

(D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of *Kennedy v. Sampson*, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,  
*Speaker.*

ROBERT H. MICHEL,  
*Republican Leader.*

## § 15. Conditional Adjournments *Sine Die*; Recall

The first examples of coupling *sine die* adjournment with the conferral of leadership recall authority during the *sine die* period

were in the 93d Congress, on Dec. 22, 1973, and on Dec. 20, 1974.<sup>(1)</sup> Inclusion of leadership recall authority in adjournment resolutions was discontinued in 1975 and re-instituted in the 101st Congress, second session, when the joint recall authority was conferred only on the majority leaderships (not separately on the joint minority leaderships, who merely had to be consulted).<sup>(2)</sup> The form of leadership recall authority as re-instituted in the 101st Congress remained the practice through the 108th Congress.<sup>(3)</sup>

Before the inclusion of leadership recall authority, only the President could reconvene either or both Houses after *sine die* adjournment, pursuant to art. II, § 3 of the Constitution. The President's authority in the same section to adjourn the two Houses to such time as he shall think proper, where there is a disagreement between the two Houses, has never been used.

See also § 13, *supra*, for discussion of leadership recall authority included in concurrent resolutions providing for adjournment to a day certain. The now-standard recall language allowing reassembly at another "place" was first used

1. See §§ 15.10, 15.11, *infra*.

2. See § 15.7, *infra*.

3. See §§ 15.1, 15.15, *infra*.

on Oct. 17, 2001,<sup>(4)</sup> and the language empowering designees of the Speaker and the Senate Majority Leader to exercise the recall authority in exigent circumstances was first included on July 26, 2002.<sup>(5)</sup>

See also § 13, *supra*, for discussion of adjournments to a day and time certain immediately before the constitutional end of a Congress on Jan. 3 of an odd-numbered year with recall authority, in effect tantamount to a *sine die* adjournment with recall, but treated as continuation of the existing session rather than a new (third) session upon the recall.

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**§ 15.1 The House agreed to a privileged concurrent resolution providing for adjournment of the Congress *sine die* including alternate departure dates for each House and provision for joint-leadership recall.**

On Dec. 7, 2004,<sup>(1)</sup> the Majority Leader offered the following privileged concurrent resolution:

PROVIDING FOR SINE DIE ADJOURNMENT OF SECOND SESSION OF 108TH CONGRESS

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, I offer a privileged concurrent

4. See § 13.6, *supra*.

5. See § 13.5, *supra*.

1. 150 CONG. REC. 25708, 108th Cong. 2d Sess.

resolution (H. Con. Res. 531) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 531

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on any legislative day from Tuesday, December 7, 2004, through Friday, December 10, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on any day from Tuesday, December 7, 2004, through Saturday, December 11, 2004, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution.

SEC. 2. 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, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate 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.

**§ 15.2 Pursuant to notice issued by the Speaker under**

**authority conferred in a concurrent resolution of adjournment, the House reassembled from a second session adjournment *sine die* as a continuation of that session.**

On Dec. 17, 1998,<sup>(1)</sup> the following occurred:

Pursuant to section 3 of House Concurrent Resolution 353, One Hundred Fifth Congress, the House met at 10 a.m. and was called to order by the Speaker, Hon. NEWT GINGRICH.

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NOTIFICATION OF  
REASSEMBLING OF CONGRESS

The SPEAKER.<sup>(2)</sup> The Chair lays before the House the text of the formal notification sent to Members on Monday, December 14, 1998, of the reassembling of the House, which the Clerk will read.

The Clerk read as follows:

OFFICE OF THE SPEAKER,  
*Washington, DC, December 14, 1998.*

Pursuant to section 3 of House Concurrent Resolution 353 and after consultation with the Minority Leader, the public interest requires the Members of the House of Representatives to reassemble at 10 a.m. on Thursday, December 17, 1998. The Sergeant at Arms is directed to notify all Members of the reassembly of the House of Representatives for the second session of the One Hundred Fifth Congress.

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1. 144 CONG. REC. 27770, 105th Cong. 2d Sess.
  2. Newt Gingrich (GA).

Sincerely yours,

NEWT GINGRICH,  
*Speaker.*

*Parliamentarian's Note:* As the Speaker's notification itself indicates, the reassembly of the House (the House and Senate having adjourned *sine die*) became a continuation of the second session rather than a new third session, under the terms of the concurrent resolution.

**§ 15.3 Form of privileged concurrent resolution of adjournment *sine die* providing both joint-leadership recall authority and House-only recall authority with subsequent *sine die* House adjournment if utilized.**

On Oct. 20, 1998,<sup>(1)</sup> the following privileged concurrent resolution was considered in the House:

PROVIDING FOR ADJOURNMENT  
SINE DIE OF THE CONGRESS  
ON WEDNESDAY, OCTOBER 21,  
1998, OR THURSDAY, OCTOBER  
22, 1998

Mr. [Gerald B. H.] SOLOMON [of New York]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 353) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

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1. 144 CONG. REC. 27348, 105th Cong. 2d Sess.

## H. CON. RES. 353

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, or until a time designated pursuant to section 2 of this resolution; and that when the Senate adjourns on Wednesday, October 21, 1998, or Thursday, October 22, 1998, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. During any adjournment of the House pursuant to this concurrent resolution, the Speaker, acting after consultation with the Minority Leader, may notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it. After reassembling pursuant to this section, when the House adjourns on any day on a motion offered pursuant to this section by its Majority Leader or his designee, the House shall again stand adjourned pursuant to the first section of this concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

*Parliamentarian's Note:* The House needed separate recall authority, independent of the Senate, in order to be prepared to consider potential articles of impeachment reported from the Committee on the Judiciary following the *sine die* adjournment. The House was recalled by Speaker Gingrich on Dec. 17, 1998.<sup>(2)</sup>

Subsequently, on Oct. 21, 1998,<sup>(3)</sup> the House adjourned *sine die*.

## SINE DIE ADJOURNMENT

Mr. [Gerald B. H. SOLOMON] [of New York]. Mr. Speaker, pursuant to House concurrent resolution 353 and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore.<sup>(4)</sup> In accordance with the provisions of House Concurrent Resolution 353, the Chair declares the second session of the 105th Congress adjourned sine die.

Thereupon (at 5 o'clock and 56 minutes p.m.), pursuant to House Concurrent Resolution 353, the House adjourned.

### § 15.4 The House agreed to a privileged Senate concurrent resolution providing for the

2. See § 15.2, *supra*.

3. 144 CONG. REC. 27410, 105th Cong. 2d Sess. See also § 17.3, *infra*.

4. Edward A. Pease (IN).

**adjournment *sine die* of the first session of a Congress (subject to recall by the joint House-Senate majority leaderships) and declaring the position of the Congress with respect to the assertion by the President of a “pocket veto” power between sessions of a Congress.**

On Nov. 13, 1997,<sup>(1)</sup> the Speaker pro tempore<sup>(2)</sup> laid before the House a privileged Senate concurrent resolution on the Speaker’s table providing for an adjournment *sine die* of the first session and an assertion that the “pocket veto” not be used during a first session *sine die* adjournment:

ADJOURNMENT SINE DIE OF  
FIRST SESSION OF ONE HUN-  
DRED FIFTH CONGRESS

The SPEAKER pro tempore (Mr. LAHOOD). The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 68) to adjourn sine die the First Session of the One Hundred Fifth Congress, as a question of the privileges of the House.

The Clerk read the Senate Concurrent Resolution as follows:

S. CON. RES. 68

*Resolved by the Senate (the House of Representatives concurring), That*

1. 143 CONG. REC. 26538, 26539, 105th Cong. 1st Sess. See Ch. 24, *infra*, for additional information on pocket vetoes.
2. Ray LaHood (IL).

when the House adjourns on the legislative day of Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, and that when the Senate adjourns on Thursday, November 13, 1997, or Friday, November 14, 1997, on a motion offered pursuant to this concurrent resolution by the Majority Leader or his designee, it stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares that clause 5 of rule III of the Rules of the House of Representatives and the order of the Senate of January 7, 1997, authorize for the duration of the One Hundred Fifth Congress the Clerk of the House of Representatives and the Secretary of the Senate, respectively: To receive messages from the President during periods when the House and Senate are not in session and thereby preserve until adjournment sine die of the final regular session of the One Hundred Fifth Congress the constitutional prerogative of the House and Senate to reconsider vetoed measures in light of the objections of the President, since the availability of the Clerk and the Secretary during any earlier adjournment of either House during the Congress does not

prevent the return by the President of any bill presented to him for approval.

SEC. 4. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this concurrent resolution.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

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

Mr. [Richard A.] GEPHARDT [of Missouri]. 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 205, nays 193, not voting 34, as follows:

[Roll No. 638] . . .

So the Senate concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**§ 15.5 The Senate agreed to a motion that the Senate adjourn to meet the following evening unless the House sooner adopted the concurrent resolution of *sine die* adjournment (as amended by the Senate), in which case the Senate would stand adjourned *sine die* pursuant to that concurrent resolution.**

On Oct. 3, 1996,<sup>(1)</sup> the following proceedings occurred in the Senate:

CONDITIONAL ADJOURNMENT  
SINE DIE

Mr. [Trent] LOTT [of Mississippi]. Mr. President, if there is no further business to come before the Senate, I now move that the Senate stand in adjournment sine die under the provisions of House Concurrent Resolution 230, or until 6 p.m., Friday, October 4, if the House fails to adopt House Concurrent Resolution 230. And God be with you all.

The motion was agreed to, and at 6:54 p.m., the Senate adjourned sine die, conditioned on the House concurrence in the Senate amendment to House Concurrent Resolution 230.

**§ 15.6 Second instance since the 93d Congress in which the House included recall language in a concurrent resolution providing for the adjournment of a second session *sine die*.**

On Oct. 5, 1992,<sup>(1)</sup> the Majority Leader called up a privileged concurrent resolution as follows:

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 2D  
SESSION, 102D CONGRESS

[Mr. Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I send to the

1. 142 CONG. REC. 27335, 104th Cong. 2d Sess.
1. 138 CONG. REC. 32340, 102d Cong. 2d Sess.

desk a privileged concurrent resolution (H. Con. Res. 384) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 384

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Thursday, October 8, 1992, or Friday, October 9, 1992, pursuant to a motion by the Majority Leader, or his designee, it stand adjourned sine die, and that when the Senate adjourns on the calendar day of Thursday, October 8, 1992, or any day thereafter, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER.<sup>(2)</sup> Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

**§ 15.7 For the first time since the 93d Congress, the House included recall language in a concurrent resolution pro-**

2. Thomas S. Foley (WA).

**viding for the adjournment of a second session *sine die*.**

On Oct. 27, 1990,<sup>(1)</sup> the House, for the first time since the 93d Congress, included recall language in a privileged concurrent resolution providing for the adjournment of a second session *sine die*:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM SATURDAY, OCTOBER 27, 1990, SINE DIE, AND ADJOURNMENT OF THE SENATE FROM SATURDAY, OCTOBER 27, SUNDAY, OCTOBER 28, OR MONDAY, OCTOBER 29, 1990, SINE DIE

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 399) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 399

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of October 27, 1990, and the Senate adjourns on Saturday, October 27, Sunday, October 28 or Monday, October 29, 1990, they stand adjourned sine die or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members

1. 136 CONG. REC. 36850, 101st Cong. 2d Sess.

of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore.<sup>(2)</sup> Is there objection to agreeing to the resolution?

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, I shall not object, but I just want to inquire of the majority leader: there was some question on our side about the recall provision of this that I have been asked about. The minority leader is here now.

Mr. Leader, reserving the right to object, have we cleared that language?

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Mr. Speaker, reserving the right to object, I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, to respond to the gentleman, of course, the administration would prefer that there be no reference whatsoever, but, quite frankly, it is not a joint resolution and does not require the President's signature.

There is ample precedent for it, I think, in 1974 when President Ford, during one of those sessions, and also in 1943, and, quite frankly, it says, in effect, that if the Speaker and the majority leader of the Senate after consultation with the minority leader of both the House and the Senate feel that there ought to be a reconvening of the Members for whatever purpose that, from my point of view, I think it is well in order, and that we ought to approve it as it is written.

2. Michael R. McNulty (NY).

Mr. WALKER. Further reserving the right to object, under that provision, since we adjourn sine die, would that be a reconstitution then of the 101st Congress at that point, or would we have a new session if this Congress was adjourned sine die?

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

Mr. WALKER. I am happy to yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I believe such recall would be a reassembling of this session of the 101st Congress.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection. . . .

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to agreeing to the resolution?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

On Dec. 20, 1974,<sup>(3)</sup> the House agreed to a privileged concurrent resolution, offered by the Majority Leader, providing for the *sine die* adjournment of the 93d Congress, second session, or for an adjournment until reconvened by the leadership:

PROVIDING FOR ADJOURNMENT  
SINE DIE

Mr. [Thomas P.] O'NEILL [of Massachusetts]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 697)

3. 120 CONG. REC. 41815, 93d Cong. 2d Sess.

and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 697

*Resolved by the House of Representatives (the Senate concurring),* That when the two Houses adjourn on Friday, December 20, 1974, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.

SEC. 2 The Speaker of the House of Representatives and the President of the Senate or the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly or the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The SPEAKER.<sup>(4)</sup> The question is on the concurrent resolution.

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

Mr. [John] ASHBROOK [of Ohio]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

4. Carl Albert (OK).

Mr. ASHBROOK. Mr. Speaker, I take this opportunity of asking the distinguished majority leader what all that means. It was read rather rapidly. It seemed to have quite a few clauses. I did not quite catch all of it.

Mr. O'NEILL. Mr. Speaker, I feel certain the gentleman from Ohio is aware of the fact that this is a sine die resolution, which gives the right to the Speaker of the House and the Presiding Officer of the Senate, the majority leader of the House, and the minority leader of the Senate and the minority leader of the House, and the President of the United States, would have the right, to call the Members back into session before January 3 if they thought there was an emergency, and the Congress should be called back.

After the date of January 3 we will extend it to January 14. . . .

So the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 15.8 The House agreed to a privileged House concurrent resolution providing for the adjournment *sine die* of the first session of a Congress (subject to recall by the joint House-Senate majority leadership) and declaring the position of the Congress with respect to the assertion by the President of a pocket veto between sessions of a Congress.**

On Nov. 21, 1989,<sup>(1)</sup> the Majority Leader offered a privileged concurrent resolution as follows:

PROVIDING FOR SINE DIE ADJOURNMENT OF THE FIRST SESSION OF THE 101ST CONGRESS ON WEDNESDAY, NOVEMBER 22, 1989

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 239) and ask for its immediate consideration, and I ask unanimous consent that I be permitted to address the House for 1 minute on the resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 239

*Resolved by the House of Representatives (the Senate concurring),* That when the House and Senate adjourn on Wednesday, November 22, 1989, they stand adjourned sine die, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

SEC. 3. The Congress declares—

(1) that clause 5 of rule III of the Rules of the House of Representatives, adopted for the One Hundred First Congress in House Resolution 5

on January 3, 1989, authorizes the Clerk of the House of Representatives to receive messages from the President during periods when the House of Representatives is not in session;

(2) that the House of Representatives intends by such rule to preserve until its adjournment sine die from the final session of the One Hundred First Congress the constitutional prerogative of the House to reconsider vetoed measures in light of the objections of the President;

(3) that the order of the Senate of January 3, 1989, effective for the duration of the One Hundred First Congress, authorizes the Secretary of the Senate to receive messages from the President during periods when the Senate is not in session; and

(4) that the Senate intends by such order to preserve until its adjournment sine die from the final session of the One Hundred First Congress the constitutional prerogatives of the Senate to reconsider vetoed measures in light of the objections of the President.

SEC. 4. The Congress reaffirms its intent that the availability of the Clerk of the House of Representatives to receive messages from the President during periods when the House is not in session and the availability of the Secretary of the Senate to receive messages from the President during periods when the Senate is not in session ensure that the adjournment of either House pursuant to this concurrent resolution shall not prevent the return by the President of any bill presented to him for approval.

SEC. 5. The Clerk of the House of Representatives shall inform the President of the United States of the adoption of this resolution.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, there is a question on

1. 135 CONG. REC. 31156, 101st Cong. 1st Sess.

our side as to whether or not this would interfere with the President's constitutional prerogatives to pocket-veto bills. As I understand it, this is a concurrent resolution which would have no impact on the President's constitutional prerogative to do that if he so chose? Is that correct?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as I understand it, this resolution would inform the President that the Clerk of the House and the Secretary of the Senate are available under their rules to receive messages from the President during the adjournment. It makes it clear that this adjournment will not prevent the return of any bill and reserves the constitutional prerogative to reconsider vetoed measures in light of the President's objections.

Mr. WALKER. But if the President chooses to pocket-veto a bill rather than send a veto message up even though we have clerks in place, it is my understanding that the President would still be permitted to do that under this resolution since it is a concurrent resolution? Is that correct?

Mr. GEPHARDT. If the gentleman will yield further, the President can exercise his constitutional prerogative. This resolution simply expresses the sentiment of the House and Senate as to the appropriate congressional prerogatives.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection, and I thank the majority leader.

□ 1340

THE SPEAKER PRO TEMPORE (MR. MAZZOLI).<sup>(2)</sup> The question is on the concurrent resolution.

2. Romano L. Mazzoli (KY).

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**§ 15.9 The Speaker laid before the House a privileged Senate concurrent resolution providing for the *sine die* adjournment of both Houses.**

On Oct. 1, 1976,<sup>(1)</sup> the following proceedings occurred in the House:

PROVISION FOR SINE DIE  
ADJOURNMENT

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 211), providing for a sine die adjournment of the Congress on Friday, October 1, 1976.

The Clerk read the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 211

*Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Friday, October 1, 1976, and that when they adjourn on said day, they stand adjourned sine die.*

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

**§ 15.10 The House rejected a privileged concurrent resolution, offered by the Majority**

1. 122 CONG. REC. 35336, 94th Cong. 2d Sess.

**Leader, providing for the *sine die* adjournment of the two Houses or for adjournment until reconvened by the joint House-Senate majority or minority leadership prior to Jan. 3, 1974.**

On the legislative day of Dec. 21, 1973,<sup>(1)</sup> the House rejected a privileged concurrent resolution providing for adjournment *sine die*:

PROVIDING FOR SINE DIE  
ADJOURNMENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 411) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 411

*Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, December 22, 1973, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with Section 2 of this resolution, whichever event first occurs.*

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of

the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the concurrent resolution.

The previous question was ordered.

The SPEAKER.<sup>(2)</sup> The question is on the concurrent resolution.

Mr. James V. STANTON [of Ohio]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 171, not voting 187, as follows:

[Roll No. 724] . . .

So the concurrent resolution was rejected. . . .

ADJOURNMENT TO 12 O'CLOCK  
NOON TODAY

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 o'clock noon today, Dec. 22, 1973.

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

There was no objection. . . .

ADJOURNMENT

Mr. [John B.] BREAUX [of Louisiana]. Mr. Speaker, I move that the House do now adjourn.

1. 119 CONG. REC. 43294, 43295, 43318, 93d Cong. 1st Sess.

2. Carl Albert (OK).

The motion was agreed to; accordingly (at 1 o'clock and 32 minutes a.m.) the House adjourned until today, Saturday, December 22, 1973, at 12 o'clock noon.

*Parliamentarian's Note:* The next day, the House adopted House Concurrent Resolution 412, adjourning the session *sine die*. The Senate amended it to include joint majority or minority leadership recall authority.<sup>(3)</sup>

**§ 15.11 The Speaker laid before the House a House concurrent resolution providing for *sine die* adjournment of the two Houses with a Senate amendment thereto permitting the joint House-Senate leadership to reconvene Congress prior to Jan. 3, 1974.**

On Dec. 22, 1973,<sup>(1)</sup> the following proceedings occurred in the House:

FURTHER MESSAGE FROM THE  
SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House (H. Con. Res. 412) entitled "Concurrent resolution providing for the sine die adjournment of the 1st session of the 93d Congress," with amendments in which concurrence is requested.

3. See also § 15.11, *infra*.

1. 119 CONG. REC. 43327, 93d Cong. 1st Sess.

PROVIDING FOR THE SINE DIE  
ADJOURNMENT OF THE 1ST  
SESSION OF THE 93D CON-  
GRESS

The SPEAKER.<sup>(2)</sup> The Clerk will report the concurrent resolution (H. Con. Res. 412) providing for the sine die adjournment of the 1st session of the 93rd Congress, with a Senate amendment thereto, and report the Senate amendment.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "die." and insert "die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs."

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, files a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SINE DIE ADJOURNMENT

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

2. Carl Albert (OK).

The motion was agreed to.

The SPEAKER. In accordance with the provisions of House Concurrent Resolution 412, the Chair declares the 1st session of the 93d Congress adjourned sine die.

Thereupon (at 2 o'clock and 2 minutes p.m.), pursuant to House Concurrent Resolution 412, the House adjourned sine die.

### ***Speaker's Designees to Exercise Recall Authority***

**§ 15.12 A Speaker pro tempore, by unanimous consent, announced the Speaker's designations of (1) the Majority Leader to exercise recall authority under the concurrent resolution of adjournment in the event of the death or inability of the Speaker, and (2) certain alternates in a letter placed with the Clerk to, in turn, exercise the same authority in the event of the death or inability of the primary designee.**

On Nov. 22, 2002,<sup>(1)</sup> the following occurred in the House:

#### RECALL DESIGNEE

The SPEAKER pro tempore (Mr. KERNS).<sup>(2)</sup> Without objection, and pursuant to section 2 of Senate Concurrent Resolution 160, the Chair an-

1. 148 CONG. REC. 23517, 23518, 107th Cong. 2d Sess.
2. Brian Kerns (IN).

nounces the Speaker's designation of Representative RICHARD K. ARMEY of Texas to act jointly with the majority leader of the Senate or his designee, in the event of the death or inability of the Speaker, to notify the Members of the House and the Senate, respectively, of any reassembly under that concurrent resolution, and further, in the event of the death or inability of that designee, the alternate Members of the House listed in the letter bearing this date that the Speaker has placed with the Clerk are designed, in turn, for that same purpose.

There was no objection.

*Parliamentarian's Note:* Beginning in the 108th Congress, clause 8(b)(3) of Rule I was added to confer this designation authority on the Speaker.<sup>(3)</sup>

### **§ 16. Where Required or Prohibited by Law**

The Legislative Reorganization Act of 1970 provides for a *sine die* adjournment of "not later than July 31 of each year; or (2) in case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by roll call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in

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