

## Unfinished Business

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### Research References

- 4 Hinds §§ 3112–3114, 4735, 4736
- 6 Cannon §§ 740, 741
- 6 Deschler Ch 21 § 3
- Manual §§ 631, 878, 885–888

### § 1. In General

Unfinished business is business that has come over from a previous day and is in order immediately after disposition of business on the Speaker's table under Rule XXIV clause 1, which sets forth the daily order of business in the House. See also *Manual* § 879. The resumption of unfinished business at this time may be preempted by business of higher privilege, such as a motion to discharge on discharge days. Deschler Ch 21 § 3. Unfinished business may not be called up under Rule XXIV clause 1 if the order of business under that rule has been supplanted, as it often is for days at a time, by House order. See ORDER OF BUSINESS.

The Speaker has the discretionary authority under Rule I clause 5(b), as amended in 1995, 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 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* § 631. Once announced the Chair may redesignate the time for taking postponed votes within the permissible period. 98–2, June 6, 1984, p 15080. If the House adjourns before all of such questions are determined, they are disposed of as unfinished business on the next following legislative day. *Manual* § 631. Generally, see VOTING.

Certain categories of business are called up automatically when suspended until a designated time. An example is the consideration of a veto

message postponed to a day certain (91–2, Jan. 28, 1970, p 1483) and votes postponed under Rule I clause 5. 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. 96–2, June 10, 1980, p 13801; 103–1, Sept. 23, 1993. p \_\_\_\_.

## § 2. Business Unfinished at Adjournment

A House rule 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. Rule XXIV clause 3. *Manual* § 885. See also Rule I clause 5(b)(4).

Ordinarily, under Rule XXIV clause 3, any general legislative business that is unfinished at adjournment goes over to the succeeding day (*Manual* § 886), whereas motions that relate merely to the sequence or order of business do not. 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 (5 Hinds §§ 4947, 4948), but may be raised anew on a subsequent day when the matter is again before the House (8 Cannon § 2438). Also excepted from the operation of Rule XXIV clause 3 are those special classes of business that are in order only on days of the week designated by House rule. See § 4, *infra*.

## § 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. 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 simple 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.

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

Consistently with Rule XXIV clause 3, where the business unfinished at adjournment belongs to a class of business that is in order only on certain days, it 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. See SUSPENSION OF RULES.
- 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. Votes postponed by the Speaker under Rule I clause 5, see § 1, supra. Votes on unfinished business 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 were ordered before postponement. 89–1, Oct. 7, 1965, p 26243. Thus, when a vote is postponed pursuant to Rule I clause 5, 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. 96–2, Feb. 28, 1980, p 4305. See VOTING.

#### § 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 (91–2, Dec. 15, 1970, p 41544) and to veto messages that are postponed to a day certain (Deschler Ch 21 § 3.37). See also POSTPONEMENT.

#### § 7. In Committee of the Whole

Business unfinished when the Committee of the Whole rises remains unfinished, to be considered first in order when the House next goes into

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Committee of the Whole to consider that business. 4 Hinds § 4735. The House 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 the bill. 99-1, June 26, 1985, p 17450.

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 regular order is the reading of the bill. 8 Cannon § 2336.