

SPECIAL ORDERS

Under Rule X the Senate may adopt special orders for the consideration of legislative proposals which require a two-thirds vote. This rule, however, is seldom used.

Rule X

[Procedure for Making Special Orders]

1. Any subject may, by vote of two-thirds of the Senators present, be made a special order of business for consideration and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business in which case it takes its place on the Calendar of Special Orders in the order of time at which it was made special, to be considered in that order when there is no unfinished business.

2. All motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Amendments to:

A motion requiring a two-thirds vote for its adoption cannot be offered for a motion which requires a majority vote.¹ For example, a motion to recommit which requires a majority vote could not be amended by adding instructions to make the bill a special order which requires a two-thirds vote.²

When a special order is laid before the Senate, a motion to proceed to the consideration of another bill is in order, which is not debatable and not subject to amendment by the substitution of an appropriation bill.³

Call of Calendar, Bills on, Made Special Orders:

A motion to make a bill a special order is in order when that bill is regularly reached on a call of the Calendar

¹ Mar. 15, 1940, 76-3, *Record*, p. 2932-34.

² *Ibid.*

³ Feb. 20, 1885, 48-2, *Record*, p. 1935.

under Rule VIII, and objection is made to its consideration.⁴

Consideration of Special Orders:

See also "Precedence of Special Order," p. 1263.

Upon the arrival of an hour fixed for the consideration of a special order, unfinished business then pending has precedence; when such unfinished business has been disposed of, the special order may be laid before the Senate, and, upon adjournment, becomes the unfinished business.⁵

A special order for a certain day and hour (one hour after the Senate convened—1 o'clock in this case), according to a ruling by the Vice President in 1914, if not disposed of on that day (that is before the close of the Morning Hour, when the unfinished business came down, or laid down after that unfinished business was disposed of), should be laid before the Senate on each succeeding day at the same hour until it is disposed of or becomes the unfinished business,⁶ and when superseded by the unfinished business, does not lose its place as a special order, but will be laid before the Senate when the unfinished business has been disposed of.⁷

A special order which cannot be considered at the time assigned because of priority of the unfinished business is placed on the Calendar of special orders to come up on the completion of the pending bill.⁸ In 1924, President pro tempore Cummins held a special order over which the unfinished business had priority should be laid before the Senate upon the disposition of the unfinished business.⁹

The unfinished business having been displaced on motion, the first bill on the Calendar of special orders should be laid before the Senate, at the expiration of the Morning Hour on the succeeding day, as the regular order of business.¹⁰

⁴ Jan. 7, 1897, 54-2, *Journal*, p. 45, *Record*, pp. 535-37.

⁵ May 27, 29, and June 2, 3, 1924, 68-1, *Journal*, pp. 393, 411, 417, *Record*, pp. 9600, 9858, 10142, 10288.

⁶ Apr. 10, 13, 14, 15, 16, and 20, 1914, 63-2, *Journal*, pp. 223, 226, *Record*, pp. 6523, 6612-13, 6669, 6728-33, 6788-92, 6900-02.

⁷ Dec. 8, 1913, 63-2, *Record*, pp. 423-26, 443-44; *see also* Dec. 17, 1884, 48-2, *Record*, p. 304.

⁸ Feb. 19 and 25, 1884, 48-1, *Record*, p. 1341.

⁹ May 26, 29, and June 2 and 4, 1924, 68-1, *Record*, pp. 9858, 10142, 10503.

¹⁰ Feb. 23, 1901, 56-2, *Journal*, p. 205, *Record*, pp. 2879-87.

A special order taken up in the Morning Hour yields to the unfinished business after the expiration of two hours; if there be no unfinished business, the consideration of the special order will continue, and if not disposed of before adjournment it becomes the unfinished business.¹¹

A bill made a special order for a certain hour at the close of the Morning Hour, but not then considered because of the precedence of the then current unfinished business, thereby keeping its place on the Calendar of special orders, was laid before the Senate at the expiration of the Morning Hour on the day following, that unfinished business having been disposed of at the end of the previous day.¹²

Where several special orders have been made for various times and the time fixed for their consideration has passed, the special order first made, without reference to the time for which it was made, is first to be laid before the Senate.¹³

A unanimous consent agreement making a bill a special order and providing that its consideration should be continued until its conclusion, except that it should be laid aside for appropriation bills, would preclude the consideration of any other bill except by unanimous consent.¹⁴

Where the Senate, while in executive session, agrees to a request for unanimous consent for the submittal, as in legislative session of a motion to make a bill a special order, a subsequent objection to such motion is not in order.¹⁵

Day Must Be Specified:

A special order cannot be made to cover other days than the day specified.¹⁶

Debate of Motion To Make a Special Order or To Change One:

See "Special Orders, Debate To Make or Change," p. 780.

¹¹ Jan. 29 and 30, 1917, 64-2, *Record*, pp. 2162-64, 2221.

¹² Dec. 20, 1913, 63-2, *Record*, p. 1289.

¹³ Apr. 7 and 8, 1884, 48-1, *Record*, pp. 2724, 2754; see also Mar. 12, 1884, 48-1, *Record*, p. 1791.

¹⁴ See Dec. 15, 1932, 72-2, *Record*, p. 480.

¹⁵ Jan. 16, 1925, 68-2, *Record*, p. 1945.

¹⁶ Aug. 19, 1912, 62-2, *Record*, p. 11271.

Definition of:

A bill purported, under a unanimous consent agreement, to have been made unfinished business for a specified day will be regarded as a special order when, upon the arrival of that hour, another matter is under consideration as unfinished business.¹⁷

An order agreed to by unanimous consent, making a bill a special order and providing for a limitation of debate and that the bill cannot be set aside except by unanimous consent, is treated as a unanimous consent agreement, and not as a special order.¹⁸

An order entered into by unanimous consent, making a bill a special order, limiting debate after a certain date, and providing that such bill should not be laid aside except by unanimous consent, was held not to be a special order under Rule X, but to be a unanimous consent agreement and to have precedence over the unfinished business.¹⁹

Displacement of:

A special order may be displaced by agreeing to a motion to proceed to the consideration of another subject²⁰ by a majority vote.²¹

When a special order is laid before the Senate, if a motion to proceed to the consideration of another bill is adopted the former bill is displaced and restored to its position on the Calendar of general orders.²²

Laid Before Senate, Special Order:

See "Consideration of Special Orders," pp. 1259-1260.

Lie Over One Day, Motion To Make a Special Order Not Required To:

See "Precedence of Motions To Make a Bill a Special Order," p. 1262.

¹⁷ Dec. 8, 1913, 63-2, *Record*, pp. 423-26.

¹⁸ Dec. 14, 1926, 69-2, *Journal*, p. 37.

¹⁹ Dec. 14, 1926, 69-2, *Journal*, p. 37, *Record*, pp. 427-28.

²⁰ Feb. 23, 1901, 56-2, *Journal*, p. 205, *Record*, pp. 2879-87.

²¹ See Mar. 12, 1884, 48-1, *Record*, p. 1795.

²² Feb. 12, 1885, 48-2, *Record*, p. 1549.

Motions for a Special Order—When in Order:

See also “Precedence of Motions To Make a Bill a Special Order,” p. 1262.

A motion to make a bill a special order is properly in order: when there is no other business pending.²³

During the consideration of the morning business,²⁴ or while a bill is under consideration,²⁵ a motion to make a bill a special order requires unanimous consent; and a Senator who has made a motion for a special order, which has been stated to the Senate by the Presiding Officer, cannot hold the floor to prevent the making of a preferential motion.²⁶

Motions for a Special Order—When Not in Order:

When unfinished business,²⁷ other pending business,²⁸ another motion,²⁹ or a motion to make a bill a special order is pending,³⁰ a motion to make another bill a special order is not in order.

A motion prior to the conclusion of morning business to make a bill a special order is not in order,³¹ and one to make a bill a special order upon the close of routine business is not in order, since it should specify an hour.³²

Precedence of Motions To Make a Bill a Special Order:

A motion to make a bill a special order is not required to lie over 1 day under the rule,³³ but a motion to proceed to the consideration of a veto message of the President has precedence over a motion to make such message a special order;³⁴ and a motion to reconsider the vote whereby the Senate proceeded to the consideration of a bill was held to have precedence over a motion to make such a bill a special order.³⁵

²³ See July 22, 1946, 79-2, *Record*, pp. 9644-46.

²⁴ Dec. 9, 1884, 48-2, *Record*, p. 102.

²⁵ Mar. 12, 1884, 48-1, *Record*, p. 1796; June 12, 1914, 63-2, *Record*, p. 10286.

²⁶ Dec. 17, 1908, 60-2, *Record*, p. 370.

²⁷ July 9, 1932, 72-1, *Journal*, p. 698; Jan. 18, 1950, 81-2, *Record*, pp. 549-50.

²⁸ See July 22, 1946, 79-2, *Record*, pp. 9644-46.

²⁹ *Ibid.*

³⁰ Jan. 31, 1927, 69-2, *Journal*, pp. 125-26, *Record*, pp. 2608-14.

³¹ Sept. 5, 1914, 63-2, *Record*, p. 14762.

³² July 19, 1892, 52-1, *Record*, p. 6390.

³³ See June 28, 1921, 67-1, *Record*, p. 3155.

³⁴ Mar. 27, 1934, 73-2, *Record*, p. 5511.

³⁵ Apr. 2, 1930, 71-2, *Journal*, p. 250, *Record*, p. 6354.

Precedence of Special Order:

See also "Consideration of Special Orders," pp. 1259-1260.

A bill made a special order in the Morning Hour supersedes morning business under consideration upon the arrival of such hour.³⁶

A bill taken up on motion becomes the unfinished business if not disposed of before adjournment and will supersede a special order.³⁷

Unfinished business at the expiration of the Morning Hour takes precedence over a special order³⁸ for the same time;³⁹ unfinished business takes precedence at the expiration of the Morning Hour and displaces a special order which was under consideration during the Morning Hour but not disposed of prior to the expiration of the Morning Hour.⁴⁰

The unfinished business, if before the Senate at the hour fixed for a special order, has precedence, unless temporarily laid aside by unanimous consent.⁴¹

The Senate being in executive session at the expiration of the Morning Hour, upon its return to legislative session, there being no unfinished business, the Presiding Officer laid before the Senate a special order as having precedence over a motion to proceed to the consideration of a bill.⁴²

When a bill has been made a special order for a particular time, a motion subsequently made to take it up at a time prior thereto is in order.⁴³

In one instance in 1937, the special order adopted provided that the bill should remain the unfinished business until disposed of.⁴⁴

³⁶ See June 28, 1921, 67-1, *Record*, p. 3155.

³⁷ See Jan. 25, 1887, 49-2, *Record*, p. 1004.

³⁸ Jan. 28, 1920, 66-2, *Record*, p. 2151; Feb. 13, 1884, 48-1, *Record*, p. 1080; *see also* July 11 and 12, 1932, 72-1, *Record*, pp. 15028, 15031, 15078-79; Dec. 21, 1932, 72-2, *Record*, pp. 822-23.

³⁹ Dec. 8, 1913, 63-2, *Record*, pp. 423-26.

⁴⁰ Aug. 14, 1912, 62-2, *Record*, p. 10889; Jan. 29, 1917, 64-2, *Record*, pp. 2162-64; *see also* June 28, 1921, 67-1, *Record*, p. 3155.

⁴¹ Jan. 29 and 30, 1917, 64-2, *Record*, pp. 2162-64, 2221.

⁴² See Apr. 12, 1886, 49-1, *Record*, p. 3382.

⁴³ Nov. 16, 1937, 75-2, *Journal*, p. 10, *Record*, p. 38; *see also* Nov. 23, 1937, 75-2, *Record*, p. 266.

⁴⁴ Aug. 12, 1937, 75-1, *Record*, pp. 8758-59.

Vote Required for Making a Special Order:

A two-thirds vote is required to make a bill a special order.⁴⁵ A matter may be made a special order for a particular day either by a two-thirds vote of the Senate or by unanimous consent.⁴⁶

SPECIAL SESSIONS

See "Special Sessions of Senate," pp. 1233-1234.

SPONSORS OF BILLS

See "Co-Sponsors," pp. 231-232.

STRIKE OUT AMENDMENTS

See "Amendments," pp. 24-125; "Appropriations," pp. 150-213.

SUBCOMMITTEES

See "Subcommittees," p. 428.

SUBPOENA

See "Contempts," pp. 687-691.

Employees Subpoenaed:

The Senate frequently adopts resolutions to authorize its employees in response to subpoenas including subpoenas *duces tecum* to appear before courts as witnesses in

⁴⁵ Mar. 15, 1940, 76-3, *Record*, pp. 2932-34; see also Jan. 16, 1925, 68-2, *Record*, pp. 1945-46; Apr. 1, 1884, 48-1, *Record*, p. 2456.

⁴⁶ See May 28, 1920, 66-2, *Record*, p. 7782.