

CHAPTER 39

Recess

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Recess

§ 1. In General

Thomas Jefferson wrote in *Jefferson's Manual* “[w]here it is convenient that the business of the House be suspended for a short time . . . it adjourns during pleasure . . . or for a quarter of an hour.”⁽¹⁾ Yet, during most of the history of the House of Representatives, no authority existed beyond unanimous consent to either declare a recess or to offer a motion for a recess.⁽²⁾

Beginning in the 102d Congress, a motion to authorize the Speaker to declare a recess was given a privilege equal to that of the motion to adjourn (clause 4 of Rule XVI);⁽³⁾ and, beginning in the 103d Congress, the Speaker was authorized to declare a recess “for a short time when no question is pending before the House” (clause 12(a) of Rule I).⁽⁴⁾

Beginning in the 108th Congress, the Speaker was authorized

to suspend business and declare an emergency recess subject to the call of the Chair when notified of an imminent threat to the safety of the House,⁽⁵⁾ and, *inter alia*, “to reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5 article I of the Constitution” upon notification to Members.⁽⁶⁾

The Committee of the Whole cannot take a recess except with the permission of the House.⁽⁷⁾ Pursuant to clause 8(a) of Rule I, Speakers pro tempore occupying the Chair temporarily possess full authority under that rule to declare recesses.⁽⁸⁾

Except for an emergency recess under clause 12(b)(1) of Rule I,⁽⁹⁾ a recess cannot be taken during a recorded vote or a call of the roll.⁽¹⁰⁾ A roll call cannot be interrupted by the arrival of an hour fixed for a recess by rule or prior

1. *House Rules and Manual* § 586 (2007). See 5 Hinds' Precedents §§ 6663–6671 and 8 Cannon's Precedents §§ 3354–3362 for other precedents involving recess.

2. See, § 2.1, *infra*.

3. *House Rules and Manual* § 911 (2007). See also Ch. 40, *infra*.

4. *House Rules and Manual* § 638 (2007).

5. Rule I clause 12(b)(1), *House Rules and Manual* § 639 (2007).

6. *Id.* at clause 12(c)(2).

7. See 5 Hinds' Precedents §§ 6669–6671; and 8 Cannon's Precedents § 3362.

8. *House Rules and Manual* § 632 (2007).

9. *Id.* at § 639.

10. 5 Hinds' Precedents §§ 6054, 6055.

vote of the House.⁽¹¹⁾ However, when the hour previously fixed for a recess arrives, the Chair has declared the House in recess during a division vote.⁽¹²⁾

A recess may not be voted by less than a quorum, and consequently the motion for recess is not in order in absence of a quorum.⁽¹³⁾

All recesses, when declared, are indicated with six bells and six lights. If a recess is declared subject to the call of the Chair, three bells and three lights indicate the resumption of the session in 15 minutes, while a recess that is declared to a time certain for less than 15 minutes is shown to have terminated merely by one long bell showing that the House is back in session.

§ 2. Recess Authority

Before the 102d Congress, recesses in the House were taken by unanimous consent and not by motion, no motion to that effect being privileged.⁽¹⁾ The Speaker may initiate unanimous consent without request from the floor to declare the House in recess sub-

ject to the call of the Chair,⁽²⁾ or for a five-minute period.⁽³⁾ Authority to recess may be requested from the floor and be approved by unanimous consent on days set aside to receive a message in person from the President.⁽⁴⁾ The unanimous-consent request may specify the authority for the remainder of the current day;⁽⁵⁾ on a subsequent day in preparation for the counting of the electoral vote;⁽⁶⁾ at any time during a day or during an afternoon of that day;⁽⁷⁾ during the afternoon of a subsequent day;⁽⁸⁾ at any time on two or three days during the week,⁽⁹⁾ which has been interpreted as giving authority for more than one recess, one on each of the two designated days;⁽¹⁰⁾ to declare multiple recesses during the remainder of the week or session;⁽¹¹⁾ to declare a recess when the Committee of the Whole rises on that day;⁽¹²⁾ and to extend not later than a time certain on that day.⁽¹³⁾

2. See § 2.2, *infra*.

3. See § 2.3, *infra*.

4. See § 2.4, *infra*.

5. See § 2.5, *infra*.

6. See § 2.6, *infra*.

7. See § 2.7, *infra*.

8. See § 2.8, *infra*.

9. See § 2.9, *infra*.

10. See § 2.10, *infra*.

11. See §§ 2.11, 2.12, *infra*.

12. See § 2.13, *infra*.

13. See § 2.14, *infra*.

11. *Id.* at § 6054.

12. 4 Hinds' Precedents §§ 2955–2960.

13. *Id.* at §§ 2958–2960.

1. See § 2.1, *infra*.

Before the adoption of clause 12(b) of Rule I⁽¹⁴⁾ in the 108th Congress, there had been instances where, pursuant to the powers inherent in the Chair in case of grave emergency, the Speaker had called emergency recesses on his own initiative.⁽¹⁵⁾

On Sept. 11, 2001, the House having convened at 9 a.m. for “morning-hour debate” and having recessed therefrom until 10 a.m., as per a previous order of the House, the Speaker pro tempore terminated the recess at 9:52 a.m., noting the “circumstances of today” due to terrorist attacks on the United States that morning, and then, having convened the legislative day proper eight minutes earlier than the time prescribed, immediately following the prayer, the Chair declared a recess subject to the call of the Chair “for a short time” under clause 12(a) of Rule I that eventually exceeded 24 hours.⁽¹⁶⁾

At the beginning of the 108th Congress, the House adopted clause 12(b) of Rule I authorizing the Speaker (and by extension the Chairman of the Committee of the Whole pursuant to clause 12 of Rule XVIII),⁽¹⁷⁾ to “suspend the

business of the House when notified of an imminent threat to its safety” and “declare an emergency recess subject to the call of the Chair.” Clause 12(c) of Rule I⁽¹⁸⁾ authorizes the Speaker, if notified by the Sergeant at Arms during any recess “of an imminent impairment of the place of reconvening at the time previously appointed . . . in consultation with the Minority Leader—(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or (2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.”

Before the 102d Congress, the motion to authorize a recess was not privileged in the House and could be entertained only by unanimous consent,⁽¹⁹⁾ although a privileged motion to recess was permitted by rule from 1880 to 1890.⁽²⁰⁾

Pursuant to clause 4 of Rule XVI,⁽²¹⁾ a motion to authorize the

14. *House Rules and Manual* § 639 (2007).

15. See §§ 2.18, 2.19, *infra*.

16. See § 2.17, *infra*.

17. *House Rules and Manual* § 992 (2007). See §§ 2.15, 2.16, *infra*.

18. *House Rules and Manual* § 639 (2007).

19. 8 Cannon’s Precedents § 3354.

20. *Id.* at § 3356.

21. *House Rules and Manual* § 911 (2007).

Speaker to declare a recess was given equal privilege beginning in the 102d Congress to the motion to adjourn, or to the motion that when the House adjourns it stand adjourned to a day and time certain, to be decided without debate, but only when the Speaker in his discretion recognized for that purpose.

This privileged motion was first offered on Dec. 15, 1995, in the form that “the Speaker may be authorized to declare recesses subject to the call of the chair through Monday, December 18, 1995.” On that occasion the Chair indicated that the motion was privileged, nondebatable, and required a quorum for adoption.⁽²²⁾ The motion authorized the declaration of numerous recesses during the three calendar-day period specified in the motion and was constitutionally permitted without Senate consent under art. I, §5 of the Constitution.

On Dec. 21, 1995,⁽²³⁾ a privileged resolution reported from the Committee on Rules was called up, amended, and adopted. It authorized the Speaker to declare recesses subject to calls of the Chair during three discrete periods, each consistent with the con-

stitutional constraint that neither House may (recess or) adjourn for more than three days without the consent of the other House.

In the 103d Congress, clause 12 was added to Rule I⁽²⁴⁾ to authorize the Speaker to declare a recess subject to the call of the Chair in order to “suspend the business of the House for a short time when no question is pending before the House.”⁽²⁵⁾ The Speaker’s declaration under this clause may follow his postponement of a question under clause 8 of Rule XX because, after postponement, a question is no longer pending before the House.⁽²⁶⁾ A Member’s mere revelation that he seeks to offer a motion to adjourn, in response to the Chair’s inquiry “for what purpose does the gentleman rise?”, does not suffice to make that motion “pending” so as to prevent a declaration of a recess.⁽²⁷⁾

Parliamentarian’s Note: The Speaker has used the authority under clause 12 of Rule I,⁽²⁸⁾ to recess the House overnight with irregular, but increasing, frequency, sometimes to permit a conference

22. Speaker pro tempore James Longley (ME). See § 2.20, *infra*.

23. See § 2.21, *infra*.

24. *House Rules and Manual* § 638 (2007).

25. 139 CONG. REC. 49, 103d Cong. 1st Sess., Jan. 5, 1993.

26. See § 2.23, *infra*.

27. See §§ 2.22, 2.24, *infra*.

28. *House Rules and Manual* § 638 (2007).

report to be filed, then after a further recess, usually to permit the Committee on Rules to meet and file a privileged report on the first legislative day (albeit sometimes the next calendar day) and then to adjourn to the next legislative day on that same calendar day in order to consider the special order of business under clause 6(a) of Rule XIII⁽²⁹⁾ without the necessity for a two-thirds vote. There is no time period attached to the term “short” in clause 12 of Rule I. For example, “short” recesses in excess of eight hours occurred twice in 1995 and once in 1994.⁽³⁰⁾

Unanimous Consent

§ 2.1 Before the 102d Congress, the motion to recess was not privileged and could only be entertained by unanimous consent.

On Mar. 23, 1960,⁽¹⁾ after a demand was made for the reading of an engrossed copy of a bill, Speaker Sam Rayburn, of Texas, indicated that it would not be in order to move that the House stand in recess to await the preparation of the engrossed copy. The Speaker

29. *Id.* at § 857.

30. See, e.g., §§ 2.25–2.27, *infra*.

1. 106 CONG. REC. 6400, 6401, 86th Cong. 2d Sess.

announced that further consideration of the bill would be continued the next day.

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

Mr. [John Bell] WILLIAMS. Mr. Speaker, I demand the reading of the engrossed copy of the bill.

The SPEAKER. The further consideration of the bill will go over until tomorrow.

Mr. [Paul] JONES of Missouri. Mr. Speaker, would it be in order to make a motion to vote on the engrossed copy of the bill at 7 o'clock this evening?

The SPEAKER. That motion would not be in order.

Mr. JONES of Missouri. I thank the Speaker.

In the second session of the 82d Congress,⁽²⁾ Mr. John E. Rankin, of Mississippi, moved that the House take a recess until the next day:

Mr. RANKIN. Mr. Speaker, I move that the House take a recess until tomorrow morning at 12 o'clock.

The SPEAKER.⁽³⁾ That motion is not in order.

§ 2.2 The Speaker may, by unanimous consent, at his own initiative, declare the House in recess subject to his call.

On Oct. 22, 1966,⁽¹⁾ near the end of the second session of the

2. 98 CONG. REC. 6375, 82d Cong. 2d Sess., June 2, 1952.

3. Sam Rayburn (TX).

1. 112 CONG. REC. 28881, 89th Cong. 2d Sess.

89th Congress, Speaker John W. McCormack, of Massachusetts, declared a recess on his own initiative as indicated below:

The SPEAKER. Without objection, the Chair will declare a recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 30 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The House having expired at 3 o'clock and 29 minutes p.m., the House was called to order by the Speaker.

Parliamentarian's Note: The Speaker declared several recesses preceding adjournment *sine die*, each time doing so by unanimous consent. The House did not, by resolution or by a formal unanimous-consent agreement, give the Speaker any special authority to declare recesses in the last days of the session.

§ 2.3 The Speaker, without objection, declared the House in recess for a five-minute period.

On Apr. 19, 1966,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, called a five-minute recess:

RECESS

The SPEAKER. Without objection, the House will stand in recess for 5 minutes.

1. 112 CONG. REC. 8406, 89th Cong. 2d Sess.

There was no objection.

Accordingly (at 12 o'clock and 57 minutes p.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 2 minutes p.m.

§ 2.4 By unanimous consent, it may be made in order at any time during a day to move to take a recess.

On Jan. 3, 1938,⁽¹⁾ the opening day of the third session of the 75th Congress, the Speaker⁽²⁾ asked unanimous consent that at any time on that date it be in order to move to recess. The House was awaiting the arrival of the President to deliver an address.

Parliamentarian's Note: That request made in order at any time a motion to recess on the opening day of the 75th Congress, second session, rather than the customary authority for the Speaker to declare recesses.

ORDER OF BUSINESS

Mr. [Sam] RAYBURN [of Texas]. Mr. Speaker, I ask unanimous consent that

1. 83 CONG. REC. 7, 75th Cong. 3d Sess.
2. William B. Bankhead (AL).

it may be in order at any time during this day, Monday, January 3, 1938, to move to recess the House.

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

There was no objection.

§ 2.5 The Speaker has been authorized to declare a recess at any time during the remainder of the day.

On Mar. 25, 1959,⁽¹⁾ Mr. John W. McCormack, of Massachusetts, asked for unanimous consent that it be in order for the Speaker⁽²⁾ to declare a recess, as follows:

AUTHORITY TO DECLARE
RECESS TODAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker for the remainder of the day to declare a recess.

The SPEAKER. Without objection, it is so ordered.

There was no objection.⁽³⁾

§ 2.6 The Speaker was authorized to declare a recess on a specified day at any time subject to the call of the Chair.

On Jan. 3, 1961,⁽¹⁾ Mr. John W. McCormack, of Massachusetts,

1. 105 CONG. REC. 5264, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. See also 108 CONG. REC. 19258, 87th Cong. 2d Sess., Sept. 12, 1962.
1. 107 CONG. REC. 27, 87th Cong. 1st Sess.

asked unanimous consent authorizing the Speaker⁽²⁾ to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on January 6, 1961, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

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

There was no objection.

Parliamentarian's Note: The purpose of the authorization was to allow the Speaker to declare recesses on the day set for the counting of the electoral vote.

§ 2.7 The Speaker may be authorized to declare a recess at any time during a day, subject to the call of the Chair.

On May 20, 1971,⁽¹⁾ Mr. Hale Boggs, of Louisiana, asked unanimous consent that it might be in order for the Speaker to declare a recess on that date, subject to the call of the Chair.

The two Houses had gone to conference on a bill earlier that day (H.R. 8190, making supplemental appropriations for fiscal 1971). Anticipating that the conferees could reach an early agreement, the Speaker was authorized

2. Sam Rayburn (TX).
1. 117 CONG. REC. 16148, 92d Cong. 1st Sess.

to declare a recess after the conclusion of other legislative business to await the filing of the report.

AUTHORIZING SPEAKER TO
DECLARE RECESS TODAY

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

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Louisiana? . . .

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, further reserving the right to object, and I will yield to the gentleman from Texas (Mr. MAHON) if he wishes me to.

AUTHORIZING CONSIDERATION OF
CONFERENCE REPORT ON SECOND
SUPPLEMENTAL APPROPRIATIONS,
1971

Mr. [George H.] MAHON. I thank the gentleman for yielding.

My purpose is to ask unanimous consent that it may be in order at any time after the filing of the conference report on the second supplemental appropriation bill to call up the conference report for consideration.

Mr. GROSS. Mr. Speaker, that adds to the pertinence of the question I was about to ask. Does this request for a recess mean that we might be in recess until tonight, this evening, or into the night on this thing? Does anyone have any idea about the extent of the proposed recess?

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I would like to address that question to the majority leader.

Mr. BOGGS. The gentleman would have to address that question to the distinguished chairman of the Committee on Appropriations.

Mr. GROSS. I yield to the gentleman from Texas.

Mr. MAHON. It would be my thought that an early decision can probably be reached on the second supplemental appropriation bill and, if an early decision is not reached, then I would not recommend that the House be kept in session indefinitely.

Mr. GROSS. Of course, the House would not be in session indefinitely. The House would be in recess. But what I am trying to find out is does a recess contemplate a session tonight?

Mr. MAHON. In my judgment, the House ought to adjourn after a brief recess if it develops that we cannot come to a quick agreement, and at the moment it is not anticipated that we would wait until after 6 o'clock on this matter.

Mr. GROSS. And the gentleman would be kind enough to advise the leadership of the House, I assume, if he saw that a conference agreement could not be reached until evening?

Mr. BOGGS. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes, of course I yield to the gentleman from Louisiana.

Mr. BOGGS. I concur with the distinguished gentleman from Texas. It is not the intention of the leadership to keep the House here late this evening.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

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

2. Carl Albert (OK).

There was no objection.

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

There was no objection.

Similarly, on Apr. 17, 1957,⁽³⁾ H.R. 4249, making certain urgent deficiency appropriations, was pending but had not been agreed to by both Houses. The House had agreed to House Joint Resolution 312, carrying only those appropriations of the bill (H.R. 4249) not in controversy. When the request for authority for the Speaker to declare a recess came, the House was awaiting Senate action on the joint resolution to clear the way for Easter recess:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair this afternoon.

The SPEAKER.⁽⁴⁾ Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The House stands in recess subject to the call of the Chair. The bells will be rung 15 minutes before the House reassembles.

Accordingly (at 2 o'clock 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

3. 103 CONG. REC. 5943, 85th Cong. 1st Sess.
4. Sam Rayburn (TX),

Speaker at 3 o'clock and 50 minutes p.m.

§ 2.8 The Speaker may be authorized to declare a recess on the following day at any time subject to the call of the Chair.

On May 26, 1959,⁽¹⁾ Mr. John W. McCormack, of Massachusetts, asked that it might be in order on the following day for the Speaker to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order tomorrow for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

On May 24, 1946,⁽³⁾ Mr. McCormack asked unanimous consent that it be in order at any time the following afternoon for the Speaker to declare a recess:

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it be in

1. 105 CONG. REC. 9155, 86th Cong. 1st Sess.

Parliamentarian's Note: Funeral services for John Foster Dulles, a former Senator and Secretary of State, were scheduled to be held at the Washington Cathedral on the May 27, 1959. The recess was for the convenience of Members desiring to attend.

2. Sam Rayburn (TX).
3. 92 CONG. REC. 5683, 79th Cong. 2d Sess.

order for the Speaker to declare a recess at any time tomorrow afternoon.

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

There was no objection.

§ 2.9 The Speaker was authorized to declare recesses at any time on three days during the week subject to the call of the Chair.

On Dec. 21, 1970,⁽¹⁾ Mr. Carl Albert, of Oklahoma, obtained unanimous consent to permit the Speaker⁽²⁾ to declare recesses on certain days of the week:

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it be in order during Monday, Tuesday, and Wednesday of this week for the Speaker to declare a recess at any time subject to the call of the Chair.

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

There was no objection.

§ 2.10 An agreement to a unanimous-consent request that it shall be in order "at any time on Wednesday and Thursday" for the Chair to declare a recess has been interpreted as giving authority for more than one recess on the two designated days.

1. 116 CONG. REC. 43094, 91st Cong. 2d Sess.
2. John W. McCormack (MA).

On Apr. 8, 1964,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, responded to certain parliamentary inquiries relative to his authority to declare recesses:⁽²⁾

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, a short while ago the Speaker declared a recess. Am I to understand that that was done under the unanimous-consent request that was given yesterday for the MacArthur ceremonies in the Capitol?

The SPEAKER. The Chair will state that the unanimous-consent request made by the gentleman from Oklahoma [Mr. ALBERT], was as follows:

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

Mr. HALLECK. In other words, Mr. Speaker, that conferred blanket authority, but is it not also true that

1. 110 CONG. REC. 7304, 88th Cong. 2d Sess.
2. See also 110 CONG. REC. 7119, 88th Cong. 2d Sess., Apr. 7, 1964, where recesses on both Wednesday and Thursday were required in connection with lying-in-state ceremonies in the Rotunda for General Douglas MacArthur. Under this authority, the Speaker also declared a recess on Wednesday evening to allow time for the preparation of an engrossed copy of H. R. 10222, the Food Stamp Act of 1964. See also Ch. 38 §9.12, *supra*, for additional information on the death of General MacArthur.

what we had in mind were the MacArthur ceremonies?

The SPEAKER. The Chair will state that the unanimous-consent request gave authority to the Chair to declare a recess.

Mr. [Charles S.] GUBSER [of California]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GUBSER. Mr. Speaker, is it not correct that the authority given to the Chair was for a recess in the singular, and that that one recess has already been had and, therefore, a second recess is out of order?

The SPEAKER. The Chair will read again for the benefit of the gentleman the request.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday and Thursday for the Chair to declare a recess subject to the call of the Chair.

The Chair exercised the authority given by that unanimous-consent request which was granted by the House.

§ 2.11 The Speaker was authorized to declare a recess during the remainder of the week, subject to the call of the Chair.

On Dec. 15, 1967,⁽¹⁾ Mr. Carl Albert, of Oklahoma, asked unanimous consent that the Speaker be permitted to declare a recess:

1. 113 CONG. REC. 37126, 90th Cong. 1st Sess.

PERMISSION FOR THE SPEAKER TO DECLARE A RECESS ANY TIME THIS WEEK

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that for the balance of this week it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Similarly, in the second session of the 85th Congress,⁽³⁾ certain interim powers, including the authority to declare recesses, were granted to the Speaker by unanimous consent.

INTERIM POWERS TO THE SPEAKER

Mr. ALBERT. Mr. Speaker, I renew my request made earlier today.

Mr. Speaker, I ask unanimous consent that at any time during the remainder of the week it may be in order for the Speaker to declare recesses subject to the call of the Chair; to consider conference reports the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII; and that reports from the Committee on Rules may be considered at any time, notwithstanding the provisions of clause 22 of rule XI.

The SPEAKER.⁽⁴⁾ Is there objection to the request of the gentleman from Oklahoma?

2. John W. McCormack (MA).

3. 104 CONG. REC. 19174, 85th Cong. 2d Sess., Aug. 22, 1958.

4. Sam Rayburn (TX).

Where was no objection.

§ 2.12 The Speaker may be authorized, during the remainder of the session, to declare a recess at any time.

On Sept. 11, 1959,⁽¹⁾ Mr. John W. McCormack, of Massachusetts, obtained unanimous consent that the Speaker be authorized for the balance of the session to declare recesses subject to the call of the Chair.

CERTAIN PROCEDURE FOR THE
BALANCE OF THIS SESSION

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it shall be in order during the remainder of this session of Congress . . . for the Speaker to declare recesses subject to the call of the Chair[.] . . .

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Massachusetts?

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, reserving the right to object—and I shall not object—these matters were all cleared with me. They are the customary procedures that are adopted when we come up to the close of the session. . . .

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

On Aug. 29, 1957,⁽³⁾ Mr. McCormack asked unanimous consent

1. 105 CONG. REC. 19128, 19129, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. 103 CONG. REC. 16527, 85th Cong. 1st Sess.

that the Speaker might declare a recess at any time until the end of the session:

AUTHORIZING THE SPEAKER TO
DECLARE A RECESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that for the balance of this session it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

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

There was no objection.

§ 2.13 By unanimous consent, the Speaker was authorized to declare a recess at any time later in the day after the Committee of the Whole had risen, subject to the call of the Chair.

On May 18, 1971,⁽¹⁾ a Member made the following unanimous-consent request:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole rises today it may be in order for the Chair to declare a recess subject to the call of the Chair.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Louisiana? . . .

There was no objection.

1. 117 CONG. REC. 15612, 15613, 92d Cong. 1st Sess.
2. Carl Albert (OK).

Parliamentarian's Note: The Committee on Interstate and Foreign Commerce was preparing to report House Joint Resolution 642 (emergency railroad strike legislation) and to obtain a rule from the Committee on Rules providing for the immediate consideration of the joint resolution, notwithstanding the three-day layover requirement of Rule XI clause 27.⁽³⁾ The leadership hoped to call up the rule, and then the bill, immediately after they were reported, and to interrupt consideration of H.R. 3613 (Emergency Employment Act of 1971) if necessary. The leadership agreed to proceed with some general debate on H.R. 3613 and then, when the Committee rose, to adjourn to await the necessary committee reports on the railroad strike legislation.

§ 2.14 By unanimous consent, the Speaker was authorized to declare a recess, subject to the call of the Chair, to extend not later than a time certain on that day.

On Oct. 14, 1972,⁽¹⁾ a Member asked unanimous consent that the

3. An amended version of this rule can be found under Rule XIII clause 4, *House Rules and Manual* § 850 (2007).

1. 118 CONG. REC. 36474, 92d Cong. 2d Sess.

Speaker be authorized to declare a recess as follows:

AUTHORITY FOR SPEAKER TO DECLARE RECESS

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess, subject to the call of the Chair, with the understanding that such a recess shall not extend beyond 10:30 p.m. this evening.

The SPEAKER.⁽²⁾ Is there objection to the request of the gentleman from Louisiana?

There was no objection.

For Emergencies

§ 2.15 Under clause 12(b)(2) of Rule I,⁽¹⁾ the Chairman of the Committee of the Whole⁽²⁾ may “suspend the business of the House when notified of an imminent threat to its safety” by declaring a recess

2. Carl Albert (OK).

1. *House Rules and Manual* § 639 (2007). See also 149 CONG. REC. 7, 108th Cong. 1st Sess., Jan. 7, 2003 (H. Res. 5 [§ 2(c)]).

2. Pursuant to clause 12 of Rule XVIII, *House Rules and Manual* § 992 (2007), rules of the House apply in the Committee of the Whole and the Chairman of the Committee of the Whole possesses the same authority as the Speaker, and therefore the Committee rose and the House recessed simultaneously without a report to the House.

subject to the call of the Chair.

On June 29, 2005,⁽³⁾ the following proceedings occurred:

□ 1830

RECESS

The CHAIRMAN (during the vote).⁽⁴⁾ Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 30 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

□ 1923

AFTER RECESS

The recess having expired, the Committee on the Whole House on the State of the Union resumed its sitting at 7 o'clock and 23 minutes p.m. with Mr. McHUGH in the chair.

§ 2.16 Under clause 12(b)(1) of Rule I,⁽¹⁾ the Speaker may “suspend the business of the House when notified of an imminent threat to its safety,” by declaring a recess subject to the call of the Chair.

3. 151 CONG. REC. 14835, 109th Cong. 1st Sess.

4. John McHugh (NY).

1. *House Rules and Manual* § 639 (2007).

On May 11, 2005,⁽²⁾ emergency authority to declare a recess was exercised for the first time by Speaker pro tempore Michael K. Simpson, of Idaho. The House stood in emergency recess for 90 minutes.

RECESS

The SPEAKER pro tempore (during the vote). Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 5 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

□ 1335

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 1 o'clock and 35 minutes p.m.

§ 2.17 The Chair exercised inherent emergency authority to terminate the recess from “morning-hour debate” to the legislative day proper at a time other than that previously established (by the announcement from the Chair at 9:20 a.m. and also by standing order in the resolution establishing convening

2. 151 CONG. REC. 9163, 9164, 109th Cong. 1st Sess.

times for the session), noting “the circumstances of today” in allusion to terrorist attacks on the United States, and having convened the legislative day proper eight minutes earlier than the time prescribed, immediately following the prayer the Chair declared a recess subject to the call of the Chair under clause 12(a) of Rule I.⁽¹⁾

Parliamentarian’s Note: The House reconvened at 9:52 a.m. on Sept. 11, 2001, as the Capitol was being evacuated following the terrorist attacks on the World Trade Center and the Pentagon, amid reports that unidentified aircraft had entered the airspace surrounding the Capitol. The Speaker was escorted from the Chamber and taken to an undisclosed location shortly before the House convened. A couple of hours after the evacuation, the bipartisan leadership decided that the Capitol would not reopen for the rest of the day.

The following proceedings took place on that date:⁽²⁾

The House met at 9 a.m.

1. *House Rules and Manual* § 638 (2007).
2. 147 CONG. REC. 16750, 16752, 107th Cong. 1st Sess.

MORNING HOUR DEBATES

The SPEAKER.⁽³⁾ Pursuant to the order of the House of January 3, 2001, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes. . . .

RECESS

The SPEAKER pro tempore.⁽⁴⁾ There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o’clock and 20 minutes a.m.) the House stood in recess until 10 a.m. today.

□ 0952

AFTER RECESS

The House was called to order by the Speaker pro tempore (Mr. GOSS) at 9 o’clock and 52 minutes a.m., thereby terminating the recess.

The SPEAKER pro tempore. Due to the circumstances of today, the Chair calls the House to order at this time.

3. J. Dennis Hastert (IL).
4. Porter J. Goss (FL).

The prayer will be offered by the guest chaplain.

PRAYER

The Reverend Gerard Creedon, St. Charles Borromeo Catholic Church, offered the following prayer:

God of peace and life, send Your spirit to heal our country; bring consolation to all injured in today's tragedy in New York and Washington. Protect us and help our leaders to lead us out of this moment of crisis to a new day of peace. Amen.

RECESS

The SPEAKER pro tempore. The House will stand in recess subject to the call of the Chair, pursuant to clause 12 of rule I.

Accordingly (at 9 o'clock and 53 minutes a.m.), the House stood in recess subject to the call of the Chair.

§ 2.18 The Speaker, in case of grave emergency, may exercise the inherent authority of his position and declare the House in recess on his own initiative, subject to the call of the Chair.

On Mar. 1, 1954,⁽¹⁾ the following proceedings occurred in the House Chamber:

RECESS

At approximately 2 o'clock and 30 minutes p.m. a demonstration and the

1. 100 CONG. REC. 2434, 83d Cong. 2d Sess. See also Ch. 4, § 2, *supra*.

discharge of firearms, from the southwest House Gallery (No. 11), interrupted the counting of the vote; the Speaker, pursuant to the inherent power lodged in the Presiding Officer in the case of grave emergency, after ascertaining that certain Members had been wounded and to facilitate their care, at 2 o'clock and 32 minutes p. m. declared the House in recess, subject to the call of the Chair.

The Members wounded were: Mr. BENTLEY of Michigan, Mr. DAVIS of Tennessee, Mr. FALLON of Maryland, Mr. JENSEN of Iowa, and Mr. ROBERTS of Alabama.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 42 minutes p.m.

ADJOURNMENT

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 2, 1954, at 12 o'clock noon.

§ 2.19 Pursuant to the inherent authority of the Chair in case of emergency, the Speaker declared the House to be in recess for the purpose of participating in an air-raid drill.

On Mar. 2, 1943,⁽¹⁾ while the House was discussing House Resolution 23, amending the rules to establish a standing committee on aviation, the Speaker declared the House to be in recess in order to participate in an air-raid drill. The proceedings were as follows:

The SPEAKER.⁽²⁾ The time of the gentleman from Massachusetts has expired.

Mr. [Jack] NICHOLS [of Oklahoma]. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: On page 1, line 4, after “on” and before “aviation”, insert “civil and commercial.”

Mr. [Alfred L.] BULWINKLE [of North Carolina]. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER. The gentleman from North Carolina is recognized for 1 hour.

Mr. BULWINKLE. Mr. Speaker—

RECESS

The SPEAKER. Pursuant to the inherent power lodged in the Presiding Officer in case of emergency, the Chair declares this House in recess subject to the call of the Chair for the purpose of participating in a practice air-raid drill. The alarm has sounded. Members will leave the Chamber as rapidly as possible, and the galleries will be cleared.

Accordingly (at 2 o'clock and 10 minutes p. m.) the House stood in recess, subject to the call of the Speaker.

1. 89 CONG. REC. 1487, 78th Cong. 1st Sess.
2. Sam Rayburn (TX).

AFTER RECESS

At 3 o'clock and 4 minutes p.m., the House was called to order by the Speaker.

The SPEAKER. The gentleman from North Carolina [Mr. BULWINKLE] has the floor.

Motion to Authorize Speaker to Declare Recess

§ 2.20 Under clause 4 of Rule XVI,⁽¹⁾ the Chair may entertain a nondebatable motion that the Speaker be authorized to declare a recess (recesses) as being of equal privilege with the motion to adjourn.

On Dec. 15, 1995,⁽²⁾ the first use of the motion to authorize the Speaker to declare a recess subject to the call of the Chair occurred. The House may authorize the Speaker to declare (as the House could order directly) that it stand in recess for a period consistent with the art. I § 5 constitutional constraint that neither House (recess or) adjourn for more than three days without the consent of the other.

1. *House Rules and Manual* §§ 911, 913 (2007).
2. 141 CONG. REC. 37107, 37108, 104th Cong. 1st. Sess.

MOTION TO AUTHORIZE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR THROUGH MONDAY, DECEMBER 18, 1995

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore.⁽³⁾ The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves that the Speaker may be authorized to declare recesses subject to the call of the chair through Monday, December 18, 1995.

PARLIAMENTARY INQUIRY

Mr. [Victor] FAZIO of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FAZIO of California. Mr. Speaker, as many Members may know, this procedure has never been used before, and it is my understanding that this procedure is being used to avoid a problem we may anticipate down the road in terms of our ability to later adjourn the House. I wonder if perhaps the Chair or majority leader could enlighten us. The last time the House failed to adjourn during the last Government shutdown, Members on this side of the aisle were not notified ahead of time as to the Speaker's intentions regarding the length of the recesses called as a result. Regarding the length of recesses called, we would hope some Democratic Members who at that time ended up remaining in their offices throughout the weekend

because they had not been assured in advance of notice as to when the House could come back into session would be informed, given perhaps as much as 2 days' notice as to when we may be called into session. I wonder if the Chair or the majority leader could assure Members on both sides of the aisle that sufficient notice will be given so that we can avoid that kind of problem in the future.

The SPEAKER pro tempore. The Chair believes this is a privileged motion, the Chair believes that adequate notice will be given, and the Chair will defer to the majority leader in response to the parliamentary inquiry.

Mr. ARMEY. Mr. Speaker, if I might respond to the gentleman from California that Members would be given ample notice before we would reconvene this body. We obviously take this measure in order for Members to be with their families later today, and tomorrow, and Sunday, insofar as it possible to do that. Should work present itself that would be compelling enough for us to interrupt that time with their families, we will first notify the Members in ample time for them to return, and then second, of course, convene to take up that work. . . .

Mr. FAZIO of California. I appreciate the gentleman's assurance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARMEY).

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

Mr. FAZIO of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make

3. James Longley (ME).

the point of order that a quorum is not present.

The SPEAKER pro tempore. 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 215, nays 152, not voting 65 as follows:

[Roll No. 863] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

During Specified Three-day Periods

§ 2.21 A privileged rule reported by the Committee on Rules (and amended on motion of the floor manager) to authorize the Speaker to declare the House in recesses subject to calls of the Chair during three discrete periods, each consistent with the art. I § 5 constitutional constraint that neither House (recess or) adjourn for more than three days without consent of the other House.

On Dec. 21, 1995,⁽¹⁾ the following proceedings occurred in the House:

1. 141 CONG. REC. 38141–51, 104th Cong. 1st Sess.

Parliamentarian's Note: The privileged resolution was drafted for the

RESOLUTION AUTHORIZING THE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR FROM DECEMBER 23, 1995, THROUGH DECEMBER 27, 1995

Ms. [Deborah] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

Resolved, That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995,

Committee on Rules in stages. The reported resolution was ordered reported when only a single three-day period for recesses was contemplated. Then the need for a second and a third three-day period arose. The third three-day segment spanning the remainder of the first session was included in § 3 to require that “after the House has been in session on the calendar day of Saturday, December 30” a third three-day recess could be declared through 11:59 a.m. on Wednesday, Jan. 3, 1996. This was sufficient to cover that final three-day period since requiring the House to be back in session first. The use of a special rule reported from the Committee on Rules was considered necessary (as amended) to cover recesses over multiple three-day periods, while the use of the privileged motion on Dec. 15, 1995 (See § 2.20, *supra*) was considered adequate to cover recesses during a single three-day period.

through Wednesday, December 27, 1995. A recess declared pursuant to this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

The SPEAKER pro tempore.⁽²⁾ The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 320 is a simple, straightforward resolution that allows the Speaker of the House to declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. The resolution further provides that any such recess may not extend beyond the calendar day of Wednesday, December 27, 1995.

Mr. Speaker, the Rules Committee brings this resolution to the floor today for several important reasons. First, the resolution specifically provides for the Speaker to declare recesses, and not to adjourn the House at the end of business this week. This is an important distinction which will permit the House to be on stand-by should further progress be made in budget and other negotiations between our leadership and the White House. . . .

Mr. [John Joseph] MOAKLEY [of Massachusetts]. . . .

² Bill Barrett (NE).

I want to remind my colleagues, Mr. Speaker, that the Constitution prohibits the House from recessing for more than 3 days—any recess or adjournment longer than 3 days requires the concurrence of the other body.

When the Democrats were in the majority, we never passed a rule making a recess an adjournment. If Congress needed to adjourn, we adjourned. . . .

Mr. [Gerald B. H.] SOLOMON [of New York]. . . . [I]f I could just reclaim my time, if the gentlewoman has a little extra time, if we had made some progress the last time and if we felt there was really sincerity at the other end of Pennsylvania Avenue, I would be up here fighting for you for that CR. But the trouble is, you know the President the other day met with the Republican leaders, President DOLE—he will be in in about a year—but Senator DOLE and Speaker GINGRICH, and when he came out of that meeting we were all excited because we really thought we had made some progress.

The Vice President AL GORE comes out and refutes almost everything that was said there. Then the Speaker's press secretary about an hour later came out and even changed what Vice President GORE was saying. Then on top of that, our former colleague, Mr. Panetta, the Chief of Staff of the President, comes out and says something else.

. . . [I]t is so frustrating and confusing. It is hard to have faith that there is going to be anything there. That is why we cannot gamble. We have to hold their nose to the grindstone and see if we cannot make some progress. I am trying. . . .

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment so that this House does not recess until we adopt a clean continuing resolution keeping the Government running until January 26.

I include for the RECORD my proposed amendment.

PREVIOUS QUESTION AMENDMENT TO
RECESS RESOLUTION

At the end of the resolution, add the following:

"SEC. . Immediately upon the adoption of this resolution the House shall without intervention of any point of order consider in the House the joint resolution (H.J. Res. 131) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . The recess authority provided in the previous sections of this resolution shall be effective only on or after the date on which H.J. Res. 131 is presented to the President for approval."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Resolution 320 was reported by the Committee on Rules last night by voice vote author-

izing the Speaker to declare recesses subject to the call of the Chair.

The amendment I will offer would authorize the Speaker to declare recesses subject to the call of the Chair on calendar day Thursday, December 28, through Saturday, December 30.

The amendment would further provide that after the House has been in session on calendar day Saturday, December 30, the Speaker may declare recesses subject to the call of the Chair on calendar day Saturday, December 30, through Wednesday, January 3.

Mr. Speaker, the Speaker needs this authority to keep the House in recess next week subject to the call of the Chair, pending the ongoing negotiations over the budget.

Members should be aware that the House will not be adjourned, but rather in recess on standby, should budget negotiations prove successful.

AMENDMENT OFFERED BY MS. PRYCE

Ms. PRYCE. Mr. Speaker, I offer an amendment authorized by the Committee on Rules.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: Strike all after the Resolved clause and insert:

That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995.

SEC. 2. The Speaker may declare recesses subject to the call of the Chair on the calendar days of Thursday, December 28, 1995, through Saturday, December 30, 1995.

SEC. 3. After the House has been in session on the calendar day of Saturday, December 30, 1995, the Speaker may declare recesses subject

to the call of the Chair on the calendar days of Saturday, December 30, 1995, through Wednesday, January 3, 1996.

SEC. 4.(a) A recess declared pursuant to the first section of this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

(b) A recess declared pursuant to section 2 of this resolution may not extend beyond the calendar day of Saturday, December 30, 1995.

(c) A recess declared pursuant to section 3 of this resolution may not extend beyond 11:55 a.m. on the calendar day of Wednesday, January 3, 1996.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PRYCE. 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 pro tempore. 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 228, nays 179, not voting 26, as follows:

[Roll No. 878] . . .

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is

on the amendment offered by the gentlewoman from Ohio [Ms. PRYCE].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. PRYCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 879] . . .

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Declaring Recess When No Question is Pending Before the House

§ 2.22 A Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make the motion pending, and thus the Chair remains able to declare a short recess under clause 12 of Rule I.⁽¹⁾

1. *House Rules and Manual* §638 (2007).

On June 25, 2003,⁽²⁾ the following proceedings took place between recognitions for special-order speeches:

RECESS

Mr. [Sherrod] BROWN of Ohio. Mr. Speaker, I move the House adjourn until tomorrow at 10 a.m.

Mr. [Frank] PALLONNE [Jr., of New Jersey]. I second the motion, Mr. Speaker.

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

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, parliamentary inquiry. Does a motion to adjourn not take precedence over any other motion?

The SPEAKER pro tempore. The chair did not recognize the gentleman for that purpose. There is therefore no question now pending before the Chair at this time, and the Chair may declare a recess.

Ms. [Marcy] KAPTUR [of Ohio]. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentlewoman from Ohio rise?

Ms. KAPTUR. I would like to make an inquiry of the Chair as to why the gentleman from Ohio's parliamentary request to adjourn the House was not received by the Chair.

The SPEAKER pro tempore. When there is no question pending, the Chair

2. 149 CONG. REC. 16241, 16243, 108th Cong. 1st Sess.
3. Scott Garrett (NJ).

has the authority to declare the House in recess. As such, pursuant to clause 12(a) of rule I, the chair declares a recess subject to the Call of the Chair.

Accordingly (at 11 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair. . . .

□ 0618

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 18 minutes a.m., Thursday, June 26, 2003, Legislative Day, Wednesday, June 25, 2003. . . .

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes a.m.), the House adjourned until today, Thursday, June 26, 2003, at 10 a.m.

§ 2.23 Having postponed proceedings on a pending question under clause 5 of Rule I,⁽¹⁾ the Speaker may declare a recess for a short time under clause 12 of Rule I⁽²⁾

1. Amended form of this rule can now be found under Rule XX clause 8, *House Rules and Manual* § 1030 (2007).
2. *House Rules and Manual* § 638 (2007).

(there being no question then pending before the House).

On Apr. 30, 1998,⁽³⁾ the following occurred on the floor of the House:

The previous question was ordered.

The SPEAKER pro tempore.⁽⁴⁾ The question is on the resolution.

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

Mr. [Tony P.] HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this question are postponed until later today.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair. The bells will be rung 15 minutes prior to reconvening.

§ 2.24 The customary inquiry by the Chair asking "For what purpose does the gentleman rise?" does not immediately confer recognition, such that a Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make that motion "pending".

3. 144 CONG. REC. 7380, 7381, 105th Cong. 2d Sess.

4. Jo Ann Emerson (MO).

diately confer recognition, such that a Member's mere revelation that he seeks to offer a motion to adjourn does not suffice to make that motion "pending".

On Oct. 28, 1997,⁽¹⁾ the following proceedings occurred in the House:

MOTION OFFERED BY MR. ENSIGN

The SPEAKER pro tempore.⁽²⁾ For what purpose does the gentleman from Nevada rise?

Mr. [John] ENSIGN [of Nevada]. Mr. Speaker, I have a motion at the desk.

RECESS

The SPEAKER pro tempore. Under clause 12 of rule I, the Chair declares the House in recess at this time subject to the call of the Chair, there being no business pending at this point.

Accordingly (at 1 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr.

1. 143 CONG. REC. 23524, 23525, 105th Cong. 1st Sess.

2. Vincent K. Snowbarger (KS).

SNOWBARGER] at 5 o'clock and 2 minutes p.m.

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The Clerk will report the privileged motion. The Clerk read as follows:

Mr. ENSIGN moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Nevada [Mr. ENSIGN].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it. . . .

The vote was taken by electronic device, and there were—yeas 52, nays 359, answered “present” 1, not voting 21, as follows:

[Roll No. 532] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Examples of Overnight and Other Recesses

§ 2.25 Under clause 12 of Rule I,⁽¹⁾ the Speaker may “suspend the business of the House for a short time when no question is pending” by

1. *House Rules and Manual* § 638 (2007).

declaring a recess subject to the call of the Chair.

On Dec. 14, 2000,⁽²⁾ the following events occurred:

RECESS

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

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 56 minutes a.m.

The SPEAKER pro tempore. The House will be in order.

RECESS

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

Accordingly (at 12 o'clock and 57 minutes a.m.), the House stood in recess subject to the call of the Chair. . . .

2. 146 CONG. REC. 26657, 106th Cong. 2d Sess.

3. John M. Shimkus (IL).

□ 0905

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE)⁽⁴⁾ at 9 o'clock and 5 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 133, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1030) on the resolution (H. Res. 674) providing for consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 134, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1031) on the resolution (H. Res. 675) providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

4. Edward A. Pease (IN).

REPORT ON RESOLUTION WAIVING SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1032) on certain resolutions waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0944

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 o'clock and 44 minutes a.m.

Parliamentarian's Note: The House reconvened solely to avoid breaking the record for the length of a "short" recess under clause 12 of Rule I (see § 2.26, *infra*, [10 hours]). These two longer recesses spanned a period of nearly 17 hours. The third, 37-minute recess that immediately preceded adjournment was spent waiting in

vain for the filing of a conference report.

§ 2.26 Instances in which, following the refusal of the House to adjourn on a roll-call vote, the “short time” for which business was suspended by a recess pursuant to clause 12 of Rule I⁽¹⁾ was invoked by the Chair to effectively recess the House from 3:14 p.m. on Saturday, Nov. 18, to 8:40 p.m. on Sunday, Nov. 19, by expiring and redeclaring the recesses as follows: (1) from 3:14 p.m. to 10 p.m. on Saturday (6 hrs. 46 mins.); (2) from 10:01 p.m. on Saturday to 9:01 a.m. on Sunday (11 hrs.); (3) from 9:01 a.m. to 4 p.m. on Sunday (6 hrs. 59 mins.); and (4) from 4:01 p.m. to 8:40 p.m. on Sunday (4 hrs. 39 mins.).

On Nov. 18, 1995,⁽²⁾ and on Nov. 19, 1995,⁽³⁾ the following proceedings occurred in the House:

□ 1444

So, (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

1. *House Rules and Manual* § 638 (2007).
2. 141 CONG. REC. 33996, 33997, 104th Cong. 1st Sess.
3. *Id.* at p. 34036.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. [John E.] LINDER [of Georgia]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. EMERSON.)⁽⁴⁾ The question is on the motion offered by the gentleman from Georgia [Mr. LINDER].

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

Mr. [James P.] MORAN [of Virginia]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 32, nays 361, answered “present” 1, not voting 38, as follows:

[Roll No. 819] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RECESS

The SPEAKER pro tempore (Mr. EMERSON). Pursuant to clause 12 of rule I, the House will stand in recess, subject to the call of the Chair.

Accordingly (at 3 o'clock and 14 minutes p.m.), the House stood in recess subject to the call of the Chair.

4. Bill Emerson (MO).

□ 2200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 10 o'clock p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore.⁽⁵⁾ The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills during the recess today: H.R. 2020, H.R. 2126, and H.R. 2492.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly, (at 10 o'clock and 1 minute 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. GOSS) at 9 o'clock and 1 minute a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair de-

5. Porter J. Goss (FL).

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

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOSS) at 4 o'clock p.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

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

□ 2040

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DAVIS)⁽⁶⁾ at 8 o'clock and 49 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a joint resolution of the House of the following title:

H.J. RES. 123

Making further continuing appropriations for fiscal year 1996, and for other purposes.

6. Thomas M. Davis (VA).

§ 2.27 Instance where the House recessed for almost 10 hours under the Speaker's clause 12, Rule I⁽¹⁾ 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,⁽²⁾ the Chair, after a 10-hour recess, declared the House adjourned by unanimous consent (*i.e.*, without motion):

RECESS

The SPEAKER pro tempore.⁽³⁾ 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]⁽⁴⁾ 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,⁽¹⁾ 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,⁽²⁾ when the Speaker was given specific authority to declare a recess, the purpose of the recess was stipulated in the order of the House.⁽³⁾

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,⁽¹⁾ 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).⁽²⁾ 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,⁽¹⁾ the following proceedings occurred on the floor of the House:

RECESS

The SPEAKER.⁽²⁾ 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)⁽³⁾ at 12 o'clock and 24 minutes p.m.

 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. . . .

 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,⁽¹⁾ the Speaker,⁽²⁾ 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,⁽¹⁾ the Speaker⁽²⁾ 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,⁽¹⁾ the following announcement was made on the floor of the House:

ANNOUNCEMENT BY THE
SPEAKER

The SPEAKER.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾ 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.⁽³⁾ 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.

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. . . .

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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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,⁽²⁾ 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.⁽³⁾ 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,⁽¹⁾ 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,⁽²⁾

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-

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.⁽³⁾ 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.

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.

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽⁴⁾ 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,⁽¹⁾ 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

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.⁽²⁾ 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)⁽¹⁾ 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,⁽²⁾ the following proceedings occurred in the House:

NOTIFICATION OF REASSEMBLING OF CONGRESS

The SPEAKER.⁽³⁾ 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.

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