

**§ 2.27 Instance where the House recessed for almost 10 hours under the Speaker's clause 12, Rule I<sup>(1)</sup> authority to declare a "short" recess (to allow the chairman of the Committee on the Judiciary to introduce through the hopper a major crime bill to be considered on the floor the following week).**

On Mar. 18, 1994,<sup>(2)</sup> the Chair, after a 10-hour recess, declared the House adjourned by unanimous consent (*i.e.*, without motion):

#### RECESS

The SPEAKER pro tempore.<sup>(3)</sup> Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 55 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 2238

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BROOKS]<sup>(4)</sup> at 10 o'clock and 38 minutes p.m. . . .

1. *Id.* at § 638.
2. 140 CONG. REC. 5468, 103d Cong. 2d Sess.
3. Robert Filner (CA).
4. Jack B. Brooks (TX).

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12 noon Monday next.

There was no objection.

Accordingly (at 10 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1994, at 12 noon. . . .

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows: . . .

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SCHUMER):

H.R. 4092. A bill to control and prevent crime; jointly, to the Committees on the Judiciary, Education and Labor, Energy and Commerce, Banking, Finance and Urban Affairs, and Government Operations.

### § 3. Purposes

Recesses are used when the House wishes to suspend business on the floor to await resumption of subsequent legislative business, including time to be permitted for Members to return to the House upon a joint leadership recall from an adjournment to a day certain,<sup>(1)</sup> or to permit ceremonies, caucuses, or security or other informational (both secret and open)

1. See § 3.12, *infra*.

briefings to be conducted on the floor, or during emergencies. On occasion, especially before adoption of clause 12 of Rule I in 1993,<sup>(2)</sup> when the Speaker was given specific authority to declare a recess, the purpose of the recess was stipulated in the order of the House.<sup>(3)</sup>

### *Illness of Member*

**§ 3.1 Where a Member was suddenly taken ill on the floor of the House, the Speaker pro tempore, on motion and without objection, declared a short recess while medical attention was administered and the stricken Member assisted from the floor.**

On July 8, 1969,<sup>(1)</sup> Mr. Frank T. Bow, of Ohio, was taken ill as he sat in the Chamber as the Chair put the question on adoption of House Resolution 447, providing for the consideration of H.R. 11249, authorizing funds for the John F. Kennedy Center for Performing Arts.

#### RECESS

Mr. [John A.] YOUNG [of Texas].  
Mr. Speaker, I move that the House

2. *House Rules and Manual* §638 (2007).
3. See §§ 3.1–3.11, *infra*.
1. 115 CONG. REC. 18615, 91st Cong. 1st Sess.

stand in recess subject to the call of the Chair.

The SPEAKER pro tempore (Mr. ALBERT).<sup>(2)</sup> Without objection the House will stand in recess subject to the call of the Chair.

There was no objection.

Accordingly (at 1 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALBERT) at 1 o'clock and 51 minutes p.m.

### *Receive Presidential Messages*

**§ 3.2 The Speaker, by unanimous consent, declared the House in recess, subject to the call of the Chair, to await the receipt of certain messages from the President.**

On Jan. 17, 1969,<sup>(1)</sup> the following proceedings occurred on the floor of the House:

#### RECESS

The SPEAKER.<sup>(2)</sup> The Chair understands that the President is sending some messages to the House which will be here shortly. Without objection, the House will stand in recess subject to the call of the Chair.

There was no objection.

2. Carl Albert (OK).
1. 115 CONG. REC. 1188, 1192, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

Accordingly (at 12 o'clock and 11 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALBERT)<sup>(3)</sup> at 12 o'clock and 24 minutes p.m.

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 MESSAGES FROM THE  
PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries. . . .

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 ACHIEVEMENTS IN AERO-  
NAUTICS AND SPACE—MES-  
SAGE FROM THE PRESIDENT  
OF THE UNITED STATES (H.  
DOC. NO. 91-55)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Astronautics and ordered to be printed with illustrations:

*To the Congress of the United States:*

This report summarizes a year of significant achievement in aeronautics and in space—culminating in the epochal Apollo 8 flight in December, in which three astronauts orbited the Moon ten times and returned safely to Earth. A courageous, pioneering exploration! . . .

3. Carl Albert (OK).

Our Nation is richer and stronger because of our space effort. I recommend that America continue to pursue the challenge of space exploration.

LYNDON B. JOHNSON.  
THE WHITE HOUSE,  
*January 17, 1969.*

***Await Senate Messages*****§ 3.3 The House stood in recess to await a message from the Senate.**

On Feb. 7, 1969,<sup>(1)</sup> the Speaker,<sup>(2)</sup> by unanimous consent, declared the House in recess subject to the call of the Chair:

## RECESS

The SPEAKER. Without objection, the House will stand in recess for a few minutes while we await a message from the Senate.

There was no objection.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced

1. 115 CONG. REC. 3268, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

that the Senate had passed without amendment, joint and concurrent resolutions of the House of the following titles:

H.J. Res. 14. Joint resolution making a supplemental appropriation for the fiscal year ending June 30, 1969, and for other purposes;

H. Con. Res. 124. Concurrent resolution providing for an adjournment of the two Houses of Congress from Friday, February 7, 1969, to Monday, February 17, 1969; and

H. Con. Res. 133. Concurrent resolution commending the leadership of the Boy Scouts of America for their fine work and contribution to American youth.

### *Await Committee Reports*

#### **§ 3.4 The House stood in recess to await a report from the Committee on Interstate and Foreign Commerce on emergency railroad strike legislation and a privileged report from the Committee on Rules relating thereto.**

On Mar. 4, 1970,<sup>(1)</sup> the Speaker<sup>(2)</sup> was authorized, by unanimous consent, to declare a recess subject to the call of the Chair:

AUTHORITY FOR THE SPEAKER  
TO DECLARE RECESS TODAY  
SUBJECT TO CALL OF THE  
CHAIR

Mr. [Carl] ALBERT [of Oklahoma].  
Mr. Speaker, if I may have the attention of the distinguished minority lead-

1. 116 CONG. REC. 5867, 5887, 5896, 91st Cong. 2d Sess.

2. John W. McCormack (MA).

er, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess, subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? . . .

There was no objection. . . .

#### INQUIRY AS TO RECESS

Mr. [Chalmers P.] WYLIE [of Ohio].  
Mr. Speaker, as I understand it, the House will go into recess soon to await action on the part of the Committee on Interstate and Foreign Commerce in connection with the strike bill. Is that correct?

The SPEAKER pro tempore. That is the understanding of the Chair. . . .

#### RECESS

The SPEAKER. In accordance with the unanimous-consent request granted and heretofore entered into, the Chair declares a recess subject to the call of the Chair. The bells will be rung 15 minutes before the House reconvenes.

Accordingly (at 2 o'clock and 28 minutes p.m.) the House stood in recess subject to the call of the Chair.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 50 minutes p.m.

*Awaiting Conference Report*

**§ 3.5 Pursuant to authority granted by unanimous consent, the Speaker declared a recess until a time certain on that day to await presentation of a conference report on which conferees had reached agreement.**

On Dec. 14, 1971,<sup>(1)</sup> the following announcement was made on the floor of the House:

ANNOUNCEMENT BY THE  
SPEAKER

The SPEAKER.<sup>(2)</sup> The Chair wishes to make an announcement.

The chairman of the Committee on Appropriations has advised he would like to call up the conference report on the Defense Department appropriation bill. The report has been agreed to.

The SPEAKER. Under the circumstances, the Chair declares a recess until 6:45 p.m.

Accordingly (at 6 o'clock and 15 minutes p.m.) the House stood in recess until 6:45 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 7 o'clock and 35 minutes p.m. . . .

1. 117 CONG. REC. 46884, 92d Cong. 1st Sess.
2. Carl Albert (OK).

CONFERENCE REPORT ON H.R.  
11731, DEPARTMENT OF DE-  
FENSE APPROPRIATIONS, 1972

Mr. [George H.] MAHON [of Texas] submitted the following conference report and statement on the bill (H.R. 11731) making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes:

CONFERENCE REPORT (H. REPT. NO.  
92-754)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11731) "making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

*Awaiting Senate Action*

**§ 3.6 The House recessed three times to times certain by unanimous consent awaiting possible Senate action on a House joint resolution continuing appropriations for one month for several departments of the Federal Government which were without funds, where the House had adopted a special order providing for sessions every three days for the remainder of the session until otherwise ordered by the**

**House (with the intention of conducting no legislative business for one month).**

On Nov. 4, 1977,<sup>(1)</sup> the following proceedings occurred in the House:

RECESS

Mr. [John E.] BRADEMÁS [of Indiana]. Mr. Speaker, I ask unanimous consent that the House recess subject to the call of the Chair, but in no event later than 12:30 o'clock p.m.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Indiana? . . .

There was no objection.

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 10 minutes a.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

CALL OF THE HOUSE

Mr. BRADEMÁS. Mr. Speaker, I move a call of the House. . . .

1. 123 CONG. REC. 37066, 37067, 37071, 37072, 37077, 37088, 95th Cong. 1st Sess.
2. Robert N. Giaimo (CT).

RECESS

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask unanimous consent that the House may stand in recess until 2 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? . . .

Mr. BAUMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a privileged motion.

The Clerk read as follows:

Mr. BAUMAN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 21; noes 124.

So the motion was rejected.

Mr. WRIGHT. Mr. Speaker, in view of the feeling of the House and its willingness to be patient for yet a little while, I wonder if I might prevail upon my friend not to object if I were to renew my unanimous-consent request.

Mr. BAUMAN. The gentleman from Maryland is able to read the will of the House. What is the gentleman's request?

Mr. WRIGHT. Mr. Speaker, I would like to renew the unanimous consent-request that the House may stand in recess until 2 o'clock. . . .

RECESS

Mr. [John B.] ANDERSON of Illinois. Mr. Speaker, I ask unanimous-

consent that the House stand in recess for 5 minutes.

The SPEAKER.<sup>(3)</sup> Is there objection to the request of the gentleman from Illinois?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, we have recessed now three times. The Speaker has made it clear that under the rules there is absolutely no way in which this matter could be considered today. It is even doubtful that it could be considered next week.

What is the purpose of continuing to recess and recess and recess, since there is nothing that could be done today? Will the gentleman from Illinois inform me as to what might be accomplished by this?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, it is very difficult for me to say, frankly. I want to be just as candid with the gentleman from Maryland (Mr. BAUMAN) as I can be.

I have reason to believe that if certain Members would have 4 or 5 minutes to visit together, perhaps we could then come back and adjourn this House until next Tuesday.

Mr. BAUMAN. I think that could be done now.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman may possibly be correct. I see some advantages in pursuing the course that I have suggested, and that would not delay us for more than 5 minutes.

Mr. BAUMAN. Mr. Speaker, we have special orders scheduled, and we

have other matters that can be taken care of in the interim.

Mr. Speaker, I withdraw my reservation of objection.

Mr. ANDERSON of Illinois. Mr. Speaker, I renew my unanimous-consent request that the House stand in recess for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Chair declares the House in recess for a period of 5 minutes.

Accordingly (at 2 o'clock and 51 minutes p.m.) the House stood in recess for approximately 5 minutes.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WRIGHT) at 2 o'clock and 58 minutes p.m. . . .

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#### ADJOURNMENT

Mr. [David L.] CORNWELL [of Indiana]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until Tuesday, November 8, 1977. [sic] at 12 o'clock noon.

### *Prepare for Joint Session or Joint Meeting*

### **§ 3.7 By unanimous consent, the Speaker was authorized**

3. Thomas P. O'Neill, Jr. (MA).

**to declare a recess on the following day: (1) to receive the President in a joint session; and (2) to receive the Apollo 15 Astronauts in a joint meeting.**

On Sept. 8, 1971,<sup>(1)</sup> a concurrent resolution providing for a joint session to receive a message from the President was called up as privileged:

PROVIDING FOR A JOINT SESSION TO HEAR AN ADDRESS BY THE PRESIDENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 395

*Resolved by the House of Representatives (the Senate concurring),* That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

1. 117 CONG. REC. 30845, 92d Cong. 1st Sess. For additional information on joint sessions to receive message from the President, see Ch. 35, *supra*. For other joint meetings to receive astronauts, see Ch. 36, *supra*.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, SEPTEMBER 9

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time on Thursday, September 9. The reasons for the request are:

First, to receive in joint session the President of the United States.

Second, to receive in joint meeting the Apollo astronauts, Col. David R. Scott, U.S. Air Force, Apollo 15 commander; Col. James B. Irwin, U.S. Air Force, lunar module pilot; and Lt. Col. Alfred M. Worden, U.S. Air Force, command module pilot.

The SPEAKER.<sup>(2)</sup> Without objection, it is so ordered.

There was no objection.

#### ANNOUNCEMENT OF THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that on Thursday, September 9, 1971, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

#### *Conduct a Reception*

#### § 3.8 The Speaker was authorized to declare a recess on a

2. Carl Albert (OK).

**future day for the purpose of receiving former Members of Congress in the Chamber.**

On May 19, 1978,<sup>(1)</sup> a Member made a unanimous-consent request that the Speaker declare a recess subject to the call of the Chair:

PERMISSION FOR SPEAKER TO DECLARE A RECESS ON THURSDAY, MAY 25, 1978, SUBJECT TO THE CALL OF THE CHAIR, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. [Dan] ROSTENKOWSKI [of Illinois]. Mr. Speaker, I ask unanimous consent that it be in order for the Speaker to declare a recess on Thursday, May 25, 1978, subject to the call of the Chair, for the purpose of receiving in this Chamber former Members of the Congress.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Illinois?

There was no objection.

***End of Session Contingencies***

**§ 3.9 Pursuant to the authority conferred upon him by a special rule reported from the Committee on Rules, the Speaker declared a recess at**

1. 124 CONG. REC. 14660, 95th Cong. 2d Sess. For additional information about receiving former Members into the Chamber, see Ch. 36, §§ 17.1, 17.2, *supra*.
2. Allen E. Ertel (PA).

**10 p.m. until 9 a.m. the following day (the same legislative day) to permit the Speaker and Members to attend swearing-in ceremonies for Vice President Rockefeller.**

On Dec. 19, 1974,<sup>(1)</sup> the House adopted a privileged resolution reported from the Committee on Rules:

MAKING IN ORDER REPORTS FOR COMMITTEE ON RULES AND AUTHORIZING SPEAKER TO DECLARE RECESSES

Mr. [B. F.] SISK [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 1520) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1520

*Resolved*, That it shall be in order at any time during the balance of this session to consider reports from the Committee on Rules as provided in clause 23, rule XI,<sup>(2)</sup> except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during that period; and it shall also be in order during the balance of the session for the Speaker to declare recesses subject to the call of the Chair. . . .

Mr. SISK. Mr. Speaker, I have no further requests for time, and I move

1. 120 CONG. REC. 41571, 41572, 41604, 93d Cong. 2d Sess. See also Ch. 36, § 26, *supra*.
2. Rule XIII clause 6, *House Rules and Manual* § 857 (2007).

the previous question on the resolution.

The previous question was ordered.

The SPEAKER.<sup>(3)</sup> The question is on the resolution.

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

Mr. [Robert E.] BAUMAN [of Maryland]. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 58, not voting 100, as follows:

[ROLL NO. 717] . . .

#### RECESS

The SPEAKER. Pursuant to a previous order of the House, the House stands in recess until 9 o'clock a.m. tomorrow, Friday, December 20, 1974.

Accordingly (at 10 o'clock p.m.) the House stood in recess until tomorrow, Friday, December 20, 1974, at 9 o'clock a.m.

### *Prepare for Secret Session*

#### **§ 3.10 The Speaker, on his own initiative, declared a recess in order to make preparations for a secret session of the House, following adop-**

3. Carl Albert (OK).

**tion of a motion for that session; at the conclusion of the recess, the House resolved itself into secret session (the proceedings of which were not printed in the *Congressional Record* since the House refused in secret session to remove the injunction of secrecy); and at the conclusion of the secret session the House continued in recess to facilitate the return to open session.**

On June 20, 1979,<sup>(1)</sup> upon conclusion of general debate on a bill in the Committee of the Whole, a Member offered a pro forma amendment to announce that he would, at the conclusion of his remarks, move that the Committee rise and then offer in the House a motion, pursuant to Rule XXIX,<sup>(2)</sup>

1. 125 CONG. REC. 15711-13, 96th Cong. 1st Sess.
2. Rule XXIX can be found in amended form within Rule XVII clause 9, *House Rules and Manual* §969 (2007).

Proceedings during other classified and security briefings are not documented in the *Congressional Record* or discussed thereafter. Members are required to subscribe to an oath of secrecy under Rule XXIII clause 13 (*House Rules and Manual* §1095 [2007]) before they may attend such classified briefings, and Members who did not sign that oath and whose names are not so listed in the

that the House resolve itself into secret session to discuss confidential communications related to the bill under consideration in Committee of the Whole:

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to inform the Committee of the Whole House that it will be my intention at the conclusion of the brief time that I will take here, to move that the Committee rise, and, assuming that is agreed to, I will move, under rule XXIX of the House, that the House meet in secret session.

I understand from the Parliamentarian that passage of the motion would allow us 1 hour of debate to be divided between the gentleman from New York and myself, during which time all of us, and I have discussed this with the gentleman from New York (Mr. MURPHY), as well as with the chairman of the subcommittee, the gentleman from Kentucky (Mr. HUBBARD), would be able to present to the House certain facts which we are not able to communicate to the House in public because of the classified nature and the source of the information.

I want to make it clear that it is not my intention to make this motion for the purpose of trying to defeat this legislation or influence it in the direction it may take, but the matters that need to be discussed with the House and cannot be discussed in public do per-

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*Congressional Record* are not permitted to attend such briefings on the House floor during the recesses.

tain to amendments that may be offered today. They may indeed help the Members form their judgments, and they are of a grave enough nature that they need to be placed at least before the Members of the House so that they can vote intelligently.

□ 1200

As I say, I have discussed this with the gentleman from New York (Mr. MURPHY) and the gentleman from Kentucky (Mr. HUBBARD).

Mr. [Carroll] HUBBARD [Jr., of Kentucky]. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Kentucky.

Mr. HUBBARD. Mr. Chairman, as the chairman of the Panama Canal Subcommittee I concur and agree with the gentleman from Maryland, who is the ranking minority member of the Panama Canal Subcommittee. I would emphasize to my colleagues the importance of the secret session at this point under rule XXIX of the House. I ask that the Members concur in this request because of the importance of the subject and also the relevance of the material to be presented during a secret session, which is badly needed.

Mr. [David R.] BOWEN [of Mississippi]. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Mississippi.

Mr. BOWEN. I thank the gentleman.

I too had the opportunity to sit in on the secret session with General McAuliffe, and I welcome the opportunity for the House to have an opportunity to discuss the matter because I found very little in that secret session

that would bear upon the deliberations which we will be entering into today. I am pleased we will have this opportunity and I thank the gentleman.

Mr. BAUMAN. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. FOLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 111) to provide for the operation and maintenance of the Panama Canal and to provide for the exercise of the rights and performance of the duties of the United States provided in the Panama Canal Treaty of 1977, had come to no resolution thereon.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BAUMAN moves that, pursuant to rule XXIX, the House resolve itself into secret session. That the galleries of the House Chamber be cleared of all persons and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

The SPEAKER pro tempore.<sup>(3)</sup> The Chair will state that the motion is not debatable. Absent unanimous consent to debate the motion, the question will be put upon the motion.

The question is on the motion offered by the gentleman from Maryland (Mr. BAUMAN).

3. James C. Wright, Jr. (TX).

The motion was agreed to.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will make a statement.

The Chair desires to read to the Members the contents of rule XXIX of the rules of the House of Representatives.

Rule XXIX reads as follows:

RULE XXIX

SECRET SESSION

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any Member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the Members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

This rule has been successfully invoked by the vote of the House for the first time, the Chair believes, since the year 1830. This was a rule commonly invoked in the early days of the Republic, but not recently invoked.

According to the rule of the House, the Chair is now going to order that the galleries of the House Chamber shall be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the secret session of the House. All proceedings in the House during such consideration shall be kept secret until otherwise ordered by the House.

The Chair is going to declare a recess long enough for this order to be carried out.

## PARLIAMENTARY INQUIRIES

Mr. [Jack] HIGHTOWER [of Texas]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HIGHTOWER. What will be the action of the Chair in regard to the television proceedings?

The SPEAKER pro tempore. The television will not be recording the proceedings of the House during the time of the secret session.

Ms. [Elizabeth] HOLTZMAN [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. HOLTZMAN. In the Chair's reading of his order and reading the rule he mentioned that the House can order otherwise with respect to the secrecy of the proceedings. Is it my understanding then that should, during the debate or after the debate, the Members of the House determine that the material was not, in fact, confidential, is it then in order, or when is it in order, assuming that to be the case, for the proceedings to be then made public or the Journal kept of the debate then made public?

The SPEAKER pro tempore. The precedents which the Chair has read this morning indicate that following the presentation of that material considered secret or confidential or of such nature that it ought to be heard in secret session, the House may at that time, by its own motion, in secret session decide that there is no reason to observe further secrecy with respect to the material involved. Having heard the material and determined the na-

ture thereof, it will be up to the Members of the House as to whether they would observe additional and future secrecy with respect thereto.

Ms. HOLTZMAN. I thank the Speaker.

Mr. [Edward J.] DERWINSKI [of Illinois]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DERWINSKI. The Chair did not address himself to the question of the relevancy of the material to the legislation before the House. What is the determination or the precedents involved regarding the relevancy of presumed secret testimony to the legislative matter before us?

The SPEAKER pro tempore. The Chair will state that there is no requirement whatsoever in the precedents of the House, such materials having been received, that the material be relevant to any legislation, since the rule would include messages from the President of the United States that bear upon no pending legislation. It is not the opinion of the Chair that the material to be revealed in this session necessarily has any bearing whatever upon the legislation which otherwise would have been under consideration in the Committee of the Whole. It simply is a recognition of the right of the gentleman from Maryland and other Members present at the secret session to divulge such information as they desire to our colleagues, the Members of the House. The Members have voted to grant them that privilege. It does not necessarily bear in any way tangentially or otherwise upon the legislation previously before the House or any other legislation.

Mr. DERWINSKI. I thank the Speaker.

Mr. [Frank] HORTON [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HORTON. The Chair announced that Members of the House are permitted to be present and also officers to be designated by the Speaker. Will the Speaker specifically designate those employees to remain on the floor?

The second inquiry is with regard to access to the floor. What about going and coming on the floor, will the doors be manned in order to prevent unauthorized persons from entering the Chamber?

The SPEAKER pro tempore. The Chair will attempt to answer both questions.

First, with respect to those official staff persons whose presence on the floor of the House is essential to the operation of the House, the Chair already has, pursuant to authority conferred upon him in the motion, delivered to the officers of the House sufficient guidelines with regard to that question.

On the second question, with respect to the rights of Members to go and come, that question should be answered in the affirmative. Members may go and come at will.

Mr. HORTON. What about others? They would have to be cleared before they could come in, other than Members?

The SPEAKER pro tempore. The gentleman is correct. Others would have to be designated and sworn before they could enter the Chamber.

□ 1210

Mr. [Paul N.] McCLOSKEY [of California]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCLOSKEY. Mr. Speaker, I understand that we will receive in this Chamber information that will be labeled either "confidential" or "secret" or "top secret" under any Executive order which applies only to members of the executive branch. Therefore, it would not be a crime, for example, for a Member of this body to reveal information classified in the executive branch unless it came under the statute.

I am wondering what would be the rules of the House with respect to a Member of this body who might, after hearing in this secret session information perhaps classified "secret" or "top secret." if that Member should, following this session, divulge that information to the press or to third persons not authorized to receive that information. It seems to me that under the rules of the House we would violate those rules as individual Members should we reveal classified information.

The SPEAKER pro tempore. The Chair feels that the same rule should prevail which prevails in executive sessions of committees of the House. The Chair does not wish to prejudge the nature or the import of the information to be revealed because the Chair is not privy to that knowledge.

The Chair believes that the Members of the House possess sufficient honor that they will do the right thing in determining, after having heard the

information, whether or not its sanctity should be preserved or it should be revealed at the will of the Members. The Chair trusts the Members of the House to make the right decision.

Mr. McCLOSKEY. I thank the Chair.

Mr. [Robert N.] GIAIMO [of Connecticut]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GIAIMO. Mr. Speaker, under those circumstances should not attendance be kept as to whether or not a Member actually is in the Chamber or not, because there are some of us—and I feel very strongly about this kind of session because I have found out in the past through experience that I usually learn just as much outside a secret session as I do in it, and the information, if I find out the information outside of this session—I do not want to be gagged by the fact that I may or may not have been in this session at the time. It seems to me that the Chair ought to have attendance of Members.

The SPEAKER pro tempore. The Chair would observe that the gentleman from Connecticut or any other Member might have the privilege, if he or she so desires, to move a call of the House, and thereby could ascertain the presence of Members. Beyond that, the Chair is not of the disposition to impose upon the Members of the House any rule beyond those rules which are expressly written in the rules of the House. The Chair is of the disposition to trust implicitly the honor and the integrity of the Members of the U.S. House of Representatives.

Mr. [Carroll A.] CAMPBELL, [Jr., of South Carolina]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CAMPBELL. Mr. Speaker, in view of the fact that a number of the committees have received permission to sit under the 5-minute rule, I wonder if the Chair is taking steps to notify these committees of the pending proceedings.

The SPEAKER pro tempore. The Chair will respond, as the gentleman would understand, of course, that we are not now under the 5-minute rule and will not be proceeding under the 5-minute rule after we resume following the recess which the Chair will very presently declare.

The Chair would presume that the bells signaling the recess and the bells signaling the resumption of the convening of the House would be sufficient notice to warrant knowledge on the part of those who might be in committee sessions or elsewhere on Capitol Hill.

Mr. CAMPBELL. I thank the Chair.

Mr. [Bill D.] BURLISON [of Missouri]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BURLISON. Mr. Speaker, it is my understanding from the conversation I have heard thus far that there will be classified information presented to the body; confidential, secret, top secret. Is that a fair statement?

The SPEAKER pro tempore. In response to the gentleman's question, the Chair is not in a position to characterize the nature, the character, the quality, or the veracity of the information which will be divulged. The Chair is not privy to that knowledge.

Mr. BURLISON. A further parliamentary inquiry: Do the rules of the House not require that in those instances where classified material is to be received, that the reporters and the staff members and the officers of the House who may be present other than Members of the House be cleared for that classified information?

The SPEAKER pro tempore. The Chair is going to read to the gentleman an oath which employees and officers of the House are required to sign:

I do solemnly swear that I will preserve inviolable secrecy on all confidential business of the House of Representatives that may come to my knowledge until especially absolved therefrom, so help me God.

Every employee and officer of the House will be expected to sign this oath if permitted to be privy to the session. Members of the House will not be requested nor required to sign such an oath.

Mr. BURLISON. Mr. Speaker, my parliamentary inquiry is whether the rules of the House require, in such a session, that the reporters and the staff members and others have the requisite clearances to be present and to conduct the business.

The SPEAKER pro tempore. The Chair will respond to the gentleman's request in the following manner: Members of the U.S. House of Representatives are not members of the executive branch of Government, who may be bound by laws exclusively applicable to members of the executive branch of Government.

The Chair will state again that Members of the House, after hearing the nature of this information, what-

ever it may be, must judge on their own or as ordered by the House as to whether it is of sufficient import or secret in character to require continued silence. On previous occasions, the Chair discovers on reading the precedents, Members of the House, having heard information thus divulged, usually have voted to allow that information to become known publicly.

Mr. BURLISON. Is the Speaker saying that the rules of the House do not require that the staff, House officers, and others be cleared to receive the information? My parliamentary inquiry is whether there is such a House rule.

The SPEAKER pro tempore. There is no such House rule, the Chair will respond.

Mr. [Thomas J.] DOWNEY [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWNEY. Mr. Speaker, if I understand the ruling of the Chair then, the employees of the House of Representatives coming into the session will be privy to receive information secret, top secret, classified, that is so designated by U.S. statute. What concerns me, Mr. Speaker, is that we have no rule governing classification of House employees with respect to the receiving of secret information. That is not a rule just of the executive branch; that is United States statutory law with respect to who can receive and under what circumstances classified, secret, and top secret information.

The SPEAKER pro tempore. The employees of the House, the Chair will advise the gentleman, are subject to applicable provisions of law and to the

disciplinary action of the House, and the special rule for them requires that secrecy of the proceedings be maintained until absolved from that responsibility by the House.

The Members of the House, in context, are also subject to the disciplinary rules of the House with respect to the Standards of Official Conduct Committee and under the Constitution.

Mr. DOWNEY. I thank the Chair.

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### RECESS

The SPEAKER pro tempore. The Chair declares a recess.

Accordingly (at 12 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

At 12 o'clock and 38 minutes the House proceeded to meet in secret session.

(House proceedings held in secret session.)

At 2 o'clock and 11 minutes the House dissolved its proceeding being held in secret session.

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### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 30 minutes p.m.

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### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.<sup>(4)</sup> The Chair will make the following statement:

4. Thomas P. O'Neill, Jr. (MA).

The Chair would remind the Members that the House has not at this point voted to remove the injunction of secrecy and that Members are bound not to release or to make public any of the transcript of the closed session until further order of the House.

To enable the House to evaluate the transcript of the secret session, the Chair will refer the transcript to the Permanent Select Committee on Intelligence and to the Committee on Merchant Marine and Fisheries for their report thereon as soon as possible. The committees' report will remain executive session record of those committees for examination by the Members and ultimate disposition by the House.

The Chair further would state that he would believe that the item could go to the Committee on Rules and the House could go back into a secret session for a time allotted before making the transcript public record.

### *Informal Meeting With the President*

#### **§ 3.11 The House stood in recess in order to permit informal meetings with the President in the Speaker's office.**

On May 1, 1945,<sup>(1)</sup> a Member announced that the President of the United States was in the House and had expressed the desire to meet the Members. He asked unanimous consent that the

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1. 91 CONG. REC. 4018, 4019, 79th Cong. 1st Sess.

House stand in recess subject to the call of the Chair.

## ANNOUNCEMENT

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, the President of the United States, Mr. Truman, is in the building and has expressed a desire to meet the Members of the House of Representatives. I make this brief announcement that the President will be glad to meet the Members of the House in the Speaker's office. They will file through the door nearest the elevator and then out through the Speaker's outer office. As I stated, the President is in the Capitol and has expressed a desire to meet the Members of the House.

Mr. Speaker, I ask unanimous consent that the House stand in recess, subject to the call of the Chair.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Accordingly (at 1:47 minutes p.m.) the House stood in recess, subject to the call of the Chair.

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 12 minutes p.m.

*Parliamentarian's Note:* President Truman had lunch in the Speaker's private office with the Speaker and the Majority and Minority Leaders of the two Houses and then met the Members of the

2. Jere Cooper (TN).

House informally in the Speaker's office.

***Following Reconvening From Leadership Recall***

**§ 3.12 Where the Speaker and the Senate Majority Leader had exercised joint House-Senate recall authority pursuant to a concurrent resolution of adjournment to a date certain, the Speaker immediately exercised his authority under Rule I clause 12(a)<sup>(1)</sup> to declare a recess subject to the call of the Chair upon recitation of the joint recall and the prayer and before the approval of the Journal, in order to avoid any motion or vote.**

On Mar. 20, 2005,<sup>(2)</sup> the following proceedings occurred in the House:

NOTIFICATION OF REASSEMBLING OF CONGRESS

The SPEAKER.<sup>(3)</sup> The Chair lays before the House the text of the formal notification sent to Members on Saturday, March 19, 2005, of the reassembling of the House. . . .

1. *House Rules and Manual* §638 (2007).
2. 151 CONG. REC. 5546, 5547, 109th Cong. 1st Sess.
3. J. Dennis Hastert (IL).

PRAYER

The Reverend Dr. Donald F. Christian, Pastor, Evangelical Lutheran Church in America, Fairfax, Virginia, offered the . . . prayer[.] . . .

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 5 o'clock and 5 minutes p.m.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved. . . .

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2103

AFTER RECESS

The recess having expired, the House was called to order at 9 o'clock and 3 minutes p.m.