

been held at the Speaker's table from the previous day, their having been received in the absence of a quorum, were laid before the House (Speaker John W. McCormack, of Massachusetts, presiding).

**§ 2.24 A message from the Senate may be received by the House after the previous question has been ordered, pending the auestion on the passage of a bill.**

On Oct. 3, 1969, the Committee of the Whole rose and reported back to the House, with sundry amendments, a bill which had been under consideration before the Committee. Speaker John W. McCormack, of Massachusetts, stated that under the rule, the previous question was considered as ordered. Further consideration of the bill was interrupted for the receipt of a message from the Senate (announcing that the Senate had passed a Senate bill).<sup>(17)</sup>

**§ 3. Unfinished and Postponed Business**

Rule XXIV clauses 1<sup>(18)</sup> and 3<sup>(1)</sup> provide for the consideration of

17. 115 CONG. REC. 28487, 91st Cong. 1st Sess.
18. *House Rules and Manual* §878 (1979).
1. *House Rules and Manual* §885 (1979).

unfinished business and its place in the order of business. Thus, clause 3 provides:

The consideration of the unfinished business in which the House may be engaged at an adjournment, except business in the morning hour, shall be resumed as soon as the business on the Speaker's table is finished, and at the same time each day thereafter until disposed of, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Generally, unfinished business coming over from a previous day does not automatically come before the House for consideration, but must be called up by a Member in charge of the legislation.<sup>(2)</sup> Moreover, as indicated by Rule XXIV clause 3, where unfinished business belongs to a certain class of business, such as Private Calendar business<sup>(3)</sup> and District of Columbia business,<sup>(4)</sup> the legislation goes over to the next day eli-

2. See §§3.1–3.5, *infra*. Certain categories of business do come up automatically when unfinished or postponed. Examples are the consideration of a veto message postponed to a day certain (see §3.38, *infra*), questions on which the previous question has been ordered (see §3.20, *infra*), and recorded votes postponed to a certain day (see §3.18, *infra*).
3. See §3.35, *infra*.
4. See §§3.25, 3.26, *infra*.

gible for the call of the appropriate calendar. If, however, the previous question has been ordered on business unfinished when the House adjourns, such business becomes in order on the next legislative day after the approval of the Journal,<sup>(5)</sup> except on Calendar Wednesday. Discharged bills, brought before the House by a successful motion to discharge under Rule XXVII clause 4,<sup>(6)</sup> remain the unfinished business (when called up for consideration) until disposed of.<sup>(7)</sup>

Recognition to call up unfinished business or to control the floor thereon, where the previous question has been rejected on a prior day and the House has proceeded to other business, should pass to a Member who had opposed the previous question, except where no such opposition Member immediately seeks recognition and the committee manager is directed to call up the matter on the day set aside for that class of business (e.g., District Day) and to offer committee amendments.

Unfinished business is preceded by otherwise privileged business,

5. See §§3.20, 3.21, *infra*. And see 7 Cannon's Precedents §854.

6. *House Rules and Manual* §908 (1979).

7. See §3.23, *infra*.

such as the receipt of a message and motions to discharge on discharge days.<sup>(8)</sup>

Votes on questions may become the unfinished business on a following day when votes are postponed (by special order) or when a quorum fails to vote on a question and the House adjourns.<sup>(9)</sup> Votes on unfinished business are put *de novo*, if previously postponed by unanimous consent pending an objection to a vote for lack of a quorum, and any Member has the same rights as when the question was first put.<sup>(10)</sup> If the Committee of the Whole rises having ordered tellers, the appointment of tellers is the unfinished business when the Committee resumes, and ordering tellers may be vacated only by unanimous consent.<sup>(11)</sup>

Under prior practice, before Rule XXI was amended<sup>(12)</sup> to delete the right of any Member to demand the reading in full of the engrossed copy of a bill, such a demand could render the bill unfinished business until the engrossed copy could be provided.<sup>(13)</sup>

Where a measure before the House is postponed to a day cer-

8. See §§3.7, 3.9, *infra*.

9. See §§3.15–3.19, *infra*.

10. See §3.18, *infra*.

11. See §3.13, *infra*.

12. See *House Rules and Manual* §830 and note thereto (1979).

13. See §3.32, *infra*.

tain either by motion (when in order) or by unanimous consent, the measure becomes the unfinished business on the day to which postponed.<sup>(14)</sup>

### ***Calling Up Unfinished Business***

#### **§ 3.1 Unfinished business on a District of Columbia Monday does not come up automatically when that class of business is again in order but may be called up by a Member in charge of the legislation.**

On May 9, 1932,<sup>(15)</sup> Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the order of business on District of Columbia Monday:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, I ask unanimous consent to call up concurrent resolution (S. Con. Res. 27), and yield five minutes to the gentleman from Ohio, Mr. Harlan, to offer an amendment thereto.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

14. See §§ 3.18, 3.29 (postponed roll call votes), 3.22 (postponed conference report), 3.36–3.38 (veto messages postponed by motion), *infra*.

15. 75 CONG. REC. 9836, 72d Cong. 1st Sess.

THE SPEAKER: The gentleman will state it.

MR. STAFFORD: Mr. Speaker, on the last day given over to District business, House Joint Resolution 154, providing for a merger of the street-railway systems in the District of Columbia, was the unfinished business. As this joint resolution was the unfinished business when the District Committee last had the call, is it not the unfinished business when the House resumes consideration of District business?

THE SPEAKER: The Chair thinks not, because a motion to consider it is necessary. Wherever a motion is required, the unfinished business has no precedence over any other business.

#### **§ 3.2 On one occasion, it was held that the rule that recognition passes to the opposition after rejection of the previous question is subject to the following exception: where other business intervenes and occupies the remainder of the day immediately after defeat of the previous question, the bill on which the previous question was rejected must be subsequently called up as unfinished business by a Member directed by his committee to call up that special class of business on a day when that business is in order (since the Speaker does not lay such special bills before the**

**House as unfinished business). Once that Member has called up the bill, however, the Speaker stated he would recognize a Member opposed who immediately sought to offer an amendment.**

On Feb. 8, 1932,<sup>(16)</sup> Vincent L. Palmisano, of Maryland, Chairman of the Committee on the District of Columbia, called up as unfinished business S. 1306, to provide for the incorporation of the District of Columbia Commission on the George Washington Bicentennial.

Mr. Fiorello H. LaGuardia, of New York, raised an inquiry as to the parliamentary situation. He stated that the bill had previously been before the House (on the preceding District of Columbia Monday) and that the previous question had been rejected, requiring recognition to offer amendments or motions to pass to the opposition. [On the preceding District of Columbia Monday, the Chair had recognized another Member, immediately after rejection of the previous question on S. 1306, to call up a general appropriation bill, which was considered until adjournment on that day.]

Speaker pro tempore Thomas L. Blanton, of Texas, however, ruled

that the chairman of the reporting committee was entitled to recognition since the bill could come before the House only by being called up as unfinished business.

The proceedings were as follows:

MR. LAGUARDIA: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: The bill which the gentleman calls up was before the House two weeks ago.

THE SPEAKER PRO TEMPORE: This is unfinished business. We have had a second reading of the bill at the former meeting when the bill was considered on last District day.

MR. LAGUARDIA: But the previous question was voted down.

THE SPEAKER PRO TEMPORE: The previous question was then voted down. It is before the House now for further consideration, just where we left off before.

MR. LAGUARDIA: I ask recognition in opposition.

THE SPEAKER PRO TEMPORE: The gentleman from Maryland [Mr. Palmisano], who is the ranking majority member of the committee, is entitled to recognition first to offer committee amendments, and then the gentleman from New York will be recognized.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, I assume that when this bill is now brought up we are brought back to the same legislative situation we were in when it was last considered.

16. 75 CONG. REC. 3548-50, 72d Cong. 1st Sess.

THE SPEAKER PRO TEMPORE: That is the situation.

MR. STAFFORD: The previous question was then voted down. At that moment any person who wished to propose an amendment would have had the privilege of being recognized. I claim that any person who wishes to offer an amendment has prior recognition to the gentleman from Maryland.

THE SPEAKER PRO TEMPORE: But the previous question having been voted down, it did not take off the floor the gentleman from Maryland, who stands in the position of chairman of the committee, so the parliamentarian informs the Chair.

MR. STAFFORD: The very fact that the previous question was voted down granted the right to the opposition to offer an amendment and have control of the time. . . .

THE SPEAKER PRO TEMPORE: The Chair will state the parliamentary situation. On a previous District day when this bill was up for consideration, the previous question was moved and the House voted down that motion. Then the opposition clearly was entitled to recognition. This is another legislative day; and that being true, it is the duty of the Chair to recognize the one standing as chairman of the committee, who is the gentleman from Maryland, to offer committee amendments. Then the Chair will recognize someone in opposition to the bill. The Chair is advised by the parliamentarian that such is the correct procedure.

MR. LAGUARDIA: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. LAGUARDIA: I can not follow the statement of the Chair that the bill is coming before the House de novo. The Chair properly stated that the bill now is the unfinished business. A bill can not change its status because it is the unfinished business and carried over to another day. The previous question having been voted down, the bill is now open to the House for amendment, and on that I have asked for recognition by the Chair to offer an amendment.

THE SPEAKER PRO TEMPORE: The Chair will rule that the one acting for the committee in calling up the bill has a right to first offer committee amendments. If the proceedings had continued on the day the previous question was voted down, then any Member opposing the bill gaining recognition could have offered an amendment; but this being another legislative day, it is the duty of the Chair to recognize the acting chairman of the committee in calling up the bill to offer committee amendments, and the Chair has done that. Regardless of his own opinion, the Chair is guided by the parliamentarian. When a parliamentary situation arises whereby the Chair can recognize some one opposed to the bill, the Chair will do that. . . .

MR. LAGUARDIA: I desire recognition for the purpose of getting the floor.

Mr. Speaker, the first proposition before us, which I believe is more important than the passage of the bill or the merits of this particular bill, is the parliamentary situation.

The bill was before the House two weeks ago and was considered under the House rules. At that time the time was entirely under the control of the

chairman of the committee, and after holding the floor for some time the gentlewoman from New Jersey moved the previous question and the previous question was voted down. Thereafter the House took up other business.

The bill comes back to us today and I submit that the previous question having been voted down, the bill retains that status. It can not acquire a new status. The previous question having been voted down, that can not be ignored at this time; and that being so, the bill comes before the House as unfinished business, and the bill is before the House now for amendment.

THE SPEAKER PRO TEMPORE: The Chair will so hold, that the bill is now before the House for amendment, but the committee had the right first to offer its committee amendments. If there are any other amendments, the Chair will recognize any Member to offer them.

*Parliamentarian's Note:* Bills which are in order on certain days under the rules of the House do not automatically come before the House, but must be called up by an authorized committee member. Therefore, in this instance, the Chair recognized the Chairman of the Committee on the District of Columbia to bring the bill before the House, while indicating he would recognize a Member opposed who immediately sought to offer an amendment.

**§ 3.3 The question as to when the House will consider a bill that was unfinished on a pre-**

**vious day is always within the control of a majority of the House.**

On Apr. 26, 1948,<sup>(17)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamentary inquiry as to when a bill, brought up in the House by a motion to discharge, could be considered if not finished on the day on which brought up. The Speaker heard Mr. Earl C. Michener, of Michigan, on the inquiry and then stated as follows:

The Chair is interested in the valued comments of the distinguished gentleman from Michigan. Of course, the Chair is unaware of the intent or purpose back of the rule when it was first formulated. All he has to guide him is the rule itself as it appears before him in print. The Chair agrees with the gentleman from Michigan that the House can immediately consider the legislation after the motion to discharge the committee is agreed to, but the rule states "and if unfinished before adjournment of the day on which it is called up, it shall remain the unfinished business until it is fully disposed of."

That provision does not state definitely that the bill must come up on the following day, but that it shall remain the unfinished business. The gentleman's point that the bill could be postponed indefinitely of course is correct, in a sense, but after all the rules are based on common sense, and no

17. 94 CONG. REC. 4877, 4878, 80th Cong. 2d Sess.

one would anticipate that the side that procured enough signatures to a discharge petition to bring a bill before the House would filibuster their own bill.

While the rule perhaps is not quite as definite as it might be, it is the opinion of the Chair that the consideration of the bill could go over until Wednesday if the proponents of the bill do not call it up on tomorrow, and that it would be in order on Wednesday as the unfinished business.

The Chair believes that unless the gentleman from South Carolina [Mr. Rivers] or someone on his side of the issue, calls it up on tomorrow, it can be called up on Wednesday and will be the unfinished business on that day. The Chair also wishes to state that he will not recognize anyone on the affirmative side of this matter unless the gentleman from South Carolina is absent. It is not necessary to call it up on tomorrow and it can be called up on Wednesday, at which time it will be the unfinished business.

The Chair will also remind Members that it is always within the control of the majority of the House to determine what should be done.

**§ 3.4 The adoption of a resolution making in order the consideration of a bill does not make the bill the unfinished business the next day, and the bill can only be called up by a Member designated by the committee to do so.**

On July 19, 1939,<sup>(18)</sup> the House adopted a resolution from the

<sup>18.</sup> 84 CONG. REC. 9541, 76th Cong. 1st Sess.

Committee on Rules making in order the consideration of a bill. Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the status of the bill thereby made in order as unfinished business:

MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

**§ 3.5 When the Committee of the Whole during consideration of a bill on Calendar Wednesday votes to rise and the House then rejects a motion to adjourn, Calendar Wednesday business is still before the House, and if the chairman of the appropriate committee calls up the same bill and the question of consideration is decided in the affirmative, the House automatically resolves itself into the Committee of the Whole and resumes consideration of the bill where it left off.**

On Feb. 22, 1950,<sup>(19)</sup> the Committee of the Whole had under consideration H.R. 4453, the Federal Fair Employment Practice Act, which had been called up by the Committee on Education and Labor under the Calendar Wednesday procedure. The Committee agreed to a motion to rise, and, pending a demand for the yeas and nays on the motion to adjourn, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry as follows:

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HARRIS: As I understand, the roll call now is on the motion to adjourn.

THE SPEAKER: That is correct.

MR. HARRIS: If the motion to adjourn is not agreed to, then what will be the parliamentary situation?

THE SPEAKER: It will be Calendar Wednesday business.

MR. HARRIS: A further parliamentary inquiry, Mr. Speaker.

THE SPEAKER: The gentleman will state it.

MR. HARRIS: Do we automatically then go back into Committee?

THE SPEAKER: If the gentleman from Michigan calls the bill up again, yes.

Following the rejection of the motion to adjourn, Mr. John Lesinski, of Michigan, called up,

by direction of the Committee on Education and Labor, the same bill. After the House decided the question of consideration in the affirmative, the Speaker directed that the House automatically resolve itself into the Committee of the Whole for the further consideration of the bill.

### *Precedence and Order of Unfinished Business*

**§ 3.6 Where the House has postponed to a day certain a veto message and for the same day created a special order for the reading of Thomas Jefferson's First Inaugural Address, after the reading of the Journal and disposition of matters on the Speaker's table, the veto message is first considered.**

On Apr. 14, 1948, Speaker Joseph W. Martin, Jr., of Massachusetts, stated, following the approval of the Journal, the order of business: (1) the unfinished business, a veto message postponed to that day by motion; (2) the reading of Jefferson's First Inaugural Address by a Member designated by the Speaker pursuant to a special order for that day (providing for the reading after the approval of the Journal and disposition of matters on the Speaker's table); and (3) unanimous-consent re-

19. 96 CONG. REC. 2238-40, 81st Cong. 2d Sess.

quests and one minute speeches.<sup>(20)</sup>

**§ 3.7 Messages from the President, including one received the preceding day, were read and referred before the House proceeded with the unfinished business (the vote on a resolution pending on the preceding day when the House adjourned in the absence of a quorum).**

On Oct. 19, 1966,<sup>(21)</sup> following the approval of the Journal, the Speaker laid before the House two messages from the President, which were read and referred, before announcing that the unfinished business was the vote on agreeing to a resolution coming over from the preceding day. (On Oct. 18, a quorum had failed to appear on an automatic roll call vote on agreeing to the resolution, and the House had adjourned without completing action thereon.)

**§ 3.8 The Chair declined to recognize Members for extensions of remarks and oneminute speeches before proceeding with unfinished business on which the pre-**

20. 94 CONG. REC. 4427, 80th Cong. 2d Sess.

21. 112 CONG. REC. 27640, 89th Cong. 2d Sess.

**vious question had been ordered.**

On Oct. 19, 1966,<sup>(1)</sup> Speaker John W. McCormack, of Massachusetts, announced, following the approval of the Journal and the receipt of messages from the President, that the Chair would receive unanimous-consent requests after the "disposition of pending business." The pending business was unfinished business from the prior day, the vote on agreeing to a resolution on which the previous question had been ordered before the House adjourned in the absence of a quorum.

**§ 3.9 The regular order of business, such as the relative precedence of a motion to discharge on discharge days over unfinished business, may be varied by unanimous consent.**

On May 8, 1936,<sup>(2)</sup> Speaker Joseph W. Byrns, of Tennessee, answered a parliamentary inquiry as to the order of business and the power of the House to change such order by unanimous consent:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I ask unanimous consent that when the House adjourns

1. 112 CONG. REC. 27640, 89th Cong. 2d Sess.

2. 80 CONG. REC. 7010, 74th Cong. 2d Sess.

today it adjourn to meet on Monday next.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, reserving the right to object, and I shall not object, will the Speaker make the situation clear with reference to the legislative program for Monday?

As I understand it, it will be in order before we complete this bill to take up the question of the discharge of the Rules Committee from further consideration of the Frazier-Lemke bill. I would like to ask the Speaker if my understanding is correct, if consideration of the discharge petition would come up before the vote on this bill?

THE SPEAKER: The Chair thinks it would unless there is a previous understanding. The matter of which shall take precedence can be fixed by consent.

MR. BOILEAU: I appreciate that, Mr. Speaker. Many Members interested in the Frazier-Lemke bill are anxious to know just what the situation is going to be.

MR. [BERTRAND H.] SNELL [of New York]: It would seem to me if the Speaker will permit, that the vote on the pending bill would be the unfinished business before the House on Monday.

THE SPEAKER: The Chair will state to the gentleman from Wisconsin that, by consent, an agreement can be made whereby the vote on the motion to recommit the pending bill, or a roll call on its passage, can be had first, and then to take up the motion to discharge the committee.

*Parliamentarian's Note:* Under Rule XXVII clause 4, discharge motions are in order immediately after approval of

the Journal, and thus ordinarily take precedence under Rule XXIV over unfinished business (see § 3.23, *infra*).

**§ 3.10 By unanimous consent, the House proceeded to the immediate consideration of an important bill pending on the Union Calendar before taking up unfinished business (votes on certain bills carried over from preceding days).**

On Apr. 6, 1966,<sup>(3)</sup> Speaker John W. McCormack, of Massachusetts, made the following statement:

The next order of business is the matters that were passed over from Monday and Tuesday. However, the Chair desires to state that there is a bill out of the Committee on Ways and Means relating to the extension of time for filing for medicare. If there is no objection on the part of the House, the Chair would like to recognize the gentleman from Arkansas [Mr. Mills] to submit a unanimous-consent request to bring this bill up. The Chair also understands it is the intention to have a rollcall on the bill. The Chair is trying to work this out for the benefit of the Members. Is there objection to the Chair recognizing the gentleman from Arkansas [Mr. Mills], for the purpose stated by the Chair? The Chair hears none and recognizes the gentleman from Arkansas [Mr. Mills].

3. 112 CONG. REC. 7749, 89th Cong. 2d Sess.

*In Committee of the Whole***§ 3.11 Business unfinished on District of Columbia Day does not come up until the next day on which that business is in order.**

On June 26, 1939,<sup>(4)</sup> the Committee of the Whole was considering District of Columbia business brought up on District of Columbia Day. Chairman Fritz G. Lanham, of Texas, answered a parliamentary inquiry as to the effect on the pending bill should the Committee rise without completing the bill on that day:

MR. [WALTER G.] ANDREWS [of New York]: Mr. Chairman, I move that the Committee do now rise.

MR. [KENT E.] KELLER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLER: Mr. Chairman, what would be the effect on this bill if we should vote to rise?

THE CHAIRMAN: It would be the unfinished business of the Committee on the District of Columbia on the next day that committee is called.

MR. KELLER: What day would that be?

THE CHAIRMAN: The second and fourth Monday of each month are District days.

MR. KELLER: If we want present consideration of this bill we will have to vote against the motion?

4. 84 CONG. REC. 7927, 7938, 76th Cong. 1st Sess.

THE CHAIRMAN: I think the membership is sufficiently informed with reference to the motion. The question is on the motion to rise.

**§ 3.12 The question as to when the Committee of the Whole will resume the consideration of a bill unfinished when the Committee rises is for the Speaker and the House to determine, and not for the Chairman of the Committee of the Whole.**

On Apr. 26, 1948,<sup>(5)</sup> Chairman Leslie C. Arends, of Illinois, answered a parliamentary inquiry as follows in the Committee of the Whole:

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. AUGUST H. ANDRESEN: Mr. Chairman, I understand that the Committee will rise at 4 o'clock. It is also my understanding of the rules that this Committee should meet tomorrow in order to have continuous consideration of the pending legislation.

I would like to have a ruling of the Chair as to whether or not the rules provide that a day may intervene so that this legislation may be taken up on Wednesday.

THE CHAIRMAN: The Chair may say that is a matter for the Speaker of the House and the House itself to deter-

5. 94 CONG. REC. 4873, 4874, 80th Cong. 2d Sess.

mine. It is not something within the jurisdiction of the Chair to decide.

**§ 3.13 When the Committee of the Whole rises with an order for tellers pending, it is the unfinished business and may be dispensed with only by unanimous consent when the Committee resumes its sitting.**

On July 2, 1947, Chairman Earl C. Michener, of Michigan, answered a parliamentary inquiry as to the unfinished business in the Committee of the Whole, the Committee having risen on the preceding day after tellers were demanded and ordered on an amendment to the pending bill:

MR. [GEORGE A.] DONDERO [of Michigan]: Mr. Chairman, has the Committee reached the item of flood control on page 8, line 14, of the bill?

THE CHAIRMAN: It has not.

When the Committee rose yesterday, the so-called Rankin amendment was pending. A voice vote had been taken. Tellers were demanded and ordered.

Without objection, the Clerk will again read the so-called Rankin amendment.

There was no objection.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: Mr. Chairman, is it not in order to vacate or disregard the standing vote and take the standing or voice vote again?

THE CHAIRMAN: Tellers have already been ordered.

MR. RANKIN: I understand that, Mr. Chairman, but I believe that where a vote is not completed on one day it is taken again when the question again comes up for consideration.

THE CHAIRMAN: The gentleman's inquiry is: Can the order for tellers be vacated, and the Committee proceed de novo on the amendment? That can be done by unanimous consent.

MR. RANKIN: Mr. Chairman, I ask unanimous consent that that be done.

THE CHAIRMAN: The gentleman from Mississippi asks unanimous consent that the proceedings on the vote on the Rankin amendment when the Committee was last in session be vacated and that the vote be taken de novo. Is there objection?

MR. [ALBERT J.] ENGEL of Michigan: I object, Mr. Chairman.

THE CHAIRMAN: The Clerk will again report the amendment.

The Clerk again reported the amendment offered by Mr. Rankin.

THE CHAIRMAN: The Chair appoints the gentleman from Michigan [Mr. Engel] and the gentleman from Mississippi [Mr. Rankin] to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 71, noes 115.<sup>(6)</sup>

***Unfinished Business Following Recess***

**§ 3.14 Upon concluding a recess, called by the Speaker pending receipt of an en-**

6. 93 CONG. REC. 8136, 8137, 80th Cong. 1st Sess.

**grossed bill while a House resolution was pending before the House, the Speaker announced the unfinished business to be the reading of the engrossed copy of the bill, the Food Stamp Act of 1964.**

On Apr. 8, 1964,<sup>(7)</sup> Speaker John W. McCormack, of Massachusetts, put the question on the engrossment and third reading of H.R. 10222, the Food Stamp Act of 1964, and Mr. Charles S. Gubser, of California, demanded the reading of the engrossed copy, which was not yet prepared. The House then proceeded to the consideration of House Resolution 665, dealing with certain Senate amendments to a House bill. Pending such consideration, the Speaker declared a recess subject to the call of the Chair (pursuant to such authority granted the Speaker for any time during that day), pending the receipt of the engrossed copy of H.R. 10222.

The recess having expired, the Speaker called the House to order and stated that the unfinished business was the reading of the engrossed copy of H.R. 10222, which he directed the Clerk to read. When Mr. Oliver P. Bolton, of Ohio, propounded a parliamen-

tary inquiry regarding the status of House Resolution 665 as the unfinished business properly before the House, the Speaker recognized Mr. Richard Bolling, of Missouri, to withdraw House Resolution 665, thereby terminating the reason for the inquiry.

*Parliamentarian's Note:* This precedent occurred before the 89th Congress, when Rule XXI was amended to eliminate the provision allowing any Member to demand the reading in full of the engrossed copy of a bill.

### ***Roll Call Votes Coming Over From Previous Day***

**§ 3.15 When a Member objects to a vote on an amendment on the ground that a quorum is not present and further proceedings are then postponed to a future day by unanimous consent, the question on adoption of the amendment is put de novo on such future day and a roll call is not necessarily automatic at that time.**

On Mar. 23, 1953,<sup>(8)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamentary inquiry on the effect of a unanimous-consent agreement to post-

7. 110 CONG. REC. 7302-04, 88th Cong. 2d Sess.

8. 99 CONG. REC. 2251, 2252, 83d Cong. 1st Sess.

pone to a future day the question on adoption of an amendment to a bill on the District of Columbia Calendar, where the vote had been objected to on the ground that a quorum was not present:

MR. [WAYNE L.] HAYS of Ohio: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HAYS of Ohio: Mr. Speaker, am I correct in saying that the second order of business on Wednesday next will be a rollcall on this amendment.

THE SPEAKER: Not a rollcall; it will be a vote on the amendment.

MR. HAYS of Ohio: Mr. Speaker, I made the point of order that a quorum was not present, and under those circumstances the rollcall is automatic. I will not agree to any withholding of it unless there is a rollcall, because a rollcall is automatic. I think the Speaker will agree that a quorum is not present now.

THE SPEAKER: The gentleman is mistaken in his impression. Today a rollcall would be automatic, but not on Wednesday, unless the House so orders.

MR. HAYS of Ohio: I do not want to agree to anything like that, Mr. Speaker.

THE SPEAKER: It has already been agreed to. The gentleman has forfeited any rights he might have. I am very sorry if he did not understand the situation.

**§ 3.16 Where a quorum fails to respond on an automatic roll call vote on a pending resolu-**

**tion, and the House then adjourns, the unfinished business when the House again convenes is the vote on the resolution, and the Speaker puts the question on its adoption de novo.**

On Oct. 18, 1966,<sup>(9)</sup> Speaker John W. McCormack, of Massachusetts, put the question on agreeing to House Resolution 1062, directing the Speaker to certify to the United States Attorney a report of the Committee on Un-American Activities on the refusal of Jeremiah Stamler to testify before the said committee. Objection was made to the vote on the ground that a quorum was not present, and a quorum failed to respond on the ensuing automatic roll call. In response to a parliamentary inquiry propounded by Mr. Leslie C. Arends, of Illinois, the Speaker stated that in the event a quorum did not develop and the House adjourned, the first order of business on the following day would be the vote on the resolution. A quorum not having appeared, the House adjourned before completing action on the resolution.

On Oct. 19, 1966,<sup>(10)</sup> Speaker McCormack laid before the House

9. 112 CONG. REC. 27512, 27513, 89th Cong. 2d Sess.

10. *Id.* at pp. 27640, 27641.

several messages from the President following the approval of the Journal, and then announced that the unfinished business was the vote on agreeing to House Resolution 1062. The Speaker put the question on the resolution, and Mr. John Bell Williams, of Mississippi, objected to the division vote on the ground that a quorum was not present. On the automatic roll call vote, the resolution was agreed to.

**§ 3.17 Where a quorum fails to respond on an automatic roll call vote on a pending motion, and the House adjourns, the unfinished business when the House again convenes is the vote on the motion, and the Speaker puts the question de novo.**

On Oct. 13, 1962,<sup>(11)</sup> Speaker John W. McCormack, of Massachusetts, made the following statement as to the unfinished business:

The unfinished business is the vote on the motion of the gentleman from Missouri [Mr. Cannon].

Without objection, the Clerk will again report the motion of the gentleman from Missouri.

There was no objection.

The Clerk read as follows:

Mr. [Clarence] Cannon moves that the House recede from its disagree-

ment to the amendment of the Senate numbered 2 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "\$791,580,500".

THE SPEAKER: The question is on the motion.

On Oct. 12, the preceding day, the House had adjourned following the failure of a quorum to appear on an automatic rollcall vote on the motion offered by Mr. Cannon.<sup>(12)</sup>

**§ 3.18 Where a Member objects to a vote on the ground that a quorum is not present and further proceedings are postponed (pursuant to a unanimous-consent request putting roll call votes over until later in the week), the Speaker puts the question de novo when the bill is again before the House as unfinished business, and any Member has the same rights as when the question was originally put and may ask for the yeas and nays (unless previously refused) or, if a quorum is not present, may object on that ground; but the fact that a quorum was not present on the prior day, when the vote was objected to, does not assure a roll call vote when the**

11. 108 CONG. REC. 23474, 23475, 87th Cong. 2d Sess.

12. *Id.* at p. 23434.

**question is again put as unfinished business.**

On Oct. 7, 1965, the unfinished business was the final action on several bills which had been considered on Oct. 5 and 6 but whose further consideration had been postponed to Oct. 7, pursuant to a unanimous-consent agreement on Oct. 1 that all roll call votes demanded on Oct. 5 or 6 be put over until Oct. 7. Speaker John W. McCormack, of Massachusetts, answered parliamentary inquiries on the procedures to be followed on the unfinished business and on the rights of Members in relation thereto:

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. HALL: Mr. Speaker, if on a previous day where under the unanimousconsent agreement of October 1, 1965, of this House objection was made on the basis that a quorum was not present and the point of order was made that a quorum was not present and the Speaker thereafter did state that evidently a quorum was not present and that the bill would be put over per the prior agreement; should that rollcall come automatically today when we are back in session and released from that agreement?

THE SPEAKER: In response to the parliamentary inquiry, the Chair will state that the vote comes up de novo and Members have the same rights

that they had when the matter was being considered on the previous day.

MR. HALL: Mr. Speaker, a further parliamentary inquiry.

If I understand the distinguished Speaker correctly, then being de novo, objection would still have to be made on the same basis and as to whether a quorum was then present, it would still be honored?

THE SPEAKER: A Member could demand the yeas and nays and if a sufficient number of Members are in favor of taking the vote by the yeas and nays there would be a rollcall vote of course. Or a Member could object to the vote on the ground that a quorum is not present and, of course, if a quorum is not present the rollcall would be automatic.

MR. HALL: Mr. Speaker, a further parliamentary inquiry.

If there was then a quorum present, however, it would not revert to the previous fact and therefore an individual Member would have to have stood on his rights at the time the unanimousconsent request was given rather than make the point of order that a quorum was not present on the current day?

THE SPEAKER: The Chair will state that further consideration of certain bills was passed over in accordance with the unanimous-consent request entered into by the House on October 1 and the question of final passage comes up before the House today.

As the Chair has previously stated, if any Member wants a rollcall vote, he can demand a rollcall vote or if he objects to the vote on the ground that a quorum is not present, he can make the point that he objects to the vote on

the ground that a quorum is not present.

MR. HALL: I thank the Speaker. I think it is crystal clear that Members lose the right to object that they had at the time the unanimous-consent request was made.

THE SPEAKER: Every Member has the same right today as they had on the day that the bill originally was being considered.<sup>(13)</sup>

**§ 3.19 Where final action on several bills is put over from one day to the next pursuant to a special order postponing roll call votes, the further consideration of those measures is the unfinished business on the day when roll calls are again in order; the Chair puts the question on each bill de novo, in the order in which they were considered on the prior day.**

On Oct. 7, 1965,<sup>(14)</sup> the House resumed the consideration of several bills which had been considered on Oct. 5 and 6, pursuant to a special order on Oct. 1 postponing to Oct. 7 any roll call votes, other than on matters of procedure, demanded on Oct. 5 or 6. Speaker John W. McCormack, of Massachusetts, put the question on each such postponed bill

13. 111 CONG. REC. 26243, 89th Cong. 1st Sess.

14. 111 CONG. REC. 26242, 26243, 89th Cong. 1st Sess.

de novo, in the order in which the bills had been considered on Oct. 5 and 6. For example, proceedings on the first two of such postponed bills were as follows:

THE SPEAKER: The unfinished business is further consideration of the veto message from the President of October 4, 1965, on H.R. 5902, an act for the relief of Cecil Graham.

Without objection the bill and message will be referred to the Committee on the Judiciary and ordered printed.

There was no objection.

THE SPEAKER: The further unfinished business is the question on suspending the rules and passing the joint resolution (S.J. Res. 106) to allow the showing of the U.S. Information Agency film "John F. Kennedy—Years of Lightning, Day of Drums."

The Clerk read the title of the Senate joint resolution.

The question is: Shall the House suspend the rules and pass Senate Joint Resolution 106?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

***Calendar Wednesday Business as Unfinished Business***

**§ 3.20 The previous question having been ordered on a bill on Calendar Wednesday, the bill becomes the unfinished business after the reading of the Journal on the next legis-**

**lative day, or on any day thereafter.**

On Apr. 25, 1930,<sup>(15)</sup> the previous question was ordered on a Calendar Wednesday bill, and then a Member demanded the reading of the engrossed copy, which was not yet prepared. Speaker Nicholas Longworth, of Ohio, answered a parliamentary inquiry on when the bill would come up as unfinished business:

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

MR. [HAROLD] KNUTSON [of Minnesota]: Mr. Speaker, I demand the reading of the engrossed bill.

THE SPEAKER: The gentleman from Minnesota demands the reading of the engrossed bill. It is plainly impossible to read the engrossed bill at this time.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SNELL: As I understand the situation, there is a decision by Speaker Gillett that, if the reading of the engrossed copy of the bill at this time is demanded, it will be in order to take this up on the next legislative day.

THE SPEAKER: The Chair would consider it the unfinished business.

MR. KNUTSON: Mr. Speaker, I withdraw my demand.

THE SPEAKER: The Clerk will read the bill by title for the third time.

Similarly, Speaker Longworth answered a parliamentary inquiry on May 14, 1930, as to the status of Calendar Wednesday business as unfinished business:

MR. [CHARLES R.] CRISP [of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CRISP: Mr. Speaker, the previous question having been ordered on the bill and amendments to final passage, if the House adjourns now, ordinarily would not the matter come up the next day, and to-morrow being set apart under special order for memorial exercises, if the House adjourns now, will not this matter, the previous question having been ordered, come up after the reading of the Journal on Friday?

THE SPEAKER: On Friday, to-morrow not being a legislative day. . . .<sup>(16)</sup>

On Feb. 22, 1950, Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry after the House had ordered the previous question on a Calendar Wednesday bill and after a Member had demanded the reading of the engrossed copy thereof:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, that means the House will have to stay in

15. 72 CONG. REC. 7774, 71st Cong. 2d Sess.

16. *Id.* at p. 8964.

session until the engrossed copy is secured?

THE SPEAKER: It does not.

MR. RANKIN: We cannot take a recess on Calendar Wednesday?

THE SPEAKER: The House can adjourn.

MR. RANKIN: We can adjourn but that ends Calendar Wednesday.

THE SPEAKER: The previous question has been ordered and the next time the House meets, whether this week or any other week, it is the pending business.

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. COLMER: Can the Speaker advise us when the engrossed copy will be available and when the vote will be taken?

THE SPEAKER: Not until the gentleman from Massachusetts makes a request about adjournment or offers a motion.

The Chair wants all Members to understand that on the convening of the House at its next session, the final disposition of this matter is the pending business.<sup>(17)</sup>

**§ 3.21 Where the House adjourns after ordering the previous question on a bill and amendments thereto on a Calendar Wednesday, the bill becomes the unfinished business the next day and**

17. 96 CONG. REC. 2254, 81st Cong. 2d Sess.

**separate votes may be demanded on amendments the next day.**

On May 17, 1939,<sup>(18)</sup> Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the effect of adjournment on a pending Calendar Wednesday bill with amendments thereto, where the previous question has been ordered:

MR. [JOSEPH J.] MANSFIELD [of Texas]: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RAYBURN: Were the House to adjourn at this time, would the present bill be the pending business tomorrow?

THE SPEAKER: Answering the parliamentary inquiry of the gentleman from Texas, the Chair will state that the previous question having been ordered on the bill and all amendments to final passage, it would be the unfinished and privileged order of business tomorrow morning.

MR. RANKIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Can these individual amendments then be voted on?

THE SPEAKER: A separate vote can be demanded on them when that question is reached.

18. 84 CONG. REC. 5682, 76th Cong. 1st Sess.

***Conference Reports as Unfinished Business***

**§ 3.22 Further consideration of a conference report on which the previous question had been ordered was, by unanimous consent, postponed and made the unfinished business on the following day.**

On Dec. 15, 1970,<sup>(19)</sup> further consideration of a conference report (H.R. 17867, foreign assistance appropriations) was postponed by unanimous consent after the previous question had been ordered thereon:

MR. [OTTO E.] PASSMAN [of Louisiana]: . . . Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

THE SPEAKER:<sup>(20)</sup> The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will state that there are five amendments in disagreement.

MR. HALL: I want a vote on the acceptance of the conference report, to

which I object violently, and I object to the vote on the ground that a quorum is not present and, I repeat, I make a point of order that a quorum is not present.

THE SPEAKER: The Chair will count.

Will the gentleman withhold his point of order?

MR. HALL: No, Mr. Speaker, I will not withhold the point of order. I insist on my point of order. The point of order has been properly made.

THE SPEAKER: Will the gentleman indulge the Chair? There are quite a few Members at the White House, and it would be the purpose of the gentleman from Texas if the gentleman from Missouri will withhold his point of order, to ask that further proceedings on the conference report and the amendments in disagreement be postponed until tomorrow, because there are many Members at the White House with their wives.

MR. HALL: The only question of the gentleman from Missouri is: Why was this not considered before the conference report was called up?

Mr. Speaker, under those circumstances, and with that understanding and for no other purpose, I will yield until the gentleman from Texas makes his request.

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I ask unanimous consent that further proceedings on the conference report be postponed until tomorrow and that this be the first order of business on tomorrow. . . .

MR. HALL: . . . Mr. Speaker, I withdraw my reservation of objection. . . .

THE SPEAKER: Accordingly, the matter is postponed until tomorrow, when it will be the first order of business.

19. 116 CONG. REC. 41544. 91st Cong. 2d Sess.

20. John W. McCormack (Mass).

On Dec. 16, the following day, the question was put on the conference report as unfinished business following the approval of the Journal and following the receipt of message from the Senate.<sup>(1)</sup>

***Discharged Bills as Unfinished Business***

**§ 3.23 A bill before the House by way of a motion to discharge, if unfinished before adjournment on the day on which it is called up, remains the unfinished business until fully disposed of and may be called up as unfinished business on any day, not necessarily on the next day.**

On Apr. 26, 1948,<sup>(2)</sup> Mr. Sam Rayburn, of Texas, propounded a parliamentary inquiry to Speaker Joseph W. Martin, Jr., of Massachusetts, on the status of H.R. 2245, to repeal the tax on oleomargarine, which had been brought up on that day by a successful motion to discharge under Rule XXVII clause 4:

MR. RAYBURN: Since this is the pending business, suppose the gentleman from South Carolina [Mr. Rivers] determines not to move tomorrow that the House resolve itself into the

1. 116 CONG. REC. 41933, 91st Cong. 2d Sess.

2. 94 CONG. REC. 4877, 4878, 80th Cong. 2d Sess.

Committee of the Whole House on the State of the Union for the further consideration of the pending bill; would that jeopardize his chances of making that motion on Wednesday?

Mr. Earl C. Michener, of Michigan, was heard on the inquiry:

MR. MICHENER: Mr. Speaker, my only purpose in saying anything now is that we are establishing a precedent here that is most important. I think it is clear that the House can do almost anything by unanimous consent, but I am just as convinced that a special privilege created by a special rule like the discharge rule, is entirely different from a privilege under the general rules attaching, for instance, to appropriation bills. It is my thought that when this discharge rule was written, as amended, the rule was specific in providing that when by discharge petition the ordinary procedure of the House was changed and interfered with, and the House voted to discharge the committee, those in favor of considering the legislation effected by the discharge petition, may immediately—and I stress the word immediately—bring the matter before House, and the House shall immediately proceed to a conclusion of the consideration; and if the conclusion is not reached on the first day, then this legislation shall be the unfinished business until it is completed.

I am wondering whether, as a matter of reason and logic and parliamentary procedure, if other business intervenes, that special discharge rule privilege is not lost. If that were not true, the bill could be put over in the discretion of those who were responsible for the petition and who had changed the

rules of the House temporarily. If the bill can be called up Wednesday instead of the following day, as unfinished, then it can be called up Thursday, or the next Thursday, or the last day before the session ended, and this bill would have a special privilege the rest of the session, conditioned only upon the general rules of the House affecting privileges like those of appropriation bills and bills from the Committee on Ways and Means.

I may say, Mr. Speaker, that my only interest in this matter is as to the precedent.

Speaker Martin then answered the parliamentary inquiry as follows:

The Chair is interested in the valued comments of the distinguished gentleman from Michigan. Of course, the Chair is unaware of the intent or purpose back of the rule when it was first formulated. All he has to guide him is the rule itself as it appears before him in print. The Chair agrees with the gentleman from Michigan that the House can immediately consider the legislation after the motion to discharge the committee is agreed to, but the rule states "and if unfinished before adjournment of the day on which it is called up, it shall remain the unfinished business until it is fully disposed of."

That provision does not state definitely that the bill must come up on the following day, but that it shall remain the unfinished business. The gentleman's point that the bill could be postponed indefinitely of course is correct, in a sense, but after all the rules are based on common sense, and no

one would anticipate that the side that procured enough signatures to a discharge petition to bring a bill before the House would filibuster their own bill.

While the rule perhaps is not quite as definite as it might be, it is the opinion of the Chair that the consideration of the bill could go over until Wednesday if the proponents of the bill do not call it up on tomorrow, and that it would be in order on Wednesday as the unfinished business.

The Chair believes that unless the gentleman from South Carolina [Mr. Rivers] or some one on his side of the issue, calls it up on tomorrow, it can be called up on Wednesday and will be the unfinished business on that day. The Chair also wishes to state that he will not recognize anyone on the affirmative side of this matter unless the gentleman from South Carolina is absent. It is not necessary to call it up on tomorrow and it can be called up on Wednesday, at which time it will be the unfinished business.

The Chair will also remind Members that it is always within the control of the majority of the House to determine what should be done.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GROSS: Must it be called up by unanimous consent on Wednesday?

THE SPEAKER: No. It remains the unfinished business and can be called up by the gentleman from South Carolina or someone delegated by his side to do so.

*Parliamentarian's Note:* Rule XXVII clause 4 specifically pro-

vides that in the event that it is agreed to proceed to the immediate consideration of a bill brought up by way of a motion to discharge, the bill if unfinished before adjournment on the day on which it is called up shall remain the unfinished business until it is fully disposed of.

***Unfinished Business Yields to Motion to Discharge***

**§ 3.24 A motion to discharge a committee, which motion has been on the Discharge Calendar for seven legislative days, is of higher privilege for consideration on the second and fourth Mondays of the month than the unfinished business coming over from a preceding day with the previous question ordered.**

On May 8, 1936,<sup>(3)</sup> Speaker Joseph W. Byrns, of Tennessee, answered a parliamentary inquiry as to the relative precedence of unfinished business on which the previous question had been ordered, and a motion on the Discharge Calendar (which had been on the calendar for seven days) on a day on which motions to discharge were in order:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, I ask unanimous

3. 80 CONG. REC. 7010, 74th Cong. 2d Sess.

consent that when the House adjourns today it adjourns to meet on Monday next.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, reserving the right to object, and I shall not object, will the Speaker make the situation clear with reference to the legislative program for Monday?

As I understand it, it will be in order before we complete this bill to take up the question of the discharge of the Rules Committee from further consideration of the Frazier-Lemke bill. I would like to ask the Speaker if my understanding is correct, if consideration of the discharge petition would come up before the vote on this bill?

THE SPEAKER: The Chair thinks it would unless there is a previous understanding. The matter of which shall take precedence can be fixed by consent.

MR. BOILEAU: I appreciate that, Mr. Speaker. Many Members interested in the Frazier-Lemke bill are anxious to know just what the situation is going to be.

MR. [BERTRAND H.] SNELL [of New York]: It would seem to me, if the Speaker will permit, that the vote on the pending bill would be the unfinished business before the House on Monday.

THE SPEAKER: The Chair will state to the gentleman from Wisconsin that, by consent, an agreement can be made whereby the vote on the motion to recommit the pending bill, or a roll call on its passage can be had first, and then to take up the motion to discharge the committee.<sup>(4)</sup>

4. While the 21-day discharge rule was in effect, the House in one instance

***District of Columbia Business as Unfinished Business***

**§ 3.25 Unfinished business on a District of Columbia Monday does not come up automatically when that class of business is again in order but may be called up by a Member in charge of the legislation.**

On May 9, 1932,<sup>(5)</sup> Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the order of business on District of Columbia Monday:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, I ask unanimous consent to call up concurrent resolution (S. Con. Res. 27), and yield five minutes to the gentleman from Ohio, Mr. Harlan, to offer an amendment thereto.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. STAFFORD: Mr. Speaker, on the last day given over to District busi-

adjourned before completing consideration of a resolution taken from the Committee on Rules under the 21-day rule, thus causing the matter to go over to another second or fourth Monday as unfinished business under that rule. 95 CONG. REC. 14161, 14169, 81st Cong. 1st Sess., Oct. 10, 1949.

5. 75 CONG. REC. 9836, 72d Cong. 1st Sess.

ness, House Joint Resolution 154, providing for a merger of the street-railway systems in the District of Columbia, was the unfinished business. As this joint resolution was the unfinished business when the District Committee last had the call, is it not the unfinished business when the House resumes consideration of District business?

THE SPEAKER: The Chair thinks not, because a motion to consider it is necessary. Wherever a motion is required, the unfinished business has no precedence over any other business.

**§ 3.26 Business unfinished on District of Columbia Day does not come up until the next day on which that business is in order.**

On June 26, 1939,<sup>(6)</sup> the Committee of the Whole was considering District of Columbia business brought up on District of Columbia Day. Chairman Fritz G. Lanham, of Texas, answered a parliamentary inquiry as to the effect on the pending bill should the Committee rise without completing the bill on that day:

MR. [WALTER G.] ANDREWS [of New York]: Mr. Chairman, I move that the Committee do now rise.

MR. [KENT E.] KELLER [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

6. 84 CONG. REC. 7927, 7928, 76th Cong. 1st Sess.

MR. KELLER: Mr. Chairman, what would be the effect on this bill if we should vote to rise?

THE CHAIRMAN: It would be the unfinished business of the Committee on the District of Columbia on the next day that committee is called.

MR. KELLER: What day would that be?

THE CHAIRMAN: The second and fourth Monday of each month are District days.

MR. KELLER: If we want present consideration of this bill we will have to vote against the motion?

THE CHAIRMAN: I think the membership is sufficiently informed with reference to the motion. The question is on the motion to rise.

### ***Messages as Unfinished Business***

#### **§ 3.27 The reception of a Presidential message being a matter of high privilege in the House, the Speaker pro tempore indicated in response to a parliamentary inquiry that where such a message is received it is laid before the House as soon as business permits, and that the precedents do not justify its being held at the desk until another legislative day.**

On June 24, 1968,<sup>(7)</sup> following the legislative business for the day, a message from the President

7. 114 CONG. REC. 18330, 18331, 90th Cong. 2d Sess.

was received and laid before the House by Speaker pro tempore Carl Albert, of Oklahoma. The Speaker pro tempore responded to a parliamentary inquiry as to whether the message could be laid down on the following legislative day:

THE SPEAKER PRO TEMPORE: The Chair lays before the House a message from the President of the United States.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker. a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALL: Mr. Speaker, in the opinion of the Chair is it necessary that a Presidential message when delivered in writing be presented to the Members of the House immediately or could it be held until the next legislative day?

THE SPEAKER PRO TEMPORE: The Chair will advise the distinguished gentleman that when the House is in session, a message from the President is laid before the House.

MR. HALL: Mr. Speaker, a further parliamentary inquiry, is this done by tradition, at the will of the Chair, or is it supported by a rule of the House?

THE SPEAKER PRO TEMPORE: It is supported by the custom of the House and the provisions of the constitution.

MR. HALL: Mr. Speaker, a further parliamentary inquiry.

Could the Chair advise the Members of the House as to the subject of this particular message, arriving at 4:45 in the evening?

THE SPEAKER PRO TEMPORE: It relates to the matter of firearms legislation.

MR. HALL: Mr. Speaker, in my opinion the Members of the House should hear anything that is this important and I make a point of order that a quorum is not present.

THE SPEAKER PRO TEMPORE: Evidently, a quorum is not present.

MR. [SPARK M.] MATSUNAGA [of Hawaii]: Mr. Speaker. I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names: . . .

A quorum responded to the call of the House, and the message was then laid before the House and read by the Clerk

**§ 3.28 Where messages from the Senate and the President were received during a call of the House, and the House adjourned when a quorum failed to appear on the call, the messages were held at the Speaker's table until it next convened.**

On Oct. 11, 1968,<sup>(8)</sup> a message from the Senate and a message from the President were received while a call of the House was in progress. A quorum having failed to appear, the House adjourned. The messages were held at the

8. 114 CONG. REC. 30816, 30817, 90th Cong. 2d Sess.

Speaker's table until the House next convened on the following day and were then laid before the House.<sup>(9)</sup>

***Motions to Suspend the Rules as Unfinished Business***

**§ 3.29 Pursuant to a special order postponing roll calls until the following Thursday, consideration of the vote on a bill called up under suspension of the rules was postponed and made the unfinished business on the day when roll calls would again be in order.**

On Oct. 5, 1935,<sup>(10)</sup> Mr. Clement J. Zablocki, of Wisconsin, moved to suspend the rules and pass a bill; when Speaker John W. McCormack, of Massachusetts, put the question on the motion, Mr. H. R. Gross, of Iowa, objected to the vote on the ground that a quorum was not present. The Speaker then stated as follows:

Pursuant to the order of the House of October 1, further proceedings on

9. 114 CONG. REC. 31116, 31117, 90th Cong. 2d Sess., Oct. 12, 1968. See also § 3.6, supra.

10. 111 CONG. REC. 25941-44, 89th Cong. 1st Sess.

For the proposition that messages from the President or Senate may be received during a call of the House, see *House Rules and Manual* § 562 (1979).

the Senate joint resolution will go over until Thursday, October 7.

The postponement of the vote on the motion to suspend the rules was carried as follows in the House Journal:

On a division, demanded by Mr. Gross, there appeared—yeas 55, nays 12.

Mr. Gross objected to the vote on the ground that a quorum was not present and not voting and made the point of order that a quorum was not present.

Pursuant to the unanimous-consent agreement of October 1, 1965, further consideration of the motion to suspend the rules and pass the joint resolution of the Senate, S.J. Res. 106 was postponed until Thursday, October 7, 1965. Mr. Gross then withdrew his point of no quorum.<sup>(11)</sup>

*Parliamentarian's Note:* On Oct. 1, the House had agreed to a unanimous-consent request that all roll call votes, other than on matters of procedure, which might be ordered on Oct. 5 or 6, be put over until Oct. 7.<sup>(12)</sup>

**§ 3.30 A motion to suspend the rules which remains undisposed of at adjournment (after the conclusion of debate on one suspension day), goes over as unfinished business to the next suspension day.**

11. H. Jour. 1256, 1257, 89th Cong. 1st Sess., Oct. 5, 1965.

12. 111 CONG. REC. 25796, 25797, 89th Cong. 1st Sess.

On Aug. 5, 1935,<sup>(13)</sup> Speaker Joseph W. Byrns, of Tennessee, announced, on a suspension day, the order of business as to an unfinished motion to suspend the rules coming over from a previous suspension day:

THE SPEAKER: When the House adjourned on the last suspension day there was under consideration the bill (S. 2865) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928. The question is on the motion to suspend the rules and pass the bill. This motion is, therefore, the unfinished business, as the Chair understands debate was concluded on the measure.

**§ 3.31 A motion to suspend the rules on which a second had been ordered, remaining undisposed of at adjournment was, on the next day when such motion was again in order, withdrawn by unanimous consent.**

On May 5, 1958,<sup>(14)</sup> which was a day when motions to suspend the rules were in order, Mr. Oren Harris, of Arkansas, asked unanimous consent to vacate the proceedings under suspension of the rules held two weeks prior on H.R. 11414, to amend the Public

13. 79 CONG. REC. 12506, 74th Cong. 1st Sess.

14. 104 CONG. REC. 8004, 85th Cong. 2d Sess.

Health Service Act. (On the prior occasion, a second had been ordered on the bill but the House had adjourned before completing its consideration.) The unanimous-consent request was agreed to, and Mr. Harris moved to suspend the rules and pass the same bill with amendments.

***Reading Engrossed Copy of Bill as Unfinished Business***

**§ 3.32 Where the reading of the engrossed copy of a bill was demanded under prior practice, the bill was laid aside until the engrossed copy could be provided.**

On June 17, 1948,<sup>(15)</sup> a bill was ordered to be engrossed and read a third time. A Member demanded the reading of the engrossed copy, and Speaker Joseph W. Martin, Jr., of Massachusetts, responded, "The bill will have to be laid aside until the engrossed copy can be provided."

On May 3, 1949,<sup>(16)</sup> Mr. Vito Marcantonio, of New York, demanded the reading of the engrossed copy of a bill. Speaker Sam Rayburn, of Texas, allowed the bill to go over as unfinished

15. 94 CONG. REC. 8713, 80th Cong. 2d Sess.

16. 95 CONG. REC. 5544, 81st Cong. 1st Sess.

business, stating that "The Chair thinks it would not be practicable to wait for that this evening."

*Parliamentarian's Note:* This precedent and the following ones, relating to the reading of the engrossed copy of a bill as unfinished business, predate the 1965 amendments deleting from the rules of the House the provision in Rule XXI allowing any Member to demand the reading in full of the engrossed copy of a bill.

**§ 3.33 A Member who had demanded the reading of the engrossed copy of a bill (under the prior practice) withdrew the demand the next day before the reading of the engrossed copy as unfinished business.**

On June 18, 1948,<sup>(17)</sup> Speaker Joseph W. Martin, Jr., of Massachusetts, announced that the unfinished business was the reading of the engrossed copy of a bill, the demand for the reading having been made on the previous day and before the engrossed copy was prepared. Mr. Vito Marcantonio, of New York, who had demanded the reading of the engrossed copy on the previous day, withdrew his demand and the bill was read the third time by title.

**§ 3.34 Under prior practice, if the House adjourned after a**

17. 94 CONG. REC. 8828, 80th Cong. 2d Sess.

**demand for the reading of an engrossed copy of a bill but before such reading, the bill became the unfinished business of the House.**

On Feb. 6, 1946,<sup>(18)</sup> Speaker Sam Rayburn, of Texas, put the question on the engrossment and third reading of the pending bill, H.R. 4908, to investigate labor disputes. Mr. Clare E. Hoffman, of Michigan, demanded the reading of the engrossed copy, which was not yet available. The Speaker indicated that pursuant to the demand for the reading, a final vote could not be had until the engrossed copy was available. The Speaker answered a parliamentary inquiry propounded by Mr. Jennings Randolph, of West Virginia:

THE SPEAKER: The Chair has an opinion that in all probability it could not be here before midnight.

MR. RANDOLPH: Mr. Speaker, I do not want to propound a parliamentary inquiry which would not go to the direct point at issue, but I would like to know approximately the time we might expect the engrossed copy.

MR. RANDOLPH: Mr. Speaker, assuming the engrossed copy is here tomorrow, will the first order of business, on reconvening, be the vote on the bill?

THE SPEAKER: It is the unfinished business.

18. 92 CONG. REC. 1027-29, 79th Cong. 2d Sess.

On Aug. 22, 1963, following the demand for the reading of the engrossed copy of a bill but before the engrossed copy was prepared, Speaker John W. McCormack, of Massachusetts, stated that the vote on the bill would "come up on the next legislative day after the bill is engrossed."<sup>(19)</sup>

***Private Business as Unfinished Business***

**§ 3.35 When the House adjourns before completing action upon an omnibus private bill, such bill goes over as unfinished business until that class of business is again in order under the rule.**

On Mar. 17, 1936,<sup>(20)</sup> Speaker pro tempore Edward T. Taylor, of Colorado, answered a parliamentary inquiry on the effect of adjournment on pending omnibus private bill:

MR. [JOHN M.] COSTELLO [of California]: Mr. Speaker, I move that the House do now adjourn.

MR. [FRED] BIERMANN [of Iowa]: Pending that, what will be the status of this omnibus bill?

THE SPEAKER PRO TEMPORE: This bill will be the unfinished business the next time this calendar is called.

19. 109 CONG. REC. 15624, 15625, 88th Cong. 1st Sess.

20. 80 CONG. REC. 3901, 74th Cong. 2d Sess.

MR. BIERMANN: And that will be a month from today?

THE SPEAKER PRO TEMPORE: Whenever the date is.

The question is on the motion of the gentleman from California that the House do now adjourn.<sup>(1)</sup>

### ***Veto Messages as Unfinished Business***

#### **§ 3.36 Pursuant to a special order postponing roll calls until the following Thursday, consideration of a veto message was made the unfinished business on a day when roll calls would again be in order (objection having been raised to a unanimous-consent request that the veto message be referred to committee).**

On Oct. 5, 1965,<sup>(2)</sup> a veto message from the President was laid before the House by Speaker pro tempore Carl Albert, of Oklahoma, and read by the Clerk. The Speaker pro tempore immediately stated that if there was no objection, the message would be referred to the Committee on the Judiciary and ordered printed, but Mr. H. R. Gross, of Iowa, objected

1. See *House Rules and Manual* § 888 (1979) for resumption of unfinished business in periods set apart for certain classes of business.

2. 111 CONG. REC. 25940, 25941, 89th Cong. 1st Sess.

to such disposition of the message. The Speaker pro tempore therefore stated that pursuant to the order of the House on Oct. 1, the veto message would be the pending business on Thursday, Oct. 7.

*Parliamentarian's Note:* On Oct. 1, 1965, the House had agreed to a unanimous-consent request, propounded by Mr. Albert and due to religious holidays on Oct. 5 and 6, that any roll call votes, other than on questions of procedure, which might be demanded on Oct. 5 or 6, be put over until Oct. 7.<sup>(3)</sup> Consideration of the message was postponed in anticipation that any disposition would generate a roll call.

#### **§ 3.37 The Speaker made a statement as to the order of business where a veto postponed to a day certain was the unfinished business.**

On Apr. 14, 1948, Speaker Joseph W. Martin, Jr., of Massachusetts, made the following statement on the order of business, a veto message having been postponed to that day:<sup>(4)</sup>

The Chair wishes to state the order of business.

The unfinished business is the further consideration of the veto message of the President of the United States

3. *Id.* at pp. 25796, 25797.

4. 94 CONG. REC. 4427, 80th Cong. 2d Sess.

on the bill (H.R. 5052) to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and the Internal Revenue Code.

Following that, under a special order Jefferson's First Inaugural Address will be read. Following that, the Chair will recognize Members to submit consent requests to extend remarks and to address the House for 1 minute.

*Parliamentarian's Note:* Consideration of a veto message on the day to which it has been postponed is highly privileged and becomes the unfinished business following the approval of the Journal.<sup>(5)</sup>

**§ 3.38 Where a veto message postponed to a day certain is announced as the unfinished business, no motion is required from the floor for consideration of such veto, and the question, "Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding" is pending.**

On Jan. 28, 1970, Speaker John W. McCormack, of Massachusetts, put the following question, following the approval of the Journal

5. See 94 CONG. REC. 4427, 80th Cong. 2d Sess., Apr. 14, 1948; 116 CONG. REC. 1483, 91st Cong. 2d Sess. Jan. 28, 1970; and 119 CONG. REC. 36202, 93d Cong. 1st Sess., Nov. 7, 1973.

and a call of the House, on a veto message postponed to that day by motion on Jan. 27:

THE SPEAKER: The unfinished business is: Will the House, on reconsideration, pass the bill, H.R. 13111, an act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Texas (Mr. Mahon) for 1 hour.<sup>(6)</sup>

### ***Withdrawal of Unfinished Business***

**§ 3.39 On one occasion the Speaker, having recognized one Member to propound a parliamentary inquiry regarding the status of a resolution as "unfinished business," then recognized another Member to withdraw the resolution, thus eliminating the reason for the inquiry.**

On Apr. 8, 1964, a demand was made for the reading of the engrossed copy of a bill where the engrossment was not yet prepared. The bill was laid aside and the House proceeded to consider a resolution (concurring in Senate

6. 116 CONG. REC. 1483, 91st Cong. 2d Sess.

amendments to a House bill). Prior to the disposition of the resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pursuant to authority previously granted.

At the conclusion of the recess, the Speaker stated the unfinished business to be the reading of the engrossed copy of the bill on which the demand had been made. The following inquiry and its disposition then ensued:<sup>(7)</sup>

THE SPEAKER: The unfinished business is the reading of the engrossed copy of H.R. 10222.

The Clerk will read the engrossed copy.

MR. OLIVER P. BOLTON [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. OLIVER P. BOLTON: Mr. Speaker, when the recess was called, it is my understanding that we were engaged in the consideration of what is referred to as a cotton and wheat bill. Is it not the rule of the House that we must finish the consideration of that measure before we take up any other measure which has been passed over for parliamentary and mechanical reasons?

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker—

THE SPEAKER: The gentleman from Missouri [Mr. Bolling].

MR. BOLLING: Mr. Speaker, under the rules I withdraw House Resolution 665.

MR. OLIVER P. BOLTON: Mr. Speaker, a parliamentary inquiry.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, that takes unanimous consent, and I object.

THE SPEAKER: The Chair will state that it does not take unanimous consent to withdraw the resolution in the House.

MR. OLIVER P. BOLTON: Mr. Speaker, it is my understanding that the Speaker was addressing the Member now addressing the Chair and had not given an answer to my question. Therefore, the recognition of the Member from the other side, the gentleman from Missouri [Mr. Bolling] was out of order. Am I incorrect?

THE SPEAKER: The recognition of the gentleman from Missouri [Mr. Bolling] terminated the parliamentary inquiry.

MR. OLIVER P. BOLTON: In other words, the Speaker did not answer the parliamentary inquiry; is that correct?

THE SPEAKER: Since the resolution was withdrawn, the parliamentary inquiry was ended.

MR. OLIVER P. BOLTON: If the Speaker will respectfully permit, the gentleman from Ohio would suggest that the question had been asked before the resolution had been withdrawn.

THE SPEAKER: The Chair will state that the Chair has the power of recognition. Now that the resolution has been withdrawn, the unfinished business is the reading of the engrossed copy of H.R. 10222. . . .

MR. OLIVER P. BOLTON: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. OLIVER P. BOLTON: The Speaker had recognized the gentleman from

7. 110 CONG. REC. 7302-04, 88th Cong. 2d Sess.

Ohio for a parliamentary inquiry. The parliamentary inquiry had been made. The parliamentary inquiry had not been answered and yet the Chair recognized the gentleman from Missouri.

THE SPEAKER: Which the Chair has the power to do.

The Clerk will read the engrossed copy of H.R. 10222. . . .

MR. OLIVER P. BOLTON: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. OLIVER P. BOLTON: Mr. Speaker, may I inquire whether the parliamentary inquiry which I addressed to the Chair is now not to be answered, because of the action of the gentleman from Missouri?

THE SPEAKER: The gentleman will repeat his parliamentary inquiry.

MR. OLIVER P. BOLTON: Mr. Speaker, my parliamentary inquiry was to the effect that inasmuch as the House was engaged at the business before it at the time the Speaker called the recess, whether the rules of the House did not call for the conclusion of that business before other business which had been postponed by the House under the rules of the House and in accordance with the procedures of the House did not have to follow consideration of any business that was before the House at the time of the calling of the recess?

THE SPEAKER: The Chair will state that the gentleman from Missouri withdrew his resolution. If he had not withdrawn the resolution the situation might have been different.

The Chair has made a ruling that the unfinished business is the reading of the engrossed copy of H.R. 10222. That is the unfinished business.

**§ 3.40 Where a Member has obtained unanimous consent for the consideration of a bill in the House, he may withdraw such request before the bill has been amended, even though an amendment is pending, and, if withdrawn, the bill does not become the unfinished business of the House.**

On May 16, 1938,<sup>(8)</sup> a bill was called up on the Consent Calendar. Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry as to the status of the bill and as to whether it was unfinished business:

MR. [AUGUST H.] ANDRESEN of Minnesota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDRESEN of Minnesota: On Tuesday last this bill was brought up under unanimous consent. The bill was read. No objection was raised to the consideration of the bill. The bill was read as amended by the Committee on Agriculture. Debate was had upon it and I offered an amendment at the conclusion of the reading of the bill. Debate was had upon my amendment. The chairman of the Committee on Agriculture, the gentleman from Texas [Mr. Jones] stated at the conclusion of the debate upon my amendment:

I would much rather withdraw the request, and I will notify the gentleman before it is called up.

8. 83 CONG. REC. 6927, 75th Cong. 3d Sess.

He further said:

Mr. Speaker, I withdraw the request.

But the Record does not show that the gentleman from Texas asked unanimous consent to withdraw the bill from further consideration of the House. My parliamentary inquiry is as to whether or not the bill is now the unfinished business on the Speaker's desk and requires no further action here as far as objection is concerned and that it comes up automatically.

THE SPEAKER: In reply to the parliamentary inquiry of the gentleman from Minnesota [Mr. Andresen], it is the recollection of the Chair that the gentleman from Texas [Mr. Jones] asked unanimous consent for the consideration of the bill and that the gentleman from Minnesota did offer an amendment and debated it, whereupon the gentleman from Texas rose in his place and said that rather than have the matter pressed to an issue on the amendment which the gentleman from Minnesota proposed, he would prefer to withdraw his request for consideration of the bill. The amendment was not acted upon by the House. The Chair is of opinion that under rule XVI, section 2, the gentleman from Texas [Mr. Jones] could withdraw the consideration of the bill without unanimous consent. The Chair, therefore, is of opinion that the matter is not unfinished business on the Speaker's desk.

MR. [FRED C.] GILCHRIST [of Iowa]: Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

THE SPEAKER: Is there objection? There was no objection.

***Unfinished Business Not Affected by Adjournment Between Sessions***

**§ 3.41 The enactment of a law changing the date of meeting of the second session of a Congress does not affect the status of discharge motions on the desk or of other legislative matters pending at the end of the first session.**

On Dec. 19, 1945,<sup>(9)</sup> Mr. John W. McCormack, of Massachusetts, offered a privileged resolution changing the meeting date of the second session of the 79th Congress to Jan. 14, 1946, rather than Jan. 3, 1946. Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry as to the effect of the resolution on a discharge petition or other legislative matters pending in the first session:

MR. [JOHN H.] FOLGER [of North Carolina]: I have a discharge petition on the desk, No. 10, in which I am very, very much interested. I have no objection to this adjournment until the 14th unless I have to go back and get that signed anew. Will that carry over?

THE SPEAKER: It will carry over.

MR. FOLGER: If it will I am all right.

THE SPEAKER: Everything remains on the calendar just as it is now.

***Parliamentarian's Note: Rule XXVI, House Rules and Manual***

**9.** 91 CONG. REC. 12346, 79th Cong. 1st Sess.

§ 901 (1979), entitled “Unfinished Business of the Session,” provides that business before committees continues from session to session; under the practice of the House that rule applies to business pending before the House as well as before committees.

#### § 4. Calendar Wednesday; Morning Hour Call of Committees

Rule XXIV provides for two distinct calls of standing or select committees for the consideration of reported bills—the morning hour call of committees and the call of committees on Calendar Wednesday.

Clause 1 of the rule indicates the place of the morning hour call in the order of business;<sup>(10)</sup> clause 4<sup>(11)</sup> governs the actual procedure for the morning hour call:

After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar, and if the Speaker shall not complete the call of the Com-

mittees before the House passes to other business, he shall resume the next call where he left off, giving preference to the last bill under consideration: *Provided*, That whenever any committee shall have occupied the morning hour on two days, it shall not be in order to call up any other bill until the other committees have been called in their turn.

The morning hour call of committees is largely obsolete as a method for gaining consideration of reported bills; the procedure was last used in 1933.<sup>(12)</sup>

Rule XXIV clause 7<sup>(13)</sup> provides for the Calendar Wednesday call of committees and for a motion to dispense with such proceedings:

On Wednesday of each week no business shall be in order except as provided by clause 4 of this rule unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against. On a call of committees under this rule bills may be called up from either the House or the Union Calendar, excepting bills which are privileged under the rules; but bills called up from the Union Calendar shall be considered in Committee of the Whole House on the State of the Union. This rule shall not apply during the last 2 weeks of the session. It shall not be in order for the Speaker to entertain a motion for a re-

10. *House Rules and Manual* § 878 (1979).

11. *House Rules and Manual* § 889 (1979).

12. See § 4.2, *infra*.

13. *House Rules and Manual* § 897 (1979).