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Chapter 55
Unfinished Business

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Research References

4 Hinds §§ 3112–3114, 4735, 4736
6 Cannon §§ 740, 741
Deschler Ch 21 § 3
Manual §§ 869, 876–879

§ 1. In General

Unfinished business is business that was carried over from a previous day and is in order immediately after disposition of business on the Speaker's table under rule XIV clauses 1 and 3, which set forth the daily order of business in the House. *Manual* §§ 869, 876. The resumption of unfinished business under clause 3 may be preempted by business of higher privilege, such as a motion to discharge on a discharge day. Deschler Ch 21 § 3. Unfinished business may not be called up under rule XIV clause 1 if the order of business under that rule has been supplanted, as it always is. See ORDER OF BUSINESS; PRIVILEGED BUSINESS.

The Speaker has the discretionary authority under rule XX clause 8 to postpone certain questions and to ''cluster'' them for voting at a designated time or place in the legislative schedule. The postponement authorized by the rule must be to a time within two subsequent legislative days, with the exception of questions relating to the approval of the Journal, which may be postponed only to a time on the same legislative day. *Manual* §§ 877, 1030. Once announced, the time for taking postponed votes may be redesignated within the permissible period by the Chair. *Manual* § 1030. When the House adjourns on the second legislative day after postponement of a question under rule XX clause 8, without resuming proceedings thereon, the

question remains unfinished business on the next legislative day. *Manual* §§ 877, 1030; see VOTING.

Certain categories of business that are suspended until a designated time are called up automatically. In addition to votes under rule XX clause 8 discussed supra, consideration of a veto message postponed to a day certain provides an example. Deschler Ch 21 § 28.4. Generally, however, 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. Deschler Ch 21 § 3.

If the matter called up as unfinished business was under debate at the time of the interruption, debate does not begin anew but recommences from the point where it was interrupted. *Manual* § 915.

§ 2. Business Unfinished at Adjournment

Rule XIV clause 3 provides that, with certain exceptions, business pending and unfinished at adjournment is to be resumed after business on the Speaker's table is finished and at the same time each day thereafter until disposed of. *Manual* § 876; see also rule XX clause 8. For example, where the House adjourns during consideration of a report from the Committee on Rules, further consideration of the report becomes the unfinished business on the following day, and debate resumes from the point where interrupted. *Manual* § 877.

Ordinarily, under rule XIV clause 3, any general legislative business that is unfinished at adjournment goes over to the succeeding day, whereas motions that relate merely to the sequence or order of business do not. *Manual* §§ 876, 877. Thus, a motion relating to the order of business does not recur as unfinished business on a succeeding day, even though a vote had been ordered on it. 4 Hinds § 3114. Likewise, the question of consideration, when not disposed of at an adjournment, does not recur as unfinished business on a succeeding day but may be raised anew on a subsequent day when the matter is again before the House. 5 Hinds §§ 4947, 4948; 8 Cannon § 2438. Those special classes of business that are in order only on days of the week designated by House rule are not covered by rule XIV clause 3. See § 4, infra.

When the House adjourns on the second legislative day after postponement of a question under rule XX clause 8 without resuming proceedings thereon, the question remains unfinished business on the next legislative day. When the House adjourns while a motion to instruct conferees under rule XXII clause 7(c) is pending, the motion to instruct becomes unfinished business on the next day and does not need to be renoticed. *Manual* § 877.

§ 3. — Where Previous Question Ordered

If the House adjourns without voting on a proposition on which the previous question has been ordered, the question comes up as unfinished business on the next legislative day. *Manual* § 878; 5 Hinds §§ 5510–5517; 8 Cannon § 2691. The previous question having been ordered on a matter, its consideration on the succeeding day becomes preferential and may supersede action on other business, even though privileged. Thus, a resolution coming over from the preceding day with the previous question ordered was held to take precedence over a motion to dispose of a veto message from the President. 8 Cannon § 2693. Similarly, a bill coming over from the preceding day with the previous question ordered was held to take precedence over business made in order by a special order of business. 5 Hinds § 5520.

§ 4. — On Days Designated for Special Classes of Business

Consistent with rule XIV clause 3, business unfinished at adjournment and belonging to a class of business that is in order only on certain days is not taken up again until the next day eligible for the call of the appropriate calendar or for that class of business. 8 Cannon § 2334; Deschler Ch 21 § 3. This practice is followed with respect to:

- Private bills considered on certain Tuesdays. See PRIVATE CALENDAR.
- Matters considered at the Calendar Wednesday call of committees. See CALENDAR WEDNESDAY.
- District of Columbia bills on certain Mondays. See DISTRICT OF COLUMBIA BUSINESS.
- Bills brought up under the rule setting apart days for motions to suspend the rules (but not those postponed under rule XX clause 8). Deschler Ch 21 § 3.30.
- Bills brought up under the rule setting apart days for motions to discharge committees. See DISCHARGING MEASURES FROM COMMITTEES.

§ 5. Voting as Unfinished Business

When a vote is postponed or when a quorum fails to vote on a question and the House adjourns, the vote may recur as unfinished business on the following day. Deschler Ch 21 § 3. For votes postponed by the Speaker under rule XX clause 8, see § 1, supra. Votes on unfinished business in the House are put *de novo*, if previously postponed, and Members have the same rights as when the question was first put, unless the yeas and nays or a recorded vote was ordered before postponement. Deschler Ch 21 § 3.18. Thus, when a vote is postponed pursuant to rule XX clause 8, having been objected to for lack of a quorum when initially before the House, the yeas

and nays or a recorded vote may be demanded when the vote recurs as unfinished business. *Manual* § 76; Deschler-Brown Ch 30 §§ 56.5, 56.6; see VOTING. For a discussion of postponed votes in Committee of the Whole, see § 7, infra.

§ 6. Business Postponed to a Day Certain

Where a measure before the House is postponed to a day certain, either by motion or by unanimous consent, the measure becomes the unfinished business on the day to which postponed. Deschler Ch 21 § 3. This practice is followed with respect to postponed conference reports and to veto messages that are postponed to a day certain. Deschler Ch 21 §§ 8.17, 8.18; see also POSTPONEMENT.

§ 7. In Committee of the Whole

Unfinished Business

Business unfinished when the Committee of the Whole rises remains unfinished, to be considered first in order when the House next goes into Committee of the Whole to consider that business. 4 Hinds § 4735. The House or the Speaker, pursuant to declaration authority under rule XVIII clause 2, and not the Committee of the Whole, controls resumption of consideration. The Chairman of the Committee of the Whole will not entertain unanimous-consent requests to fix the time of resumption of consideration of a bill. *Manual* § 993.

When the House resolves into Committee of the Whole for the consideration of a bill on which reading for amendment was begun on the previous day, the Committee proceeds with the reading of the bill. 8 Cannon § 2336.

Postponed Requests for Recorded Votes

Under rule XVIII clause 6(g), the Chairman of the Committee of the Whole may postpone and cluster requests for recorded votes on amendments to a subsequent place and time during the amendment process as determined by the Chair. When proceedings resume on a request for a recorded vote on an amendment so postponed, the voice vote is acknowledged and the request is announced as pending. An electronic vote ordered on the postponed request may be reduced to five minutes, provided the first vote in a series is 15 minutes. *Manual* § 984; see also AMENDMENTS.