

of the Supreme Court of the United States in the Christoffel case. It seems to me that it is the primary responsibility of proponents of H. R. 1758, particularly during the reading of the bill for amendment, to establish affirmatively at all times that a quorum is present and voting. However, I do not think that this is of major importance in terms of the point of order which I have raised and wish to submit to the Speaker.

The SPEAKER. The Chair will repeat, as he will repeatedly repeat when questions of this kind are raised, that on July 27, in answer to a parliamentary inquiry by the gentleman from Massachusetts [Mr. MARTIN] the Chair ruled that the House is legally in session, committees may legally meet, and may legally report bills.

The Chair overrules the point of order.

On Aug. 5, 1949,<sup>(6)</sup> Mr. Heselton was recognized for the following parliamentary inquiry in the Committee of the Whole:

Mr. HESELTON. Mr. Chairman, yesterday, when the resolution reporting the rule was before the House, I made the point of order that the House was not legally in session, which point of order was overruled. I have been advised that in order to properly present the matter in terms of the consideration of this bill, now that we have it at the point where it is being read for amendment, I should renew the point of order.

I would like to inquire whether that is in order or whether it should be sub-

mitted at the conclusion of the reading of the bill and when it is reported back to the House?

The CHAIRMAN.<sup>(7)</sup> The point raised by the gentleman from Massachusetts is not for the Committee of the Whole to pass on. If he will reserve the point of order, it should be propounded in the House.

## § 17. Procedure and Business at Adjournment

The House customarily authorizes the Speaker to appoint a committee to notify the President of the completion of business and the intention of the two Houses to adjourn *sine die* unless the President has some further communication to make.<sup>(1)</sup> This authority is provided by a simple resolution called up as privileged following adoption of the concurrent resolution to adjourn *sine die*. The committee is usually composed of the Majority and Minority Leaders of the House and joins a similar committee from the Senate if appointed.

Between the adoption of a *sine die* concurrent resolution and the actual *sine die* adjournment of the House by motion, the House customarily gives permission to facilitate the conduct of some items of

7. Brooks Hays (AR).

1. See § 17.1, *infra*.

6. *Id.* at p. 10858.

business during adjournment and, at the end of the second session, the preparation of necessary documents for the next Congress. Once customary concurrent resolutions or separate unanimous-consent requests to permit the receipt of messages between the Houses and enrollments to be signed after adjournment have been superseded by changes in the standing rules at the beginning of the 97th Congress in 1981 which permit the Speaker or the Speaker pro tempore and the Clerk to accomplish these responsibilities.<sup>(2)</sup> Unanimous-consent requests or resolutions for printing the *House Rules and Manual* for the next Congress,<sup>(3)</sup> for the acceptance of resignations and for appointments to commissions and committees,<sup>(4)</sup> and for insertions in the *Congressional Record* by chairmen and ranking minority Members of standing committees<sup>(5)</sup> and by Members on matters occurring prior to *sine die* adjournment, are necessary prior to *sine die* adjournment.

The motion to adjourn *sine die* is in order notwithstanding the

2. Rule I clause 4, *House Rules and Manual* §§ 624–626 (2007); and Rule II clause 2(h) *House Rules and Manual* § 652 (2007). See § 18.1, *infra*.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*

absence of a quorum if both Houses have adopted a concurrent resolution providing *sine die* adjournment on the date.<sup>(6)</sup> The yeas and nays may be ordered on this motion.<sup>(7)</sup>

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### *Appointment of House Committee*

**§ 17.1 By privileged resolution the House authorized the Speaker to appoint a committee to notify the President of the completion of business and the intention of the two Houses to adjourn *sine die* unless the President has some further communication to make.**

On Sept. 1, 1960,<sup>(1)</sup> a committee was appointed to notify the President of an impending adjournment, as follows:

The SPEAKER.<sup>(2)</sup> The Chair recognizes the gentleman from Massachusetts [Mr. McCORMACK].

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a preferential resolution (H. Res. 643).

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

6. See § 14.2, *supra*.
7. See § 6.2, *supra*.
1. 106 CONG. REC. 19128, 86th Cong. 2d Sess.
2. Sam Rayburn (TX).

*Resolved*, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

The resolution was agreed to.

The SPEAKER. The Chair appoints the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from Indiana, [Mr. HALLECK] to wait on the President.<sup>(3)</sup>

*Parliamentarian's Note:* Such a resolution is privileged after a *sine die* resolution has been adopted, since it is considered to be a formality integral to concluding the business of the House.

### ***Report of Committee to Notify the President***

**§ 17.2 The committee appointed by the Speaker to notify the President of the impending adjournment of the two Houses reported that it had so informed the President and that the President had no further communication to make.**

3. See also 118 CONG. REC. 37051, 92d Cong. 2d Sess., Oct. 18, 1972 (H. Res. 1169); 117 CONG. REC. 47668, 92d Cong. 1st Sess., Dec. 17, 1971 (H. Res. 756); and 112 CONG. REC. 28881, 89th Cong. 2d Sess., Oct. 22, 1966 (H. Res. 1074).

On Sept. 26, 1961,<sup>(1)</sup> the following report was made in the House:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, your committee appointed to join a committee of the Senate to inform the President that the Congress is ready to adjourn, and to ask him if he has any further communications to make to the Congress, has performed that duty. The President has directed us to say that he has no further communication to make to the Congress.<sup>(2)</sup>

### ***In General***

**§ 17.3 On motion of the designee of the Majority Leader pursuant to § 3 of House Concurrent Resolution 353, the House (for the second time) adjourned the second session of the 105th Congress.**

On Dec. 19, 1998,<sup>(1)</sup> the following proceedings took place:

#### ADJOURNMENT

Mr. [B. H.] SOLOMON [of New York]. Mr. Speaker, pursuant to section 3 of House Concurrent Resolution 353, and as the designee for the Majority Leader, I move that the House do now adjourn.

1. 107 CONG. REC. 21528, 87th Cong. 1st Sess. (S. Con. Res. 55).
2. See also 118 CONG. REC. 37065, 92d Cong. 2d Sess., Oct. 18, 1972; and 111 CONG. REC. 28563, 89th Cong. 1st Sess., Oct. 22, 1965.
1. 144 CONG. REC. 28113, 105th Cong. 2d Sess.

The motion was agreed to.

The SPEAKER pro tempore.<sup>(2)</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 2 o'clock and 36 minutes p.m.), pursuant to section 3 of House Concurrent Resolution 353, the House adjourned.

### ***Printing of House Rules and Manual***

#### **§ 17.4 The House by unanimous consent agreed to a resolution providing for printing of revised *House Rules and Manual* for 108th Congress (3000 additional copies, 900 leatherbound with thumb index).**

On Nov. 14, 2002,<sup>(1)</sup> the following occurred:

PROVIDING FOR PRINTING AND BINDING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I offer a resolution (H. Res. 614) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 614

*Resolved*, That a revised edition of the Rules and Manual of the House of

2. Ray H. LaHood (IL).

1. 148 CONG. REC. 22599, 107th Cong. 2d Sess.

Representatives for the One Hundred Eighth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### **§ 18. Business Subsequent to**

Certain administrative items of business are authorized to be undertaken as described in § 17, *supra*. Standing rules do not permit committees to file legislative reports, other than oversight, investigative, or biannual activities reports<sup>(1)</sup> following *sine die* adjournment without specific permission of the House. Standing rules do permit all committees to sit and act whether or not the House has adjourned,<sup>(2)</sup> up to the

2. Michael Simpson (ID).

1. Rule XI clauses 1(b)(4) and 1(d)(4), *House Rules and Manual* §§ 788, 790 (2007). See § 18.7, *infra*.

2. Rule XI clause 2(m)(1)(A), *House Rules and Manual* § 805 (2007).