Members or their staff are advised to contact the Bill Clerk directly to verify the number of cosponsors. The House Clerk is also to verify the number of cosponsors prior to processing a submitted Consensus Calendar motion.

After the Member has confirmed that the measure has accumulated at least 290 cosponsors and the Member decides to file a Consensus Calendar motion, the Member is advised to pre-notify the Tally Clerk working within the Office of the House Clerk. The Member or the Member's staff may inform the Tally Clerk that a motion will be filed on a specified day when the House is in session. Pre-notification enables the Tally Clerk to prepare for the Member's request for a Consensus Calendar form.⁹

Written Motion Filed

Motions to place a measure on the Consensus Calendar are in order once the measure has accumulated at least 290 cosponsors and the measure remains unreported by the committee of primary jurisdiction. The measure's sponsor presents to the Clerk a motion in writing.

The sponsoring Member may file the motion on any day the House meets. While the House is in session, the Member requests a calendar motion form from the Tally Clerk at the rostrum. The Member records the measure's number on the form, signs the form, and submits it to the Tally Clerk.

⁸ During any covered period designated by the Speaker pursuant to Section 1(a) of H.Res. 965 (116th Congress), Members and staff could submit cosponsor forms electronically to the Office of the Clerk. See Office of House Majority Leader Steny Hoyer, "Floor Update—Electronic Submission of Floor Documents," <https://www.majorityleader.gov/content/floor-update-electronic-submission-floor-documents>.

⁹ The Bill and Tally Clerks work within the Office of the Clerk and may be contacted by Members and congressional staff at 202-225-7000.

Motion Placed in Custody of Clerk

Following submittal, the motion is placed in the custody of the Clerk. Pursuant to the rule, the Clerk is to maintain a list of all Consensus Calendar motions and make that list publicly available in electronic form. In addition, the motion is to be printed in the *Congressional Record* in a portion designated for that purpose. The Clerk’s website, clerk.house.gov, maintains the list of properly filed motions under the “legislation information” tab.¹⁰ The list contains links to each motion’s *Congressional Record* notice and to the measure’s page in Congress.gov.¹¹

25-Legislative-Day Waiting Period

After a motion is filed with the Clerk, the measure must maintain at least 290 cosponsors for a cumulative period of 25 legislative days. A legislative day, as opposed to a calendar day, begins when the House meets following an adjournment and ends when the House next adjourns. In most instances, a 25-legislative-day period is equal to 25 calendar days on which the House is in session.¹²

The first legislative day that follows the filing of the motion with the Clerk is Day 1 of the required 25-legislative-day period. Any legislative day in which the measure has at least 290 cosponsors counts toward fulfilling the requirement, even if the measure experiences a transitory drop below the 290 threshold due to cosponsorship withdrawal.¹³ Under those circumstances, the legislative day count resumes once a sufficient number of additional cosponsors are accrued.

Clerk Tracks Legislative Days

Once the measure maintains 290 cosponsors for a cumulative period of 25 legislative days, it is assigned to the Consensus Calendar. However, special rules reported from the Rules Committee and agreed to by the House may alter the count of legislative days as they apply to the Consensus Calendar rule. (See “Use of Special Rules Affecting the Consensus Calendar” below.)

The Office of the Clerk tracks legislative days as they pertain to the Consensus Calendar and may be contacted by Members or congressional staff to verify the legislative day count for any measure subject to a calendar motion. Such verification may be particularly helpful when a special rule is altering the count of legislative days as they pertain to calendar placement.

Motions Considered as Withdrawn Prior to Completion of Waiting Period

As noted, the motion to place a measure on the calendar is considered as withdrawn if the committee of primary jurisdiction reports the measure prior to the completion of the 25-legislative-day period. Additionally, if an unreported measure is considered on the House floor, it is no longer eligible for calendar placement.

¹⁰ For a list of Consensus Calendar motions, go to <https://clerk.house.gov/ConsensusCalendarMotions>.

¹¹ On the day the motion is filed, the *Congressional Record* notes the motion as: Under clause 7 of rule XV, the following motion was filed with the Clerk: Motion No. ___, date by Mr. [Ms.] ___ on H.R. _____.

¹² A legislative day begins when the House meets after an adjournment and ends when the House adjourns. Generally, in the House, a legislative day takes place on one calendar day. However, it is possible for the House to adjourn and meet again in the same calendar day, creating two legislative days, or have a legislative day that spans more than one calendar day. Clause 7(c), Rule XV, Rules of the House of Representatives, 116th Congress, p. 30.

¹³ A cosponsor may request by unanimous consent to be withdrawn as a cosponsor of a measure “until the last committee of referral has filed its report with the House or has been discharged from its consideration.” See CRS Report RS22477, *Sponsorship and Cosponsorship of House Bills*, by Mark J. Oleszek.

Assignment to Calendar

Once a measure has met the 25-legislative-day requirement, the Clerk places it on the Consensus Calendar. Once on the calendar, the measure retains its listing even if its number of cosponsors drops below the 290 threshold. The measure remains on the calendar until it is considered by the House or it is reported by the committee of primary jurisdiction.

The calendar lists each measure that is currently assigned and provides the following information: the motion's number, date entered, and filing Member; the bill number; the committee of primary jurisdiction; and the calendar number. The Consensus Calendar is contained in the *Calendars of the United States House of Representatives and History of Legislation*, which is updated on each day that the House is in session. This publication is available from the Government Publishing Office on govinfo.gov and may also be accessed via Congress.gov.¹⁴

Speaker's Designation for Consideration

Pursuant to the rule, during each week that the House convenes, the Speaker is to designate, and the House is to consider, at least one measure listed on the Consensus Calendar. This provision does not apply “before March 1 of an odd-numbered year and after September 30 of an even-numbered year.”¹⁵

The designation is announced from the chair prior to the measure's consideration and is subsequently printed in the *Congressional Record*. The notification is placed in its own section—CONSENSUS CALENDAR—and states: “The Chair announces the Speaker's designation, pursuant to clause 7(a)(1) of rule XV, of H.R. ___ as the measure on the Consensus Calendar to be considered this week.”

Notwithstanding the rule, special rules reported by the Rules Committee and agreed to by the House may waive the requirement that the Speaker designate a measure that is listed on the calendar during each week that the House is in session. The resolution may specify that clause 7(a)(1) of Rule XV shall not apply to a particular measure. (See “Use of Special Rules Affecting the Consensus Calendar” below.)

Consideration of Measures

Consensus Calendar measures may be considered on the floor under the same procedures used for other measures. Accordingly, a designated measure may be considered under the suspension of the rules procedure, under the terms of a special rule reported by the Committee on Rules, or pursuant to a unanimous consent request.

¹⁴ The Government Publishing Office provides House Calendars, 1995-present, at <https://www.govinfo.gov/app/collection/ccal/116/hcal>.

¹⁵ Clause 7(a)(2) of Rule XV.

Practice in the 116th Congress

The following section discusses actions that followed the filing of Consensus Calendar motions in the 116th Congress (2019-2020).

Motions Filed in the 116th Congress

In the 116th Congress, Members filed 12 motions to assign measures to the Consensus Calendar (see **Table 1**). All of the measures were House bills. There were no motions filed on simple resolutions, joint resolutions, or concurrent resolutions.

Three motions resulted in measures being assigned to the Consensus Calendar, and two of these measures were designated by the Speaker for consideration on the floor. The third measure, H.R. 533, was not designated for floor consideration due to the terms of a special rule.

Eight motions were considered as withdrawn prior to the measures' assignment because the measures were either reported by the committee of primary jurisdiction (one measure) or considered by the House before they were eligible for placement (seven measures). An additional motion, which was submitted in February 2020, was not considered as withdrawn, but the associated measure was not assigned to the Consensus Calendar because a series of special rules adopted by the House paused the accumulation of legislative days for purposes of the Consensus Calendar rule.

The House considered 10 of the 12 bills subject to calendar motions. These bills were raised and considered under the suspension of the rules procedure. The remaining measures, H.R. 533 and H.R. 1379, did not receive floor consideration.

Of the 12 calendar-associated measures, seven bills had their initial policy provisions, as introduced, enacted either via the same bill or a related bill. Four bills were enacted into law as stand-alone bills. One of these bills, H.R. 748, did not retain its initial policy provisions after amendment by the Senate. Its initial policy provisions, however, were enacted via a related bill (H.R. 1865). Three additional measures had their initial policy provisions enacted via a related bill.¹⁶

Measures Assigned to the Calendar

Pursuant to the rule, the three calendar-assigned measures each accumulated at least 290 cosponsors and retained the required cosponsorship threshold for 25 legislative days prior to placement on the calendar. Of these, one became law (H.R. 748, P.L. 116-136) with different policy provisions than those presented in the bill's introduced text, one passed the House and was referred to a Senate committee (H.R. 693) with no further action, and one remained on the Consensus Calendar for the duration of the 116th Congress for reasons discussed below (H.R. 553).

H.R. 748 (Amended by Senate and Enacted into Law)

Representative Joe Courtney of Connecticut introduced H.R. 748 as the Middle Class Health Benefits Tax Repeal Act of 2019. After its assignment to the calendar and the Speaker's announced designation, the House considered and passed the bill, as amended, and sent it to the

¹⁶ For the purposes of this report, *related bill* is defined as a bill that has been identified by CRS, the House, or the Senate to have substantial text or policy similarities to a measure subject to a Consensus Calendar motion.

Senate. Several months after receiving the measure, the Senate passed H.R. 748 with an amendment in the nature of a substitute providing pandemic relief measures. The House agreed to this version of the bill—now titled the Coronavirus Aid, Relief, and Economic Security Act (CARES Act)—and it was enacted into law as P.L. 116-136 on March 27, 2020. Meanwhile, Congress passed H.R. 1865, the Further Consolidated Appropriations Act, 2020 (P.L. 116-94), which contained the excise tax repeal provision included in the introduced version of H.R. 748.

H.R. 693 (Passed by House and Referred to Senate Committee)

Following the Speaker’s designation, the House considered and passed, as amended, H.R. 693, the U.S. Senator Joseph D. Tydings Memorial Prevent all Soring Tactics Act of 2019.¹⁷ The Senate received the bill and referred it to the Senate Committee on Commerce, Science, and Transportation, where it received no further action.

H.R. 553 (Remained on Consensus Calendar Pursuant to Subsequent House Action)

Sponsored by Representative Joe Wilson of South Carolina, H.R. 553, the Military Surviving Spouses Equity Act, reached the Consensus Calendar on July 12, 2019, as the first and, at that time, only listing. However, H.Res. 476, a special rule agreed to by the House providing for the consideration of H.R. 2500, a version of the National Defense Authorization Act for Fiscal Year 2020, established that the requirements of clause 7(a)(1) of Rule XV requiring the House to consider a measure pending on the Consensus Calendar designated by the Speaker each week it convened did not apply to H.R. 553. Consequently, H.R. 553 remained on the Consensus Calendar until the end of the 116th Congress. (See “Use of Special Rules Affecting the Consensus Calendar” below.)

H.R. 553’s policy provisions, however, were agreed to by the House. The special rule associated with H.R. 2500 folded the text of H.R. 553 into the version of H.R. 2500 that was adopted on the House floor. The enacted version of the FY2020 National Defense Authorization Act, S. 1790, has similar, but not identical, policy provisions as H.R. 553.¹⁸

Motions Considered as Withdrawn Prior to Calendar Placement

As previously indicated, pursuant to the rule, any motion to place a measure on the Consensus Calendar shall be considered as withdrawn if the associated measure is reported by the committee of primary jurisdiction or if it is considered by the House. Eight motions filed in the 116th Congress were considered as withdrawn. One was considered as withdrawn due to the committee report of the associated measure (H.R. 1980). Seven were considered as withdrawn because the House considered, without a committee report, the associated measures (H.R. 550, H.R. 724, H.R. 1044, H.R. 1773, H.R. 2382, H.R. 3589, H.R. 4305).

The eight measures subject to motions considered as withdrawn all passed the House. Three of the associated measures were enacted into law as stand-alone measures: H.R. 724, the Preventing Animal Cruelty and Torture Act (P.L. 116-72); H.R. 1733, the Rosie the Riveter Congressional

¹⁷ This bill intended to expand regulations related to the intentional “soring” of horses’ legs to produce higher gaits at horse shows and exhibitions.

¹⁸ See CRS Report R46144, *FY2020 National Defense Authorization Act: P.L. 116-92 (H.R. 2500, S. 1790)*, by Pat Towell; and CRS Legal Sidebar LSB10316, *FY2020 NDAA Analysis: Elimination of Benefits Offset for Surviving Spouses and Related Legal Issues*, by Mainon A. Schwartz.

Gold Medal Act of 2019 (P.L. 116-195); and, H.R. 3589, the Greg LeMond Congressional Gold Medal Act (P.L. 116-208).

Two measures had their original policy provisions enacted into law via related bills. The provisions of H.R. 550, which was introduced as the Merchant Mariners of World War II Congressional Gold Medal Act of 2019, were enacted in H.R. 5671. H.R. 1980, the provisions of the Smithsonian Women’s History Museum Act, were included in H.R. 133, the Consolidated Appropriations Act, 2021.

The Senate passed H.R. 1044, the Fairness for High-Skilled Immigrants Act of 2020, with a full amendment in the nature of a substitute. The House did not consider the Senate amendment, and the measure was not enacted into law. The remaining two measures (H.R. 2382 and H.R. 4305) did not receive Senate floor action.

Motion Affected by Subsequent House Actions

One motion, which was submitted on February 26, 2020, was not considered as withdrawn, nor was the associated measure assigned to the Consensus Calendar or considered by the House.¹⁹ The bill, H.R. 1379, the Ensuring All Smiles Act, accumulated 10 legislative days before a series of special rules agreed to by the House prevented further daily sessions from counting toward the 25-legislative-day requirement.

The first special rule, H.Res. 891, specified a period (March 13 through March 22, 2020) and stated, “Each day during the period ... shall not constitute a legislative day for purposes of clause 7 of rule XV.” Subsequently, the House agreed to special rules that collectively extended the covered period for the remainder of the 116th Congress.²⁰ (See “Use of Special Rules Affecting the Consensus Calendar” below.)

Use of Special Rules Affecting the Consensus Calendar

Special rules reported by the Rules Committee and agreed to by the House are used to raise and regulate the floor consideration of measures specified in the resolutions. The same special rule that governs the terms of a specified measure’s consideration may also waive certain House rules that would otherwise affect that measure or other measures or motions, including those associated with the Consensus Calendar.²¹

As noted above, in the 116th Congress, one special rule agreed to by the House waived the requirement (as it applied to a specified measure) that the Speaker consider at least one measure listed on the Consensus Calendar each week that the House convenes. Subsequent special rules have provided that certain House meetings not be considered a “legislative day” for purposes of assigning measures to the Consensus Calendar.

Rule Restricting Speaker’s Designation

The first measure assigned to the Consensus Calendar, H.R. 553, was not designated for consideration due to the terms of a special rule, H.Res. 476. Among its provisions, H.Res. 476 states: “Clause 7(a)(1) of rule XV shall not apply with respect to H.R. 553.” Consequently, H.R.

¹⁹ The Committee on Energy and Commerce ordered the bill reported on September 9, 2020, but did not file a written report with the Office of the Clerk, so the measure remained unreported.

²⁰ The final House resolution, in the series of resolutions that collectively extended the covered period for the remainder of the 116th Congress, was H.Res. 1224.

²¹ See CRS Report 98-433, *Special Rules and Waivers of House Rules*, by Megan S. Lynch.

553 remained listed on the calendar until the end of the 116th Congress and was not subject to the clause 7(a)(1) requirement that “[a]t least once during any week in which the House convenes, the House shall consider a measure on the Consensus Calendar as designated by the Speaker.” In addition to waiving the Consensus Calendar rule, H.Res. 476 folded the text of H.R. 553 into another bill, H.R. 2500. (See “Measures Assigned to the Calendar.”)

Rules Regulating the Count of Legislative Days

Special rules agreed to in the 116th Congress excluded certain days from counting toward the 25-legislative-day requirement of Rule XV. These resolutions contain one section designating a time period and another section that states: “Each day during the period addressed by section ____ of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XV.”

During the 1st session of the 116th Congress, the special rules specified periods (e.g., May 24, 2019 through May 31, 2019) that encompassed the weeks around federal holidays (Memorial Day, Independence Day, Columbus Day, and Veterans Day) and spanned the annual August recess, as well as the last few weeks of the session.²² During these periods, the House was expected to conduct little or no legislative business when meeting in short *pro forma* sessions.²³ Special rules addressing these time periods often waive specified House rules or provide for the approval of the *Journal of the House of Representatives* for the previous day’s proceedings.

In the second session, a series of special rules established an extended time period during which legislative days were not to be counted for purposes of the Consensus Calendar rule.²⁴ Pursuant to these rules, H.R. 1379, which was subject to a motion submitted on February 26, 2020, did not accumulate additional legislative days after mid-March 2020. (See “Motion Affected by Subsequent House Actions.”)

²² These special rules were H.Res. 389, H.Res. 445, H.Res. 509, H.Res. 577, H.Res. 656, and H.Res. 758 (116th Congress).

²³ The term *pro forma session* identifies a session conducted primarily to avoid a formal recess or adjournment lasting for three days or more, which, under Article I, Section 5, of the Constitution, would require the consent of the other chamber. These sessions are brief (often less than five minutes) and are generally not expected to include votes or debate. They otherwise would, however, count as a legislative day. See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Valerie Heitshusen.

²⁴ The special rules were established in H.Res. 891, H.Res. 905, H.Res. 911, H.Res. 920, H.Res. 945, H.Res. 967, H.Res. 1017, H.Res. 1053, H.Res. 1107, and H.Res. 1224, which extended the covered period, in which legislative days were not counted for purposes of the Consensus Calendar, for the remainder of the 116th Congress.

Table I. Measures Subject to Consensus Calendar Motions Filed in the 116th Congress (2019-2020)

Measure (Introduction Day)	Sponsor	Title	House Committee of Primary Jurisdiction	Motion Filed	Assigned to Calendar (Date of Placement)	Motion Considered as Withdrawn (Reason)	Latest Action	Provisions Enacted into Law via the Same or Related Bill^a
H.R. 550 (01/15/2019)	Garamendi (CA)	No War Against Iran Act (title as introduced: Merchant Mariners of World War II Congressional Gold Medal Act of 2019)	Financial Services	06/25/2019	no	yes (considered in House)	House amendments to Senate amendment received in the Senate	yes (via H.R. 5671)
H.R. 553 (01/15/2019)	Wilson (SC)	Military Surviving Spouses Equity Act	Armed Services	05/16/2019	yes (07/12/2019)	no	remained on calendar subject to H.Res. 476 ^b	yes (via S. 1790)
H.R. 693 (01/22/2019)	Schrader (OR)	U.S. Senator Joseph D. Tydings Memorial Prevent All Soring Tactics Act of 2019	Energy and Commerce	05/23/2019	yes (07/19/2019)	no	referred to Senate Committee on Commerce, Science, and Transportation	no
H.R. 724 (01/23/2019)	Deutch (FL)	Preventing Animal Cruelty and Torture Act	Judiciary	10/16/2019	no	yes (considered in House)	enacted into law as P.L. 116- 72	yes

Measure (Introduction Day)	Sponsor	Title	House Committee of Primary Jurisdiction	Motion Filed	Assigned to Calendar (Date of Placement)	Motion Considered as Withdrawn (Reason)	Latest Action	Provisions Enacted into Law via the Same or Related Bill ^a
H.R. 748 (01/24/2019)	Courtney (CT)	Coronavirus Aid, Relief, and Economic Security Act (title as introduced: Middle Class Health Benefits Tax Repeal Act of 2019)	Ways and Means	5/21/2019	yes (07/17/2019)	no	amended version enacted into law as P.L. 116-136	yes (via H.R. 1865) ^c
H.R. 1044 (02/07/2019)	Lofgren (CA)	Fairness for High-Skilled Immigrants Act of 2019	Judiciary	06/18/2019	no	yes (considered in House)	amended and passed by Senate; message on Senate action sent to House	no
H.R. 1379 (02/26/2019)	Peterson (MN)	Ensuring Lasting Smiles Act	Energy and Commerce	02/26/2020	no ^d	no	ordered to be reported by Committee on Energy and Commerce	no
H.R. 1733 (03/14/2019)	Speier (CA)	Rosie the Riveter Congressional Gold Medal Act of 2019	Financial Services	09/12/2019	no	yes (considered in House)	enacted into law as P.L. 116- 195	yes
H.R. 1980 (03/28/2019)	Maloney (NY)	Smithsonian Women's History Museum Act	House Administration	09/11/2019	no	yes (reported by committee of primary jurisdiction)	referred to Senate Committee on Rules and Administration	yes (via H.R. 133)

Measure (Introduction Day)	Sponsor	Title	House Committee of Primary Jurisdiction	Motion Filed	Assigned to Calendar (Date of Placement)	Motion Considered as Withdrawn (Reason)	Latest Action	Provisions Enacted into Law via the Same or Related Bill ^a
H.R. 2382 (04/29/2019)	DeFazio (OR)	USPS Fairness Act	Oversight and Reform	02/05/2020	no	yes (considered in House)	received in Senate	no
H.R. 3589 (06/27/2019)	Thompson (CA)	Greg LeMond Congressional Gold Medal Act	Financial Services	09/09/2019	no	yes (considered in House)	enacted into law as P.L. 116- 208	yes
H.R. 4305 (09/12/2019)	Stivers (OH)	PAWS for Veterans Therapy Act	Veterans' Affairs	01/09/2020	no	yes (considered in House)	referred to the Senate Committee on Veterans' Affairs	no

Source: Congress.gov.

Notes:

- a. Enacted provisions are the same or substantially similar to those in the bill's text as introduced. Bill relationships as identified by CRS, the House, or the Senate are noted in Congress.gov.
- b. H.Res. 476, Section 5, states, "Clause 7(a)(1) of rule XV shall not apply with respect to H.R. 553."
- c. H.R. 748 was enacted into law with policy provisions that differed from those in the measure's introduced text. The policy provisions from the text, as introduced, were enacted via a different bill, H.R. 1865.
- d. Due to the terms of special rules reported from the Rules Committee, the motion associated with H.R. 1379 was unable to accumulate more than 10 legislative days.

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