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The House Consensus Calendar: Principal Features and Practice in the 117th Congress (2021-2022)

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The House Consensus Calendar: Principal Features and Practice in the 117th Congress (2021-2022)

First 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 Consensus Calendar during every week that it convenes except during the first and last weeks of a Congress. For a House-originated measure to be placed on the Consensus Calendar, it must (1) remain unreported 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 (or longer) 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 when the House is in session asking that the measure be placed on the Consensus Calendar. After the motion is filed, the measure must maintain at 290 cosponsors for 25 legislative days and remain unreported to become eligible for placement on the Consensus Calendar.

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after the motion is filed but before the measure is placed on the Consensus Calendar, the motion is considered as withdrawn.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

Once a measure gets assigned to the Consensus Calendar, the Speaker may designate it for consideration. The House then calls up the measure on the floor using the same parliamentary procedures used to process non-Consensus Calendar measures—that is, either 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 unanimous consent.

In the 117th Congress, Members filed eight motions to assign measures to the Consensus Calendar (seven bills and one simple resolution). Four of the eight motions resulted in bills being assigned to the Calendar, two of which were considered on the floor and passed by the House.

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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. Pursuant to clause 7 of House Rule XV (the Consensus Calendar rule), the House is to consider at least one measure listed on the Consensus 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) remain unreported 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 unreported measures that enjoy broad bipartisan support.

This report considers the Consensus Calendar's principal features. It identifies the specific actions involved in assigning a measure to the Calendar and analyzes the outcomes of the eight Consensus Calendar motions filed during the 117th Congress (2021-2022).¹ 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.

Principal Features and Actions Taken Pursuant to House Rule XV

Establishment in House Rules

The House established the Consensus Calendar procedure as part of the 116th Congress rules package (H.Res. 6). Section 102(r) of H.Res. 6 amended clause 1 of Rule XIII and added a clause 7 to Rule XV. As amended, clause 1(c) of Rule XIII states, "There is established a Consensus Calendar as provided in clause 7 of rule XV." 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.

Unreported Measures

As noted, 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.² 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

¹ For information about the establishment of the Consensus Calendar and its practice in the 116th Congress, see CRS Report R46485, *The House Consensus Calendar: Establishment, Principal Features, and Practice in the 116th Congress (2019-2020)*, by Jane A. Hudiburg.

² In the House, a bill may be referred to more than one committee. When this occurs, the Speaker is expected to 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.

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 considered reported when the chair, as directed by a vote of the committee, files the written committee report with the Clerk.³ If the primary committee of jurisdiction 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, if already placed there, to remove it from the Calendar.

290-Cosponsor Threshold

The Consensus Calendar is reserved for unreported measures with broad bipartisan support. 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 cosponsorships count toward the threshold regardless of whether the cosponsor subsequently resigns, dies, or otherwise leaves office after cosponsoring the measure. A cosponsor may request on the House floor to be removed as a cosponsor of a measure, in which case the number of cosponsorships would be altered.⁴

Cosponsors Accumulated

Any Member, Delegate, or Resident Commissioner 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.⁵ 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

³ 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.

⁴ A cosponsor may request on the House floor to be removed 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.

⁵ In the 117th Congress, 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. In the 118th Congress, cosponsorship forms may be submitted electronically via eHopper.gov, a website accessible to Members and staff.

session. Pre-notification enables the Tally Clerk to prepare for the Member's request for a Consensus Calendar form.⁶

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. If both conditions are met, the measure's sponsor may present to the Clerk a motion in writing requesting placement of the measure on the Consensus Calendar.

The sponsoring Member may file the motion on any day the House meets. While the House is in session, the Member may obtain 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.

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.⁷ The list contains links to each motion's *Congressional Record* notice and to the measure's page in Congress.gov.⁸

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.⁹

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.¹⁰ Under those circumstances, the legislative day count resumes once a sufficient number of additional cosponsors are accrued.

⁶ 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.

⁷ For a list of Consensus Calendar motions, go to <https://clerk.house.gov/ConsensusCalendarMotions>.

⁸ 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. ____.

⁹ 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. See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Valerie Heitshusen.

¹⁰ For more information about cosponsoring and withdrawing as a cosponsor, see CRS Report RS22477, *Sponsorship and Cosponsorship of House Bills*, by Mark J. Oleszek.

Clerk Tracks Legislative Days

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. 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.)

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.

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 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.¹¹

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.”¹²

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.”

Consideration of Measures

Consensus Calendar measures are considered on the floor under the same procedures used for other measures. Accordingly, a designated measure could be considered under the suspension of

¹¹ The Government Publishing Office provides House Calendars, 1995-present, at <https://www.govinfo.gov/app/collection/ccal/116/hcal>.

¹² Clause 7(a)(2) of Rule XV.

the rules procedure, under the terms of a special rule reported by the Committee on Rules, or by the unanimous consent of the House.¹³

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. A special rule may also waive other House rules that would affect that measure or other measures or motions, including those associated with the Consensus Calendar.¹⁴ For instance, a special rule may waive the requirement that the Speaker designate a measure that is listed on the Calendar during a given week (or weeks) that the House is in session, or it may specify that clause 7(a)(1) of Rule XV shall not apply during a particular time period or to a particular measure.

Practice in the 117th Congress

Eight motions to place a measure on the Consensus Calendar were filed during the 117th Congress (2021-2022). This section discusses subsequent procedural actions that occurred on each measure after the motion was filed.

Motions Filed in the 117th Congress

Of the eight motions filed in the 117th Congress, seven involved bills and one a simple resolution (see **Table 1**). There were no motions filed on joint resolutions or concurrent resolutions.

Four of the eight motions resulted in measures being assigned to the Consensus Calendar, and the Speaker designated two of these measures for consideration in the House. Of the remaining two, one was reported by committee before it became eligible for designation by the Speaker. The other reached the Consensus Calendar in the final weeks of the 117th Congress beyond the point at which the rule would require designation.

Measures Assigned to the Calendar

Pursuant to the rule, the four Calendar-assigned bills each accumulated at least 290 cosponsors and retained the required cosponsorship threshold for 25 legislative days prior to placement on the Calendar. Of these, no bills were enacted into law.

H.R. 3173 (Passed by the House)

On September 14, 2022, H.R. 3173, the Improving Seniors' Timely Access to Care Act of 2021, secured placement on the Consensus Calendar, and the Speaker designated it for consideration on that day. The House passed an amended version of the bill under suspension of the rules. The bill received no further action in the Senate.

H.R. 1916 (Passed by the House and Referred to Senate Committee)

Following the Speaker's designation for consideration on April 4, 2022, the House considered and passed an amended version of H.R. 1916, the Ensuring Lasting Smiles Act, under suspension

¹³ Any Member may move to suspend the rules or request the unanimous consent of the House if he or she is recognized on the floor for that purpose by the Speaker.

¹⁴ See CRS Report 98-433, *Special Rules and Waivers of House Rules*, by Megan S. Lynch.

of the rules (310-110). The bill was referred to the Senate Committee on Health, Education, Labor, and Pensions, where it received no further action.

H.R. 82 (Reported by Committee, Removed from Consensus Calendar, and Placed on Union Calendar)

H.R. 82, the Social Security Fairness Act of 2021, reached the Consensus Calendar on September 20, 2022. At that time, it was the only measure listed on the Calendar. Accordingly, the Speaker was to designate the bill for floor consideration before the end of the week. However, also on September 20, the Committee on Ways and Means held a markup on the bill and ordered it reported “without recommendation.” The following day, the committee filed the written report. This action removed the bill from the Consensus Calendar, and it was reassigned to the Union Calendar.¹⁵ The bill had no further consideration.

H.R. 1282 (Remained on Consensus Calendar for Duration of Congress)

H.R. 1282, the Major Richard Star Act, obtained the requisite 25-legislative-day threshold for Consensus Calendar placement on October 25, 2022. At that point, late in the second session, the rule no longer required the Speaker to designate for consideration a measure listed on the Calendar, as it was “after September 30 of an even-numbered year.”¹⁶ The bill remained on the Consensus Calendar with no further action taken for the duration of the Congress.

Motions Considered as Withdrawn Prior to Calendar Placement

Under Consensus Calendar procedures, any motion to place a measure on the 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.

Four motions filed in the 117th Congress were considered as withdrawn. Two were considered as withdrawn due to a committee reporting the associated measure (H.R. 1448 and H.R. 3630), and two were considered as withdrawn (H.R. 707 and H.Res. 881) because the House considered them under suspension of the rules.

The four measures all passed the House under suspension. One of the of the associated measures was enacted into law (H.R. 1448). One measure (H.R. 707) was not passed by the Senate but had its policy provisions enacted into law via a related Senate bill (S. 1404). H.Res. 881 was agreed to by the House. The remaining measure, H.R. 3630, was received in the Senate with no further action taken.

Special Rules Regulating the Count of Legislative Days

In the 117th Congress, the House agreed to special rules that specified time periods during which daily House sessions would not be considered as “legislative days” for purposes of assigning measures to the Consensus Calendar. H.Res. 8 included a special order stating that any legislative day occurring from the first day of the Congress (January 3, 2021) through January 28, 2021,

¹⁵ During the markup, Ranking Member Kevin Brady acknowledged that the committee’s report on the bill would have the effect of removing it from the Consensus Calendar. Committee on Ways and Means, markup meeting (September 20, 2022), <https://www.youtube.com/watch?v=3k2R22QqhO0&t=4944s>.

¹⁶ Clause 7(a)(2) of Rule XV.

“shall not constitute a legislative day for purposes of clause 7 of rule XV.”¹⁷ A subsequent special rule, H.Res. 41, amended H.Res. 8 to extend the period to February 11, 2021. H.Res. 85 further extended the period to March 12, 2021. No Members filed Consensus Calendar motions during the restricted period, however, and thus these special rules did not halt the accumulation of legislative days for any measure subject to a motion.

¹⁷ H.Res. 8 established the House standing rules for 117th Congress and also contained special rules that temporarily affected the application of those rules.

Table I. Measures Subject to Consensus Calendar Motions Filed in the 117th Congress (2021-2022)

Measure (Introduction Day)	Sponsor	Title	House Committee of Primary Jurisdiction	Motion Filed	Assigned to Calendar (Date of Placement)	Motion Considered as Withdrawn (Reason)	Final Disposition	Provisions Enacted into Law via the Same or Related Bill ^a
H.R. 82 (1/4/2021)	Davis (IL)	Social Security Fairness Act of 2021	Ways and Means	7/15/2022	yes 9/20/2022	yes (reported by committee of primary jurisdiction)	placed on Union Calendar	no
H.R. 707 (2/2/2021)	Kuster (NH)	Ghost Army Congressional Gold Medal Act	Financial Services	4/14/2021	no	yes (considered in House)	received in Senate	yes (via S. 1404)
H.R. 1282 (2/24/2021)	Bilirakis (FL)	Major Richard Star Act	Armed Services	8/12/2022	yes 10/25/2022 ^b	no	assigned to the Consensus Calendar	no
H.R. 1448 (3/1/2021)	Stivers (OH)	PAWS for Veterans Therapy Act	Veterans' Affairs	3/18/2021	no	yes (reported by committee of primary jurisdiction)	enacted into law as P.L. 117-37	yes
H.R. 1916 (3/16/2021)	Eshoo (CA)	Ensuring Lasting Smiles Act	Energy and Commerce	2/8/2022	yes	no	received in the Senate	no
H.R. 3173 (5/13/2021)	DelBene (WA)	Improving Seniors' Timely Access to Care Act of 2021	Ways and Means	7/12/2022	yes 9/14/2022	no	received in the Senate	no
H.R. 3630 (5/28/2021)	Schakowsky (IL)	Lymphedema Treatment Act	Energy and Commerce	6/8/2022	no	yes (reported by committee of primary jurisdiction)	received in the Senate	no

Measure (Introduction Day)	Sponsor	Title	House Committee of Primary Jurisdiction	Motion Filed	Assigned to Calendar (Date of Placement)	Motion Considered as Withdrawn (Reason)	Final Disposition	Provisions Enacted into Law via the Same or Related Bill ^a
H.Res. 881 (3/8/2022)	Van Duyne (TX)	Condemning the heinous terrorist attack on Congregation Beth Israel in Colleyville, Texas, on January 15, 2022	Oversight and Reform	2/28/2022	no	yes (considered in House)	agreed to in House	c

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.R. 1282 obtained placement on the Consensus Calendar after September 30 of an even-numbered year, and thus the Speaker was not required to designate the bill for consideration, pursuant to clause 7(a)(2) of Rule XV.
- c. Simple resolutions are not enacted into law and require no further action after they are agreed to in the House.

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