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UNFINISHED BUSINESS

The unfinished business of the Senate is the measure (whether privileged or nonprivileged) that was under consideration at the time the Senate adjourned, and such unfinished business has a special significance in Senate procedure. Each new legislative day after the close of the Morning Hour, the unfinished business is automatically laid before the Senate for further consideration, unless the Senate provides otherwise by unanimous consent. The Senate could also consider the unfinished business during the Morning Hour, on motion or by unanimous consent, and has on occasion considered it automatically during the Morning Hour after disposition of morning business when the remaining Morning Hour proceedings were dispensed with. The unifinished business retains its status from day to day through adjournments and recesses until disposed of or displaced for the consideration of some other measure.

A motion that a measure be the unfinished business is not in order. However, a successful cloture motion will make the clotured measure the unfinished business. A measure becomes the unfinished business and may be displaced and therefore lose that status as set forth in the following paragraphs.

A measure becomes the unfinished business if it is the only measure pending before the Senate when it adjourns while conducting legislative business. When the Senate has no pending business or unfinished business, any measure regardless of how and when taken up would become the unfinished business if the Senate adjourns during its consideration.

If there is a first measure pending before the Senate and it takes up a second measure and then adjourns while conducting legislative business, the second measure becomes the unfinished business if it had displaced the first measure. Whether a second measure displaces a first measure depends on how and when the second measure is called up, and whether or not either of these measures is privileged for consideration. If a second measure does not displace a first measure, consideration of the first measure is merely suspended and it resumes automatically upon disposition of the second measure.

A measure taken up by unanimous consent at any time does not displace pending business or unfinished business. A measure taken up on motion agreed to during the Morning Hour will not displace the unfinished business, which recurs at the expiration of the Morning Hour. However, a second measure taken up on motion agreed to outside the Morning Hour will displace any pending business or unfinished business unless that second measure was privileged for consideration and the first measure was not.

The precedents and practices of the Senate cited below spell out these procedures in more detail.

Rule VIII, Paragraph 1

[Call of Calendar Before Unfinished Business Until End of Morning Hour]

At the conclusion of the morning business at the beginning of a new legislative day, unless upon motion the Senate shall at any time otherwise order, the Senate shall proceed to the consideration of the Calendar of Bills and Resolutions, and shall continue such consideration until 2 hours after the Senate convenes on such day (the end of the morning hour); and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for 5 minutes only upon any question; and an objection may be interposed at any stage of the proceedings, but upon motion the Senate may continue such consideration; and this order shall commence immediately after the call for "other resolutions", or after disposition of resolutions coming "over under the rule", and shall take precedence of the unfinished business and other special orders. But if the Senate shall proceed on motion with the consideration of any matter notwithstanding an objection, the foregoing provisions touching debate shall not apply.

Rule X, Paragraph 1

[Unfinished Business Takes Precedence Over Special Order]

Any subject may, by a 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.

Adjournment:

Unfinished business will not be disturbed by an adjournment of the Senate.[1]

Amendment to:

Amendments to unfinished business are in order at the expiration of the Morning Hour or when that unfinished business is laid before the Senate.[2]

[1] *See* Feb. 24, 1954, 83-2, *Record*, p. 2218.
[2] May 14, 1962, 87-2, *Record*, pp. 8285, 8298.

An amendment to unfinished business, pending when unfinished business is displaced, will, if the latter is again taken up for consideration, be the pending question.[3]

Conference Reports Take Precedence Over Unfinished Business:

See "Precedence Over Other Business," pp. 473–474.

Consideration and Definition of Unfinished Business:

See also "Consideration of Appropriation Bills," pp. 157–158; "Consideration, Question of," pp. 655–682; "Lay Aside Temporarily," pp. 902–904; "Privileged Business," which merely suspends the unfinished business, pp. 1034–1037; "Resolutions," pp. 1202–1213; a conference report, "Suspends Other Business But Does Not Displace," pp. 474–475.

After the conclusion of the morning business, the unfinished business, or any bill on the Calendar [4] may be taken up on motion during the Morning Hour,[5] except on Mondays. According to most of the early precedents, the unfinished business did not automatically come before the Senate on a new legislative day prior to the expiration of the Morning Hour.[6] However, in several recent instances, the unfinished business was automatically laid before the Senate by the Chair prior to the expiration of the Morning Hour.[7] The Chair has laid the unfinished business before the senate at the close of morning business, even though the Morning Hour had not yet expired, when the Senate convened on a new legislative day, pursuant to an order that limited the time for morning business to twenty minutes, waived the call of the calendar and barred resolutions and motions from coming over, under the rule.[8] When the Senate was considering another bill brought up by unanimous consent during the Morning

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[3] *See* Mar. 24, 1960, 86–2, *Record*, pp. 6469–71; June 21, 1962, 87–2, *Record*, p. 11274.
[4] *See* Apr. 28, 1914, 63–2, *Record*, p. 7357.
[5] *See* Dec. 10, 1941, 77–1, *Record*, p. 9605.
[6] Feb. 1, 1910, 61–2, *Record*, pp. 1331–32; Apr. 3, 1939, 76–1, *Record*, p. 3687; Dec. 10, 1941, 77–1, *Record*, p. 9604; July 6, 1956, 84–2, *Record*, p. 11930; Jan. 12, 1956, 84–2, *Record*, p. 384; Sept. 15, 1943, 78–1, *Record*, p. 7570; Aug. 20, 1942, 77–2, *Record*, p. 6882; *see also* Aug. 17, 1942, 77–2, *Record*, p. 6857; Aug. 5, 1948, 80–2, *Record*, p. 9786; Apr. 23, 1959, 86–1, *Record*, p. 6515; Sept. 1 and 12, 1961, 87–1, *Record*, pp. 17947, 18993; Aug. 24, 1965, 89–1, *Record*, pp. 21496–97; Sept. 26, 1963, 88–1, *Record*, p. 18221.
[7] Aug. 10, 1988, 100–2, *Record*, p. S 11307.
[8] Sept. 10, 1987, 100–1, *Record*, p. S 11929.

Hour, the Chair indicated in response to an inquiry that the unfinished business was the regular order.[9]

After the transaction of morning business or the expiration of 1 hour after the Senate convenes following an adjournment, it is in order to proceed to the consideration of the unfinished business,[10] except on Mondays.

In 1958, an order was made by unanimous consent, when there was both unfinished business and pending business, that the consideration of the latter when taken up in the Morning Hour should not be interrupted by the expiration of that period.[11]

The call of the Calendar under Rule VIII ends with the expiration of the Morning Hour,[12] or after the expiration of two hours, but can be proceeded with by unanimous consent,[13] and the bill then before the Senate does not necessarily become the unfinished business.[14]

The unfinished business is not displaced by a bill or resolution taken up in the Morning Hour,[15] but is automatically laid before the Senate at the expiration of the Morning Hour.[16] However, the unfinished business is displaced by the adoption of a motion to proceed to another measure made in the Morning Hour but agreed to outside the Morning Hour.[17]

The consideration of a bill taken up on motion during the Morning Hour gives way to the unfinished business at the end of two hours; [18] but when there is no unfinished business, the consideration of a bill taken up on motion during the Morning Hour continues after that hour unless later displaced on motion.[19]

The consideration of a conference report, brought up during the Morning Hour has been interrupted at the end

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[9] *See* Aug. 10, 1988, 100-2, *Record*, pp. S 11307-08.

[10] *See* Aug. 24, 1965, 89-1, *Record*, pp. 21496-97.

[11] Apr. 28, 1958, 85-2, *Record*, p. 7466.

[12] June 15, 1936, 74-1, *Journal*, p. 392, *Record*, p. 9342; Mar. 8, 1939, 76-1, *Record*, p. 2451; Nov. 16, 1942, 77-2, *Record*, p. 8861; June 8, 1953, 83-1, *Record*, p. 6194; May 6, 1953, 83-1, *Record*, pp. 4590-91; Jan. 30, 1953, 83-1, *Record*, pp. 692-93; July 29, 1946, 79-2, *Journal*, p. 511.

[13] Jan. 30, 1935, 74-1, *Record*, p. 1222; Jan. 20, 1932, 72-1, *Journal*, p. 165; Feb. 7, 1935, 74-1, *Journal*, p. 102, *Record*, p. 1651.

[14] Mar. 19, 1928, 70-1, *Journal*, p. 278.

[15] Mar. 21, 1914, 63-2, *Record*, p. 5219; *see also* Feb. 18, 1909, 60-2, *Record*, p. 2615; July 17, 1912, 62-2, *Record*, p. 9166; June 6, 1930, 71-2, *Record*, p. 10172.

[16] Mar. 21, 1914, 63-2, *Record*, p. 5219; *see also* July 17, 1912, 62-2, *Record*, p. 9166; Mar. 24, 1960, 86-2, *Record*, pp. 6469-71.

[17] Sept. 11, 1987, 100-1, *Record*, pp. S 11991-93; Sept. 15, 1987, 100-1, *Record*, pp. S 12070-71.

[18] *See* Feb. 26, 1927, 69-2, *Record*, p. 4901; Apr. 28, 1914, 63-2, *Record*, p. 7357.

[19] *See* Mar. 30, 1960, 86-2, *Record*, p. 6931.

of the Morning Hour to lay before the Senate its unfinished business.[20]

If the unfinished business is temporarily laid aside by unanimous consent for the consideration of another matter it may again be brought before the Senate upon a demand for the regular order.[21]

The unfinished business is automatically laid before the Senate 2 hours after the Senate convenes following an adjournment unless superseded by more privileged business at that hour. For details on precedents relative to this procedure, *see* "Motions for Consideration, Out of Order," pp. 672–673; "Bills and Resolutions Brought Up on Motion To Consider," pp. 658–661; "Displacement of Pending or Unfinished Business," pp. 664–669; "Procedure in the Morning Hour," pp. 930–933.

Where the unfinished business is laid aside by unanimous consent for the consideration of another matter, and the Senate adjourns, the unfinished business will be laid down at the expiration of the Morning Hour following adjournment; it might be laid aside by unanimous consent again for a call of the Calendar, and/or for the consideration of other matters.[22]

The unfinished business may be taken up on motion during the Morning Hour.[23]

The rejection in the Morning Hour of a motion to take up a bill which had previously been made the unfinished business does not affect the status of such bill as unfinished business.[24]

The consideration of a measure taken up on motion in the Morning Hour, as distinct from being taken up on motion over an objection during a call of the Calendar,[25] continues beyond the Morning Hour when there is no unfinished business,[26] and upon adjournment will

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[20] June 11, 1906, 59-1, *Record*, p. 8246; Aug. 7, 1912, 62-2, *Record*, p. 10341.

[21] Apr. 14, 1938, 75-3, *Record*, p. 5389.

[22] May 20 and 23, 1949, 81-1, *Record*, pp. 6537, 6621.

[23] *See* Dec. 10, 1941, 77-1, *Record*, p. 9605; Apr. 23, 1959, 86-1, *Record*, p. 6515.

[24] *See* Sept. 22, 1950, 81-2, *Record*, p. 15489.

[25] Mar. 19, 1928, 70-1, *Journal*, p. 278, *Record*, p. 4970; June 25, 1914, 63-2, *Record*, p. 11099; May 9, 1944, 78-1, *Record*, p. 4179; *see also* Mar. 27, 1939, 76-1, *Record*, pp. 335-36; Apr. 17, 1951, 82-1, *Record*, p. 3960; Jan. 17, 1918, 65-2, *Record*, pp. 912, 919.

[26] Apr. 13, 1965, 89-1, *Record*, pp. 7801, 7804; *see* Jan. 17, 1918, 65-2, *Record*, pp. 912, 919; Mar. 27, 1939, 76-1, *Record*, pp. 335-36; Dec. 9, 1914, 63-3, *Record*, p. 46; Feb. 7, 1916, 64-1, *Record*, p. 2199; Mar. 9, 1916, 64-1, *Record*, p. 3809; June 25, 1914, 63-2, *Record*, p. 11099; Dec. 9, 1926, 69-2, *Record*, p. 124; Mar. 30, 1960, 86-2, *Record*, p. 6931.

become the unfinished business, unless displaced on motion in the meantime.[27]

A measure taken up on motion during the Morning Hour does not necessarily become the unfinished business after the expiration of two hours on a new legislative day;[28] but a bill taken up on motion in the Morning Hour, when there is no unfinished business, and consideration of which is interrupted at the expiration of two hours by an executive session does not become the unfinished business automatically,[29] but becomes the unfinished business upon adjournment of the Senate as in legislative session at the conclusion of the executive session,[30] or if its consideration is resumed after the Morning Hour in legislative session and not finished when the Senate adjourns.[31]

The Voting Rights bill in 1965 was motioned up during the Morning Hour when no debate was in order and when there was no unfinished business, and its consideration was continued for the remainder of the day; it thus became the unfinished business following the adjournment.[32]

A bill taken up on motion after the Morning Hour becomes the unfinished business if not disposed of before an adjournment.[33]

The election of a chairman of the Committee on Interstate Commerce not having been determined on the first day of its consideration, was regarded by the Senate as unfinished business until disposed of, and the matter was held to be debatable.[34]

Unfinished business cannot be made by a resolution of the Senate,[35] nor on motion,[36] but is the business that is pending at the close of a day's session upon adjournment.[37] When there is pending business and no unfin-

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[27] *See* Feb. 7, 1916, 64-1, *Record*, p. 2199; Dec. 9, 1926, 69-2, *Record*, p. 124; June 25, 1914, 63-2, *Record*, p. 11099.

[28] *See* Jan. 21, 1914, 63-2, *Record*, p. 2019.

[29] Sept. 23 and 24, 1919, 66-1, *Record*, pp. 5769, 5840.

[30] Jan. 7, 1927, 69-2, *Journal*, p. 68, *Record*, pp. 1215-18.

[31] Sept. 23 and 24, 1919, 66-1, *Record*, pp. 5769, 5840.

[32] Apr. 13, 1965, 89-1, *Record*, pp. 7801, 7804.

[33] Sept. 13, 1940, 76-3, *Record*, p. 12057; *see also* Feb. 7, 1916, 64-1, *Record*, p. 2199; Jan, 25, 1887, 49-2, *Record*, p. 1004; Dec. 21, 1914, 63-3, *Record*, pp. 440-41; Mar. 21, 1914, 63-2, *Record*, p. 5223.

[34] Dec. 11 and 19, 1923, 68-1, *Journal*, pp. 46, 70, *Record*, pp. 234, 428.

[35] Aug. 25, 1916, 64-1, *Record*, p. 13192.

[36] Jan. 30, 1917, 64-2, *Record*, p. 2221; *see also* Dec. 11, 1916, 64-2, *Record*, p. 153.

[37] *Ibid.*

ished business and the Senate adjourns briefly, following a recess from the previous day, that pending business becomes the unfinished business.[38]

A bill cannot be made unfinished business of the Senate by motion,[39] but becomes such, by operation of the rules, when taken up on motion and is under consideration at adjournment; [40] unfinished business is determined by the condition that exists at the time of adjournment of the Senate.[41] Therefore, if the Senate adjourns during a period for the transaction of morning business, a measure which is the pending business does not become the unfinished business, but retains its status and the pending business, since it is not under consideration at the adjournment.[42]

A matter may, by unanimous consent, be taken up for consideration in the Morning Hour and become the unfinished business upon adjournment at the end of the day.[43]

A bill cannot, by unanimous consent, be made unfinished business upon the disposition of a special order; unanimous consent may be given to proceed to the consideration of a bill following the disposition of a special order.[44]

A resolution taken up on motion and subsequently by unanimous consent passed over without prejudice for another matter is given the status of unfinished business upon adjournment of the day's session and may be temporarily laid aside later by unanimous consent for the consideration of another measure.[45]

A bill taken up by unanimous consent becomes the pending business on the taking of a recess when there is no unfinished business.[46]

Under a unanimous consent agreement to proceed to the consideration of a Senate resolution at the conclusion of morning business and vote thereon, the unfinished business will not be laid before the Senate until the resolution has been disposed of.[47]

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[38] June 21, 1979, 96-1, *Record*, p. 15866.
[39] May 28, 1920, 66-2, *Record*, p. 7782.
[40] Feb. 1, 1910, 61-2, *Record*, pp. 1331-32; *see also* Feb. 16, 1910, 61-2, *Record*, p. 1964.
[41] May 28, 1920, 66-2, *Record*, p. 7782.
[42] *See* Sept. 15, 1987, 100-1, *Record*, S 12063.
[43] May 8, 1911, 62-1, *Record*, p. 1074.
[44] June 3, 1924, 68-1, *Record*, p. 10283.
[45] Mar. 27, 28 and 30, 1939, 76-1, *Record*, pp. 3325, 3400-01, 3513.
[46] *See* July 23, 1942, 77-2, *Record*, p. 6534.
[47] *See* May 10 and 13, 1935, 74-1, *Journal*, p. 336, *Record*, pp. 7301, 7355.

While a bill is under consideration by the Senate, a motion to make another bill the unfinished business is not in order.[48]

While a matter, or unfinished business, is pending before the Senate, a motion to proceed to the consideration of another matter on the Calendar is in order.[49]

Debate of Motion To Consider, To Displace Unfinished Business

See "Consideration of Bills or Resolutions, Debate of," p. 733; "Consideration, Question of," pp. 733-734.

Debate of Pending or Unfinished Business:

See "Debate," pp. 716-797.

Displacement of Unfinished Business:

See "Applicability of a Cloture Motion—Pending Business," pp. 300-304; "Displacement of Pending or Unfinished Business," pp. 664-669; "Suspends Other Business But Does Not Displace," pp. 474-475.

Executive Business, No Effect on Status of Unfinished Business:

See "Displacement of Pending or Unfinished Business," pp. 664-669; "Privileged Business," pp. 1034-1037.

Laid Aside by Unanimous Consent, Brought Back by Call for Regular Order:

See "Displacement of Pending or Unfinished Business," pp. 664-669.

Laid Down After Two Hours, Unfinished Business:

The unfinished business is laid before the Senate at the expiration of two hours after the Senate convenes following an adjournment on each legislative day. *See* "Consideration and Definition of Unfinished Business," pp. 1372-1377.

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[48] Jan. 18, 1922, 67-2, *Record*, p. 1224.
[49] Feb. 25, 1927, 69-2, *Journal*, p. 234, *Record*, pp. 4820-21.

Lay Aside Temporarily, Motion for, Not in Order:

See "Displacement of Pending or Unfinished Business," pp. 664–669; "Lay Aside Temporarily," pp. 902–904.

Laying Before Senate of Unfinished Business Does Not Take Senator Speaking Off the Floor:

See "Debate," "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent," pp. 749–753.

Postpone Unfinished Business:

A motion to postpone the unfinished business indefinitely or to a day certain is in order.[50]

Unfinished business, the consideration of which has been postponed by unanimous consent to a day certain, will not be displaced by a bill taken up in the meantime on motion.[51]

Precedence of Unfinished Business:

See also "Precedence Over Other Business," pp. 473–474; "Privileged Business," pp. 1034–1037; "Special Orders," pp. 1258–1264; "Suspends Other Business But Does Not Displace," pp. 474–475.

The unfinished business of the Senate takes precedence over a special order.[52]

The President pro tempore, in 1924, held that a special order over which the unfinished business had priority should be laid before the Senate upon the disposition of the unfinished business.[53]

A motion to reconsider the vote of a previous action is not privileged as to its consideration, and is superseded at the expiration of the Morning Hour by the unfinished business.[54]

A message from the House may, under the rule, be laid before the Senate when unfinished business is pending;[55] or a bill received from the House of Representatives may be laid before the Senate at any time, and takes precedence over unfinished business.[56]

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[50] Aug. 5, 1886, 49–1, *Record*, p. 8012.
[51] Feb. 26, 1936, 74–2, *Journal*, p. 113, *Record*, p. 2833.
[52] Feb. 13, 1884, 48–1, *Record*, p. 1080; *see also* Jan. 25, 1887, 49–2, *Record*, p. 1004.
[53] May 26 and June 2, 1924, 68–1, *Record*, pp. 9858, 10142, 10503.
[54] Feb. 22, 1895, 53–3, *Record*, p. 2538.
[55] July 15, 1912, 62–2, *Record*, pp. 9063–64.
[56] May 19, 1884, 48–1, *Record*, p. 4273.

While unfinished business is pending, a resolution can only be submitted by unanimous consent.[57]

A Senator having the floor during the consideration of unfinished business may move to reconsider the vote on a conference report.[58]

A bill does not lose its right as unfinished business in consequence of an order of the Senate providing for memorial exercises in tribute to deceased Members.[59]

While unfinished business is pending, a motion to proceed to the consideration of a general appropriation bill is not a privileged or preferential motion.[60]

Privileged Business Does Not Displace Unfinished Business—It Only Suspends Its Consideration:

See "Displacement of Pending or Unfinished Business," pp. 664–669; "Privileged Business," pp. 1034–1037; "Status of Bill Unaffected by Memorial Service," p. 916; "Suspends Other Business But Does Not Displace," pp. 474–475.

Quorum, Unfinished Business Not Affected by Adjournment in Absence of:

See "Unfinished Business Not Affected by Adjournment in Absence of Quorum," p. 1074.

Recess, Stays Before Senate:

See "Recess—Business Following a Recess of Senate," p. 840; "Business Pending Not Affected by a Recess," p. 1083.

Regular Order, Call for, Brings Unfinished Business Back Before Senate:

See "Displacement of Pending or Unfinished Business," pp. 664–669.

Resolutions Cannot Be Used To Make Unfinished Business:

See "Unfinished Business, Effect of a Resolution on," p. 1212.

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[57] Mar. 31, 1939, 76–1, *Record*, p. 3619.
[58] Feb. 27, 1915, 63–3, *Journal*, p. 156, *Record*, pp. 4812–14.
[59] *See* Dec. 12, 1914, 63–3, *Record*, pp. 139–41.
[60] Feb. 4, 1938, 75–3, *Record*, p. 1498.

Senator Interrupted To Lay Unfinished Business Before Senate:

See "Interruption of Senator Who Has the Floor Is Not Allowed— Except by His Consent," pp. 749–753.

Special Orders:

See "Special Orders," pp. 1258–1264.

Unanimous Consent Agreement for Vote on Passage of Bill Displaced in Meantime:

See "Consideration of Proposed Legislation Under a Unanimous Consent Agreement and Precedence of Such Business," pp. 1331–1335.

Vote To Displace:

A majority vote only is required to displace unfinished business.[61]

When No Unfinished Business:

For procedure on business brought up in Morning Hour when there is no unfinished business to be laid down at the close of Morning Hour, *see* "Motions To Consider Specific Bills," pp. 261–262; "Procedure in the Morning Hour," pp. 931–933.

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[61] *See* July 11, 1932, 72–1, *Record*, pp. 15028–31.