

House is no longer in a receptive mode for business. The hopper is removed and bills may not be introduced nor reports filed through the hopper. Restrictions on access to the floor are relaxed for invited visitors in periods of adjournment as provided in clause 3 of Rule IV,<sup>(7)</sup> but not during recesses. While under clause 4 of Rule XVI the motion to adjourn is of the highest privilege, the declaration of a recess for a “short time” under clause 12(a) of Rule I<sup>(8)</sup> is in order when no question is pending, such as when a Member indicates his desire to offer a motion to adjourn but has not yet been recognized by the Chair for that purpose.<sup>(9)</sup>

Beginning in the 108th Congress, declarations of emergency recesses pursuant to clause 12(b) of Rule I<sup>(10)</sup> are in order whenever the Speaker is notified of an imminent danger to the safety of the House. Such declarations take precedence over pending business and could even interrupt a pending motion to adjourn.

In the 108th Congress, the rules were amended to permit the

7. *House Rules and Manual* § 679 (2007).
8. *Id.* at § 638.
9. See Ch. 39 § 2.22, *supra*.
10. *House Rules and Manual* § 639 (2007).

Speaker to alter the time for reconvening during an adjournment period of three days or less, if notified by the Sergeant at Arms of the imminent impairment of the place of reconvening and after consultation with the Minority Leader, either by postponing or advancing the established time for reconvening for a duration within the established three-day period, and in an advanced reconvening solely to declare a recess within the three-day limit.<sup>(11)</sup>

## § 2. Adjournment to Another Place

While an adjournment normally implies a reconvening in the Chamber from which the House adjourned, under clause 12(d) of Rule I<sup>(1)</sup> adopted in the 108th

11. Compare this formal authority for early reconvening following overnight adjournment with the twice-used Senate practice of unauthorized early reconvening followed by ratification by unanimous consent. See 109 CONG. REC. 22697–99, 88th Cong. 1st Sess., Nov. 25, 1963; and 147 CONG. REC. 16865, 107th Cong. 1st Sess., Sept. 12, 2001. The Senate felt that it had no other option in this circumstance than to “convene and ratify.”
1. *House Rules and Manual* § 639 (2007). The seat of government was transferred to the District of Columbia by the Act of July 16, 1790 (1

Congress, the Speaker may convene the House in a place within the seat of government, the District of Columbia, other than the Hall of the House. Prior to that time and by precedent since 1949, the House could by simple resolution adjourn to reconvene at another place within the seat of government, the concurrence of the Senate not being necessary.<sup>(2)</sup>

During any adjournment the President may, by law, convene Congress at a place outside the seat of government due to the existence of hazardous circumstances within the seat of government.<sup>(3)</sup>

After Sept. 11, 2001, authority contained in concurrent resolutions adjourning both Houses for more than three days, or *sine die*, which includes joint leadership authority to recall the two Houses, has allowed reassembly at such place as may be designated.<sup>(4)</sup>

Stat. 30), and provided that “all offices attached to the said seat of government be removed to the District.”

2. Ch. 1 §4.1, *supra*. See also §2.3, *infra*.
3. 2 USC §27.
4. See §2.2, *infra*.

The House, by unanimous consent, has also considered and adopted a concurrent resolution (H. Con. Res. 449) providing that the Congress “conduct a special meeting in Fed-

On Jan. 7, 2003, the opening day of the 108th Congress, the House, consistent with art. I, §5 of the Constitution, granted anticipatory consent for the two Houses to assemble at a place outside the seat of government whenever, in the opinion of the joint leadership (or their designees) after bipartisan consultation, the public interest shall warrant it. House Concurrent Resolution 1 was called up as privileged in the House. The House adopted the concurrent resolution on Feb. 13, 2003.<sup>(5)</sup> This concurrent resolution

eral Hall in New York, New York” on Sept. 6, 2002, in remembrance of Sept. 11, 2001. The resolution provided for a strictly ceremonial meeting. See Ch. 36 §16.4, *supra*. Congress has engaged in ceremonial functions outside the seat of government. For example, Members of both Houses traveled to Philadelphia for organized festivities surrounding the bicentennial anniversary of the Constitution on July 16, 1987. See Ch. 36 §4.5, *supra*. On that occasion, a concurrent resolution authorized the Speaker and the President pro tempore to appoint an official bicameral delegation to represent the Congress at a ceremonial session. After a preliminary joint ceremony in Independence Hall, delegations met separately in their respective chambers in Congress Hall for ceremonial sessions. At no time was consideration given to making the proceedings be an actual session of Congress.

5. See §2.1, *infra*.

allowed the Houses to meet only at the same place outside the seat of government. A concurrent resolution rather than a law was thought prudent to enable each successive Congress to reaffirm such bicameral consent contemporaneously.

**§ 2.1 The House adopted a privileged concurrent resolution (offered by the chairman of the Committee on Rules) granting anticipatory consent for the two Houses to assemble at a place outside the seat of government whenever, in the opinion of the joint leadership (or their designees) after bipartisan consultation, the public interest shall warrant it.**

On Jan. 7, 2003,<sup>(1)</sup> the following occurred:

1. 147 CONG. REC. 21, 107th Cong. 1st Sess. For the Senate concurrence see 147 CONG. REC. 4080, 108th Cong. 1st Sess., Feb. 13, 2003.

On the opening day of the 109th Congress the House considered as privileged and adopted H. Con. Res. 1 to permit the two Houses to meet outside the seat of government. However, the Senate took no action on either of those concurrent resolutions, although that body had acted in the 108th Congress in 2003. See 151 CONG. REC. 68, 109th Cong. 1st Sess., Jan. 4, 2005.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. [David] DREIER [of California]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

*Resolved by the House of Representatives (the Senate concurring),* That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 2.2 After Sept. 11, 2001, authority contained in concurrent resolutions adjourning both Houses for more than three days, or *sine die*, which includes joint leadership authority to recall the two Houses, has allowed reassembly during that adjournment period at such place inside or outside the seat of government as may be designated.**

On Nov. 22, 2002,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid the following privileged concurrent resolution before the House:

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 107TH  
CONGRESS, SECOND SESSION

The SPEAKER pro tempore (Mr. KERNS) laid before the House the privileged Senate concurrent resolution (S. Con. Res. 160) providing for the sine die adjournment of the One Hundred Seventh Congress, Second Session.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 160

*Resolved by the Senate (the House of Representatives concurring),* That when the Senate adjourns at the close of business on any day from Wednesday, November 20, 2002 through Saturday, November 23, 2002, or from Monday, November 25, 2002, through Wednesday, November 27, 2002, or on a motion offered pursuant to this concurrent resolution by its Majority Leader, or his designee, it stand adjourned sine die, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate

1. 148 CONG. REC. 23512, 107th Cong. 2d Sess.
2. Brian D. Kerns (IN).

whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

***Adjournment to House Caucus Room***

**§ 2.3 The House adopted a resolution providing for adjournment to the caucus room in a House office building for convenings there until otherwise ordered.**

On Nov. 22, 1940,<sup>(1)</sup> a House resolution was presented calling for the House to convene following its adjournment (over the weekend) at another place.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer resolution (H. Res. 637) and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 637

*Resolved,* That when this House adjourns on Friday, November 22, 1940, it will adjourn to meet in the caucus room in the New House Office Building on Monday, November 25, 1940, and it shall continue to meet there until otherwise ordered.

*Resolved,* That all rules relating to the Hall of the House shall be applicable to the caucus room.

*Resolved,* That the Clerk communicate these resolutions to the President of the United States and to the Senate of the United States.

1. 86 CONG. REC. 13715, 76th Cong. 3d Sess.

The resolution was agreed to.

*Parliamentarian's Note:* The House continued to hold its sessions in a caucus room in a House office building until the opening of the 77th Congress. Likewise, the Senate provided that its meetings should be held in the Capitol Chamber formerly occupied by the Supreme Court. These actions were necessary because of the precarious condition of the roofs in the two Chambers.<sup>(2)</sup> The Majority Leader inserted in the *Congressional Record* a letter from the Architect of the Capitol explaining the urgency of the roof construction in detail.

### § 3. When in Order; Precedence and Privilege of Motion

When the House has fixed the daily hour of meeting (as it normally does on the first day of each session by standing order), the motion to adjourn, authorized by clause 4 of Rule XVI,<sup>(1)</sup> is in order in simple form only (that the House do now adjourn), and may not direct an immediate adjournment to a day or time certain, or to a day beyond three days and

2. *Ibid.*

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

beyond the constitutional term of that Congress.<sup>(2)</sup>

Only in a case in which the hour of daily meeting has not been fixed may the simple motion to adjourn fix the hour of meeting.<sup>(3)</sup>

The motion to fix the day to which the House should adjourn was included within the rule as to the precedence of motions but was dropped in 1890 and again in 1895 until 1973, because of its use in obstructive tactics.<sup>(4)</sup> In 1973, clause 4 of Rule XVI was revised to restore to the highest privileged status, equal with the simple motion to adjourn, the nondebatable motion that when the House adjourns on that day it stand adjourned to a day and time certain (within three days) but only if the Speaker, in the Speaker's discretion, recognized a Member for that purpose.

In the interim between 1895<sup>(5)</sup> until 1973, the motion that the adjournment on that day be one to a day and time certain was not privileged against the demand for the regular order.<sup>(6)</sup>

2. *Ibid.* See also *House Rules and Manual* §912; and §3.27, *infra*.

3. *House Rules and Manual* §912 (2007).

4. *Ibid.* See also 5 Hinds' Precedents §6740.

5. See 5 Hinds' Precedents §5301.

6. See §3.2, *infra*.