

CHAPTER 40

Adjournment

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Ch. 40

DESCHLER-BROWN-JOHNSON PRECEDENTS

§ 18. Business Subsequent to

Adjournment

A. Generally; Adjournments of Three Days or Less

§ 1. In General

Art. I, § 5 of the United States Constitution, together with clause 4 of Rule XVI of the rules of the House,⁽¹⁾ establish the fundamental precedence in parliamentary procedure of the House of Representatives of the motion to adjourn. Under the Constitution, the motion to adjourn is given such primacy that it is one of only two motions (the other being the motion to compel the attendance of absentees) which can be adopted in the absence of a quorum. *Jefferson's Manual* states "A motion to adjourn simply takes place of all others; for otherwise the House might be kept sitting against its will, and indefinitely. Yet this motion cannot be received after another question is actually put and while the House is engaged in voting."⁽²⁾

Adjournments in the House include: (1) adjournments of three days or less, which are taken pursuant to motion (or by unanimous

consent during pro forma sessions when only the Chair is in the Chamber);⁽³⁾ (2) adjournments for more than three days, which require the consent of the Senate;⁽⁴⁾ and (3) an adjournment *sine die*, which ends each session of a Congress, and requires the consent of the Senate or the arrival of the constitutionally prescribed end of session on Jan. 3, and which may be combined with either single-House or two-House majority leadership recall authority (converting a *sine die* adjournment to adjournment to a day certain specified in (or pursuant to) the recall).⁽⁵⁾

Adjournment is to be distinguished from recess.⁽⁶⁾ Adjournments are normally taken from day to day or to a day certain and terminate a legislative day, whereas recesses are taken during a legislative day. Following an adjournment, the Mace is removed from the upper pedestal at the rostrum in the custody of the Sergeant at Arms (rather than remain on the rostrum) and the

1. *House Rules and Manual* §§ 911–913 (2007).

2. *Id.* at § 439.

3. See Division A, *infra*.

4. See Division B, *infra*.

5. See Division C, *infra*.

6. See Ch. 39, *infra*.

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,⁽⁷⁾ 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⁽⁸⁾ 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.⁽⁹⁾

Beginning in the 108th Congress, declarations of emergency recesses pursuant to clause 12(b) of Rule I⁽¹⁰⁾ 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.⁽¹¹⁾

§ 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⁽¹⁾ 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.⁽²⁾

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.⁽³⁾

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.⁽⁴⁾

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.⁽⁵⁾ 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,⁽¹⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾

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.⁽³⁾

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.⁽⁴⁾ 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⁽⁵⁾ 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.⁽⁶⁾

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*.

The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.⁽⁷⁾

The motion to adjourn may be withdrawn.⁽⁸⁾

The motion to adjourn not only has the highest precedence when a question is under debate, but with certain restrictions, under all other conditions as well.⁽⁹⁾ The entry of the motion to reconsider, while highly privileged, is not preferential to the motion to adjourn.⁽¹⁰⁾

The House may adjourn before the Journal is approved.⁽¹¹⁾

The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules, as long as the motion be not made when another Member has the floor, and must be in writing on demand of any Member.⁽¹²⁾

The motion to adjourn may not interrupt a Member who has the floor.⁽¹³⁾ The motion is not in

order during time yielded for a parliamentary inquiry.⁽¹⁴⁾ The motion may not be repeated in the absence of intervening business.⁽¹⁵⁾

The motion to adjourn takes precedence over a motion to suspend the rules,⁽¹⁶⁾ but only one motion to adjourn is in order pending a motion to suspend the rules.⁽¹⁷⁾

The motion to adjourn is in order pending a point of order that a quorum is not present.⁽¹⁸⁾

The motion to adjourn has precedence over a motion for a call of the House, but not after a call of the House has been ordered and the Clerk directed to call the roll.⁽¹⁹⁾

The motion to adjourn takes precedence over questions of privilege.⁽²⁰⁾

The motion to adjourn may not be made prior to a vote on final passage when the previous question is ordered by operation of a special rule to final passage without intervening motion.⁽²¹⁾

7. See § 3.3, *infra*.

8. See §§ 3.31, 3.32, *infra*.

9. See §§ 3.4–3.16, 3.26 *infra*.

10. See Rule XIX clause 3, *House Rules and Manual* § 1003 (2007).

11. See § 3.8, *infra*.

12. See § 3.6, *infra*. Under clause 1 of Rule XVI, *House Rules and Manual* § 902 (2007), a motion must be reduced to writing on the demand of any Member, including the motion to adjourn, see § 3.13, *infra*.

13. See also §§ 3.15–3.17, *infra*.

14. See § 3.18, *infra*.

15. See § 3.19, *infra*.

16. See § 3.7, *infra*.

17. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007). See also § 3.14, *infra*.

18. See §§ 3.20, 3.25, *infra*.

19. See §§ 3.21–3.24, *infra*.

20. Rule IX clause 2(a), clause 2(b), *House Rules and Manual* §§ 699, 700 (2007). See also § 3.26, *infra*.

21. See § 3.12, *infra*.

On Sept. 19, 1979,⁽²²⁾ the House rejected a joint resolution on final passage, after having by ordinary motion under clause 4 of Rule XVI ordered the previous question to “final passage”, and not pursuant to any special rule ordering the previous question to final passage without intervening motion except one motion to recommit. The House did not dispose of the motion to reconsider on that day but later adjourned until the next day. On Sept. 20, 1979,⁽²³⁾ a Member moved to reconsider the vote of the previous day and the House voted to reconsider the vote on final passage. Pending the question on final passage, the Speaker entertained a motion to adjourn “as preferential and in order” pending the putting of the question on final passage for the second time. Thus, the motion to adjourn was held in order pending final passage where the previous question has been ordered by motion “to final passage”.

The motion to adjourn may be made by any Member, including a minority Member.⁽²⁴⁾

The Chair may declare the House adjourned by unanimous consent when no Member is available to offer the motion.⁽²⁵⁾

22. 125 CONG. REC. 25345, 25353, 96th Cong. 1st Sess. (H.J. Res. 399).

23. See § 3.12, *infra*.

24. See § 3.30, *infra*.

25. See §§ 3.28, 3.29, *infra*.

In at least one instance, the House adjourned out of respect for a Member’s death without adopting a resolution marking the day’s adjournment.⁽²⁶⁾

§ 3.1 In response to a parliamentary inquiry, the Speaker pro tempore indicated that an amendment in the nature of a substitute in the form of a concurrent resolution providing for the *sine die* adjournment of a session of Congress would not be germane to a simple motion to adjourn.

On Dec. 30, 1970,⁽¹⁾ during a vote on adjournment, a Member attempted to interrupt with a parliamentary inquiry. As soon as the result of the vote had been announced, the Speaker permitted the Member to make his inquiry, which had to do with amending a simple motion to adjourn.

ADJOURNMENT

Mr. [W. C.] DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. MILLS).⁽²⁾ The question is on the motion to adjourn.

26. See § 3.33, *infra*.

1. 116 CONG. REC. 44190, 91st Cong. 2d Sess.

2. Wilbur D. Mills (AR).

Mr. [Durwood G.] HALL of Missouri. Mr. Speaker—

The SPEAKER pro tempore. The Chair would request that the gentleman from Missouri permit the Chair to put the question.

The question was taken; and the Speaker pro tempore announced that the ayes had it.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

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

Mr. HALL. Mr. Speaker, is a privileged amendment in the form of a substitute as a concurrent resolution in order on a motion to adjourn?

The SPEAKER pro tempore. The Chair will advise the gentleman from Missouri that it is not in order on a simple motion to adjourn.

§ 3.2 Between 1895 and 1973,⁽¹⁾ a motion that the adjournment on that day be one to a day and time certain was not in order against a demand for the regular order.

In the early morning hours of the legislative day of Wednesday, Feb. 22, 1950,⁽²⁾ a Member moved that the House adjourn to a day certain, the calendar day of Fri-

1. For the current practice, see Rule XVI clause 4(c), *House Rules and Manual* §§ 911, 912 (2007).

2. 96 CONG. REC. 2254, 81st Cong. 2d Sess., Feb. 23, 1950 (calendar day).

day, Feb. 24. The subsequent objection of another Member served in effect as a demand for the regular order.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock noon.

Mr. [Joseph W.] MARTIN [Jr.] of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER.⁽³⁾ The gentleman will state it.

Mr. MARTIN of Massachusetts. The gentleman cannot do that. As I understand it, we must come in at noon today for the Thursday session unless unanimous consent is secured to go over until Friday. Is that the proper parliamentary situation?

The SPEAKER. If the gentleman makes that point.

Mr. MARTIN of Massachusetts. I think the gentleman ought to proceed in the regular way.

Mr. McCORMACK. Of course, the gentleman is absolutely correct. I was trying to have an adjournment to a definite time.

Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Friday next at 12 o'clock.

Mr. [John F.] KENNEDY [of Massachusetts]. Mr. Speaker, I object.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn until 12 o'clock today.

3. Sam Rayburn (TX).

The motion was agreed to; accordingly (at 3 o'clock and 19 minutes a. m.), the House adjourned until 12 o'clock noon of Thursday, February 23, 1950.

§ 3.3 The Chair cannot refuse to recognize a Member having the floor for a simple motion to adjourn.

On Mar. 16, 1945,⁽¹⁾ at the culmination of a series of exchanges pertaining to the parliamentary situation at the time, the Speaker indicated that the motion to adjourn is always in order, and that a Member with the floor is entitled to recognition to so move.

Mr. [Clare E.] HOFFMAN [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HOFFMAN. What is the regular order now?

The SPEAKER. The regular order is to see if a quorum develops.

Mr. HOFFMAN. Is it in order to adjourn?

The SPEAKER. That motion is always in order in the House.

Mr. HOFFMAN. If there is not a quorum, Mr. Speaker, I move we adjourn.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. HOFFMAN. If the Chair is refusing recognition, I will.

1. 91 CONG. REC. 2380, 79th Cong. 1st Sess.
2. Sam Rayburn (TX).

The SPEAKER. The Chair cannot do that.

Precedence

§ 3.4 The motion to adjourn, though most preferential under clause 4 of Rule XVI,⁽¹⁾ is not available when the previous question has been ordered (by special rule) to final passage without intervening motion.

On June 14, 2001,⁽²⁾ during debate in the House on an amendment to a bill on which the previous question had been ordered, the following proceedings occurred:

Mr. [John J.] LAFALCE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. Cooksey).⁽³⁾ The Chair is unable to entertain the gentleman's point of order until the Chair has put the question on the amendment.

Mr. LAFALCE. Would the Chair restate that position? I thought that I would be able at any point that I was recognized to get up and made a point of order that a quorum was not present.

The SPEAKER pro tempore. Under the rules of the House, the Chair may

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 147 CONG. REC. 10725, 107th Cong. 1st Sess.
3. John Cooksey (PA).

not recognize the absence of a quorum during debate. The only time the point of order may be entertained is when the Chair puts the question to the House on the gentleman's amendment.

Mr. LAFALCE. So you could debate within the House of Representatives without a quorum?

The SPEAKER pro tempore. A point of order of no quorum is not permitted during the debate, no.

Mr. LAFALCE. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The Chair is unable to recognize the motion.

The previous question is ordered under the rule without such intervening motion.

Mr. [Michael G.] OXLEY [of Ohio]. Point of inquiry. Does the request have to be in writing?

The SPEAKER pro tempore. On demand, the motion needs to be in writing.

Mr. OXLEY. The gentleman from New York was recognized for what particular purpose?

The SPEAKER pro tempore. With the previous question having been ordered to passage without intervening motion pending is the debate on the amendment controlled by the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE). Under the special rule, no other motions are permissible.

Mr. LAFALCE. A motion to adjourn is not permissible at this time?

The SPEAKER pro tempore. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. LAFALCE. Mr. Speaker, I have a parliamentary inquiry. When is a motion to adjourn permissible?

The SPEAKER pro tempore. With the previous question being ordered to final passage without intervening motion under the rule that motion can be entertained after the question of passage of the bill.

Mr. LAFALCE. Not before passage of the bill?

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

§ 3.5 Although a motion to instruct conferees is privileged under clause 1(c) of Rule XXVIII⁽¹⁾ a motion to adjourn remains preferential even after the motion to instruct has been read.

On Sept. 30, 1997,⁽²⁾ the following proceedings occurred in the House:

MOTION TO INSTRUCT CONFEREES ON H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999, AND EUROPEAN SECURITY ACT OF 1997

Mr. [Lloyd A.] DOGGETT [of Texas]. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. DOGGETT moves that the managers on the part of the House at the conference on the disagreeing votes

1. Now Rule XXII clause 7(c)(1), *House Rules and Manual* § 1079 (2007).
2. 143 CONG. REC. 20886, 20887, 105th Cong. 1st Sess.
3. Newt Gingrich (GA).

of the two Houses on the bill, H.R. 1757, be instructed to reject section 1601 of the Senate amendment, which provides for payment of all claims against the Iraqi Government before those of U.S. veterans and the U.S. Government (i.e., U.S. taxpayers).

MOTION TO ADJOURN

Mr. [C. Joseph] SCARBOROUGH [of Florida]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. A motion to adjourn is in order.

Mr. SCARBOROUGH. Mr. Speaker, I had asked earlier for a question. We can do a motion to adjourn, if I can ask the gentleman from Texas a question?

The SPEAKER. A motion to adjourn is not debatable, and the gentleman was not recognized prior to this time.

□ 0015

Does the gentleman from Florida insist on his motion to adjourn?

Mr. SCARBOROUGH. Yes, Mr. Speaker.

Mr. DOGGETT. Mr. Speaker, has the motion been reduced to writing?

The SPEAKER. Yes. The question is on the motion to adjourn offered by the gentleman from Florida [Mr. SCARBOROUGH].

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

Mr. DOGGETT. 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 206, nays 183, not voting 44, as follows:

[Roll No. 479] . . .

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 34 minutes a.m.) the House adjourned until today, Wednesday, October 1, 1997, at 10 a.m.

§ 3.6 The motion to adjourn may be made during the consideration of a rule reported from the Committee on Rules pursuant to clause 4(b) of Rule XI,⁽¹⁾ as long as the motion is not made when another Member has the floor and is reduced to writing on demand of any Member.

On Sept. 27, 1993,⁽²⁾ where the House adjourned during the consideration of a special order reported from the Committee on Rules, further consideration of the rule would become the unfinished business when the House next reconvened; and when the consideration of unfinished business resumed in the House, debate did not begin anew but recommenced from the point at which it was interrupted.⁽³⁾ The following occurred.

1. Now Rule XIII, clause 6, see *House Rules and Manual* § 857 (2007).
2. 139 CONG. REC. 22608, 22609, 103d Cong. 1st Sess.
3. 139 CONG. REC. 22719, 103d Cong. 1st Sess.

MOTION TO ADJOURN

Mr. [Dan] BURTON of Indiana. For that reason, and because of this rule and because I cannot bring it to the floor to debate it, Madam Speaker, I move the House do now adjourn, with apologies to my colleague, the gentleman from New York [Mr. SOLOMON].

The SPEAKER pro tempore (Mrs. Meek).⁽⁴⁾ Will the gentleman from Indiana withhold that motion momentarily?

Mr. BURTON of Indiana. As long as it is not going to be overlooked, Madam Speaker.

The SPEAKER pro tempore. The gentleman's debate time has expired. Does the gentleman from Indiana still insist on that motion?

Mr. BURTON of Indiana. I do insist, Madam Speaker.

PARLIAMENTARY INQUIRY

Mr. [Gerald B. H.] SOLOMON [of New York]. Madam Speaker, I have a parliamentary inquiry.

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

Mr. SOLOMON. Madam Speaker, I do not believe that the motion is in writing.

I would like to continue the debate, if we could, and let the gentleman make it in a timely manner, if that is all right with the gentleman.

Mr. BURTON of Indiana. No, Madam Speaker, I do insist on my motion, with apologies to my colleague.

The SPEAKER pro tempore. The motion must be in writing.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. BURTON of Indiana. Madam Speaker, there is a pending motion on the floor.

The SPEAKER pro tempore. The gentleman from New York has insisted that the motion be in writing. Meanwhile, the gentleman from Florida [Mr. MICA] is recognized for 2 minutes. . . .

Mr. SOLOMON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

POINT OF ORDER

Mr. BURTON of Indiana. Madam Speaker, I have a point of order.

The SPEAKER pro tempore (Mrs. MEEK). The gentleman will state his point of order.

Mr. BURTON of Indiana. The Speaker in the chair a few moments ago asked if I would defer for a few moments while she talked to somebody up there at the desk. I did defer. Now I want my motion to be voted upon. The gentlewoman in the Chair, the gentlewoman from Florida [Mrs. MEEK], has it in writing. She asked me to wait. I did wait. Now I would like the motion to be heard.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BURTON of Indiana moves that the House do now adjourn.

PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Madam Speaker, I have a parliamentary inquiry.

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

4. Carrie P. Meek (FL).

Mr. GEKAS. Madam Speaker, I assume that if the gentleman's motion is considered by the Chair and put to the House, there would be an immediate vote on it. My parliamentary inquiry then would be:

If it should be defeated, would we go on with the regular order of business?

We should. I assume that we would go on with the regular order of business.

My parliamentary inquiry is:

In the event that it should not fail, that it should prevail, and this House do adjourn, is it in order to ask prior to the vote being taken that the adjournment be held over until special orders are completed?

The SPEAKER pro tempore. The Chair will not entertain that request.

Mr. [Martin] FROST [of Texas]. Regular order, Madam Speaker.

Mr. GEKAS. Could I ask the gentleman from Indiana [Mr. BURTON], in a colloquy pursuant to my parliamentary inquiry—

Mr. FROST. Mr. Speaker, I ask for regular order.

The SPEAKER pro tempore. The Chair must put the question on the motion to adjourn.

Mr. GEKAS. Madam Speaker, I have a point of parliamentary inquiry as to that.

The SPEAKER pro tempore. Will the gentleman from Pennsylvania please state his parliamentary inquiry?

Mr. GEKAS. Is it proper, is it within regular order, to ask the sponsor of the motion to adjourn to defer adjournment, even if his motion prevails, until after special orders? Would the gentleman agree to that condition?

The SPEAKER pro tempore. Once that motion is agreed to, the House must adjourn immediately.

Mr. GEKAS. Madam Speaker, I am trying to get across that we have special orders we would like to get to.

Mr. SOLOMON. Madam Speaker, I have a parliamentary inquiry.

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

Mr. SOLOMON. Madam Speaker, is it now true that, if the motion to adjourn is forced on the body, we would have to start this debate on this rule all over, and that we have just 5 minutes left on the debate today, and we could do that without further inconveniencing any of the Members if the gentleman would just withhold for 5 minutes?

Madam Speaker, we have a lot of very, very important business to take care of on this floor tomorrow, and I would plead with the gentleman from Indiana [Mr. BURTON] to withhold his motion for 5 minutes.

The SPEAKER pro tempore. If the House adjourns now, the resolution will be unfinished business tomorrow.

Mr. SOLOMON. And we would be starting all over again, Madam Speaker?

The SPEAKER pro tempore. Not necessarily.

Mr. [Robert L.] LIVINGSTON [of Louisiana]. Madam Speaker, I have a parliamentary inquiry.

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

Mr. LIVINGSTON. Might I inquire of the Chair if it is possible to vote on a motion to adjourn by voice vote?

The SPEAKER pro tempore. Yes. If the ayes have it, then the House could adjourn.

Mr. FROST. Madam Speaker, once again I must ask for regular order.

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

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 28, 1993, at 10 a.m.

§ 3.7 The motion to adjourn is of the highest privilege under Rule XVI clause 4,⁽¹⁾ and thus takes precedence over the motion to suspend the rules.

On Aug. 11, 1992,⁽²⁾ the Speaker entertained parliamentary inquiries while counting for a quorum on a negative vote on a motion to adjourn:

The SPEAKER pro tempore (Mr. McNULTY).⁽³⁾ The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 2144, as amended.

The question was taken.

Mr. [Ron] MARLENEE [of Pennsylvania]. Mr. Speaker, on that I demand the yeas and nays.

The question was taken.

1. *House Rules and Manual* §§ 911, 912 (2007).
2. 138 CONG. REC. 23085, 23086, 102d Cong. 2d Sess. See also 117 CONG. REC. 38536, 38537, 92d Cong. 1st Sess., Nov. 1, 1971.
3. Michael R. McNulty (NY).

Mr. MARLENEE. Mr. Speaker, I object to the vote on the grounds that a quorum is not present, and I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

Mr. Speaker, at this time is a motion to adjourn in order? Is it a privileged motion?

The SPEAKER pro tempore. A motion to adjourn is a privileged motion.

FALSE CLAIMS AMENDMENTS
ACT

Mr. [Barney] FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 4563, with an amendment.

PARLIAMENTARY INQUIRY

Mr. MARLENEE. Mr. Speaker, I had a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARLENEE. Mr. Speaker, I did not receive a response on my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman did receive a response. The motion is a privileged motion.

MOTION TO ADJOURN

Mr. MARLENEE. Mr. Speaker, I move that the House do now adjourn.

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

Mr. MARLENEE. Mr. Speaker, I object to the vote on the ground that a quorum is no present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count for a quorum.

PARLIAMENTARY INQUIRIES

Mr. [George W.] GEKAS [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEKAS. Mr. Speaker, is the Chair empowered to declare a recess?

The SPEAKER pro tempore. No; he is not. The Chair is counting for a quorum.

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, in light of the fact that the gentleman who is objecting was upset that bills cost money, is it relevant that the next bill is a saving to the taxpayer, according to OMB and CBO, since it is a False Claims Amendment Act? Maybe the gentleman would like to let us save a few million dollars.

The SPEAKER pro tempore. The Chair cannot entertain that inquiry, which is not a parliamentary inquiry, when he is counting for a quorum.

Mr. FRANK of Massachusetts. I knew that, Mr. Speaker, but the gentleman was listening.

□ 1930

Mr. MARLENEE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. (Mr. McNulty). The gentleman will state his parliamentary inquiry.

Mr. MARLENEE. Mr. Speaker, what would be the effect of my withdrawing the point of order?

The SPEAKER pro tempore. If the gentleman withdrew his point of order, the Chair would rely on his earlier declaration that the noes had it on the voice vote and the motion would not be agreed to.

Mr. MARLENEE. . . .

Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order of no quorum.

So the motion to adjourn was rejected.

§ 3.8 The motion to adjourn takes precedence over the Chair's putting the question on the Speaker's approval of the Journal. Where less than a quorum rejects a motion to adjourn, the House may not consider business but may dispose of motions to secure the attendance of absent Members.

On Nov. 2, 1987,⁽¹⁾ the following proceedings occurred in the House:

THE JOURNAL

The SPEAKER.⁽²⁾ The Chair has examined the Journal of the proceedings of the second legislative day of Thursday, October 29, 1987.

The question is on approval of that Journal.

ADJOURNMENT

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged motion.

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

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I ask for a division.

The SPEAKER. A division is requested.

A division was taken; and the Speaker announced that ayes were 12 and noes were 15.

Mr. FOLEY. 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.

Mr. SENSENBRENNER. Mr. Speaker, I have a point of order.

Mr. Speaker, that is not a proper motion to make. The House can adjourn without a quorum.

The SPEAKER. That is true, but when the vote is a negative vote the House is not adjourned unless the vote were established to be an affirmative vote. The Chair counted 12 ayes and 15 noes.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman can object to the negative division vote on the ground that a quorum is not present, and 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 92, nays 100, not voting 241, as follows:

[Roll No. 396] . . .

PARLIAMENTARY INQUIRY

Mr. FOLEY (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOLEY. Mr. Speaker, is it the case that until a majority appears to adjourn the House may not adjourn? Is that correct.

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And, Mr. Speaker, is it also true that the House may not do any other business?

Mr. SENSENBRENNER. Mr. Speaker, the House is not in order.

1. 133 CONG. REC. 30386-90, 100th Cong. 1st Sess.

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

The SPEAKER. The House is not in order.

Will all Members of the House please kindly desist from private conversations?

Mr. FOLEY. Mr. Speaker, is it also correct that the House may not take up any other business pending their conclusion of this vote by rollcall on adjournment?

The SPEAKER. The gentleman is correct.

Mr. FOLEY. And the House must remain in session pending an affirmative vote to adjourn, a quorum appearing in support, or a quorum appearing?

The SPEAKER. The gentleman is correct.

POINT OF ORDER

Mr. [Robert S.] WALKER [of Pennsylvania] (during the voting). Mr. Speaker, I have a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WALKER. Under what rule are we holding discussion while a vote is still open?

The SPEAKER. Parliamentary inquiries have been propounded to the Chair. Under the precedents, the Chair is responding to parliamentary inquiries relating to the pending situation.

Mr. WALKER. While the vote is being taken and that is an appropriate procedure during the course of a vote, is that correct, Mr. Speaker?

Mr. FOLEY. Point of order, Mr. Speaker. If the parliamentary inquiry is not in order, then the gentleman's point of order is not in order.

Mr. SENSENBRENNER. Mr. Speaker, I call for the regular order.

The SPEAKER. The Chair will respond to the gentleman's inquiry.

The precedents hold that it is in order for the Chair to recognize Members for points of parliamentary inquiry if those points of parliamentary inquiry apply to the business at hand.

PARLIAMENTARY INQUIRY

Mr. WALKER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, should this vote fail, there is a process by which the House could ask the Sergeant at Arms to round up the absent Members, is that not correct?

The SPEAKER. The gentleman is correct.

Mr. WALKER. And that motion would be in order immediately following this vote?

The SPEAKER. After the Chair has announced the vote, that motion would be in order.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER (during the voting). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, when would that announcement take place?

The SPEAKER. The announcement will take place when the Chair announces it, which the Chair is about to do.

The Chair is advised that there are Members on the way to the Chamber.

On this vote, the yeas are 92, the nays are 100, and the motion is not agreed to.

So the motion was rejected.
The result of the vote was announced as above recorded.

□ 1230

MOTION OFFERED BY MR.
SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a privileged motion.
The Clerk read as follows:

Mr. SENSENBRENNER moves, pursuant to rule XV, clause 2(a), that the Sergeant at Arms be directed to arrest the absent Members.

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

Mr. SENSENBRENNER. 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 65, nays 130, not voting 238, as follows:

[Roll No. 397] . . .

MOTION TO ADJOURN

Mr. FOLEY. Mr. Speaker, I offer a highly privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. FOLEY. 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 95, nays 102, not voting 236, as follows:

[Roll No. 398] . . .

The SPEAKER. Are there other Members in the Chamber who desire to vote?

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that in the event the Sergeant at Arms were instructed to go and to find and arrest absent Members, the Sergeant at Arms has informed the Chair that he already has enough volunteers to find and arrest Members from Hawaii.

Are there other Members in the Chamber who desire to vote?

Are there Members who desire to change their votes?

Mr. DE LA GARZA changed his vote from “nay” to “yea.”

The SPEAKER. Are there in the Chamber those who just have not realized that a vote is being taken?

Are there other Members who are on the way from their offices?

Have we received urgent requests from Members to hold the vote open?

Are there Members in the elevators?

If there are no other Members who desire to vote or to change their votes, all time has expired.

So the motion was rejected.

The result of the vote was announced as above recorded.

PRIVILEGED MOTION OFFERED BY MR.
WALKER

Mr. WALKER. Mr. Speaker, I offer a privileged motion that I send to the desk.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I have a parliamentary inquiry.

Mr. WALKER. I have a privileged motion, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

Mr. WALKER moves pursuant to clause 2, rule XV that the Speaker be authorized to compel the attendance of absent Members.

Mr. GONZALEZ. Mr. Speaker, I did not hear the reading of that motion.

The SPEAKER. The Clerk will read the motion again slowly and in a clear voice.

The Clerk reread the motion.

Mr. GONZALEZ. I move to table that motion.

The SPEAKER. A motion to table is not in order.

Mr. WALKER. Is that motion at the desk, Mr. Speaker?

If the motion is not at the desk, Mr. Speaker, it is not in order.

The SPEAKER. The Chair is of the opinion that since this is neither a debatable nor an amendable motion that a motion to table is not in order under the circumstances.

The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the Chair be instructed to compel the attendance of absent Members.

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

Mr. WALKER. 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 102, nays 96, not voting 235, as follows:

[Roll No. 399] . . .

Mr. SHUSTER changed his vote from “nay” to “yea.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the motion, the Chair directs that the Sergeant at Arms proceed with such steps as may be necessary and efficacious to compel the attendance of absent Members.

Members who have not been heretofore recorded will give their names to the Clerk upon arriving, and until the establishment of a quorum no other business can be conducted.

□ 1330

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SENSENBRENNER. Mr. Speaker, would it be in order to grant the Speaker authority to declare a recess today to a time certain at this point?

The SPEAKER. The Chair is advised that in the absence of a quorum no motion which requires unanimous consent may be entertained, and that would be such a motion.

Therefore, the Chair regrets that the motion would not be in order.

Members will observe and stand by.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALKER. Mr. Speaker, will the House be given notice when sufficient Members have arrived to do business?

Mr. [Larry J.] HOPKINS [of Kentucky]. Mr. Speaker, do we get a 15-minute notice?

The SPEAKER. When a quorum arrives, we will move to dispense with further proceedings under this motion, and at that point additional business may be considered. That is all that can be done under the present circumstances.

Members will stand by and enjoy one another's conviviality.

□ 1510

The SPEAKER. Pursuant to clause 2 of rule XV, the names of those Members who have voluntarily appeared subsequent to rollcall No. 399 shall be spread upon the Journal.

The list of names referred to is as follows:

Messrs. Shaw; Leath of Texas; Williams; Neal; Walgren; Sabo; Mfume; Traxler; Dixon; St Germain; Bonior of Michigan; Volkmer; Jeffords; Andrews; Edwards of California; Roe; Porter; Dymally; Stenholm; Hatcher; Cheney; and Harris; Mrs. Morella; and Messrs. Yates; Nagle; and Cardin.

The SPEAKER. Are there other Members who desire to be recorded?

If not, the Chair recognizes the gentleman from Michigan [Mr. BONIOR].

ADJOURNMENT

Mr. BONIOR of Michigan. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan [Mr. BONIOR].

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

Mr. SENSENBRENNER. 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 116, nays 106, not voting 211, as follows:

[Roll No. 400] . . .

Messrs. FRENZEL, HEFLEY, and LOWERY of California changed their votes from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was above recorded.

Accordingly (at 3 o'clock and 40 minutes p.m.) the House adjourned until tomorrow, Tuesday, November 3, 1987, at 12 noon.

§ 3.9 Under Rule XVI clause 4,⁽¹⁾ the motion to adjourn takes precedence over all other motions and questions, including the filing of a privileged report pursuant to clause 4(a) of Rule XI.⁽²⁾

On Apr. 29, 1985,⁽³⁾ the motion to adjourn took precedence over the filing of a privileged report on a contested election from the

1. *House Rules and Manual* §§ 911, 912 (2007).
2. Now Rule XIII, clause 5, see *Id.* at § 853 (2007).
3. 131 CONG. REC. 9699, 9700, 99th Cong. 1st Sess.

Committee on House Administration:

REQUEST FOR PERMISSION TO
SUBMIT A PRIVILEGED REPORT

Mr. [Leon E.] PANETTA [of California]. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report.

Mrs. [Lynn] MARTIN [of Illinois]. Mr. Speaker, I have a privileged resolution at the desk.

Mr. Speaker. I have a privileged resolution that I sent to the desk.

Mr. [Charles E.] SCHUMER [of New York]. Mr. Speaker, will the gentleman yield?

Mrs. MARTIN of Illinois. No; the gentleman cannot with a privileged resolution.

Mr. SCHUMER. Did the gentleman ask for a privileged resolution or resolution?

The SPEAKER pro tempore.⁽⁴⁾ The House will be in order.

Mrs. MARTIN of Illinois. One may lead to the other.

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

The Chair had recognized the gentleman from California [Mr. PANETTA], who has sent a privileged report to the desk.

Has the gentleman from California quite finished with his request?

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has the highest privilege.

The SPEAKER pro tempore. The gentleman will be recognized in due course, if the gentleman will—

Mrs. MARTIN of Illinois. But I believe my motion has precedence.

The SPEAKER pro tempore. The gentleman has not—

Mrs. MARTIN of Illinois. Mr. Speaker, I believe that my motion has precedence.

The SPEAKER pro tempore. The gentleman will be recognized.

The gentleman will state her privileged motion.

MOTION TO ADJOURN

Mrs. MARTIN of Illinois. I thank the Chair.

Mr. Speaker, I move that the House do now adjourn.

□ 1230

The SPEAKER pro tempore. The gentleman does state a privileged motion, and the question is on the gentleman's motion.

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

Mr. [Jim] KOLBE [of Arizona]. 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 124, nays 168, not voting 141, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded. . . .

4. James C. Wright (TX).

REPORT ON RESOLUTION RELATING TO ELECTION OF A REPRESENTATIVE FROM THE EIGHTH CONGRESSIONAL DISTRICT OF INDIANA

Mr. PANETTA, from the Committee on House Administration, submitted a privileged report (Rept. No. 99-58) on the resolution (H. Res. 146) relating to election of a Representative from the Eighth Congressional District of Indiana, which was referred to the House Calendar and ordered to be printed.

§ 3.10 While the motion to adjourn takes precedence over any other motion under Rule XVI clause 4(a),⁽¹⁾ the Speaker may, through the power of recognition, recognize the Majority Leader, by unanimous consent, for one minute where no objection is raised to announce the legislative program prior to entertaining the motion to adjourn.

On Dec. 14, 1982,⁽²⁾ the following proceedings occurred:

The Clerk announced the following pairs:

On this vote:

Mr. Fary for, with Mr. Thomas against.

Mr. John L. Burton for, with Mr. Chappie against.

So the joint resolution was passed.

1. *House Rules and Manual* § 911 (2007).
2. 128 CONG. REC. 30549, 30550, 97th Cong. 2d Sess.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER.⁽³⁾ The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. [Denny] SMITH [of Oregon]. Mr. Speaker, I have a preferential motion to send to the desk.

The SPEAKER. The gentleman will be seated. The Speaker has the right of recognition.

Mr. SMITH of Oregon. Mr. Speaker, I have a preferential motion.

Mr. [Robert S.] WALKER [of Pennsylvania]. Regular order, Mr. Speaker.

□ 2040

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Texas (Mr. WRIGHT).

LEGISLATIVE PROGRAM

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, let me simply announce for the benefit of the Members that it is our intention now to have no further votes tonight. We plan to take up the things that we put off last night in order that Members might go and attend the reception in the White House, the remaining suspension, and was agreed with the Republican leadership and our leadership last night, but we will not have any votes. We will roll the votes until tomorrow, let the votes be the first thing tomorrow. . . .

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

PREFERENTIAL MOTION OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman will state his preferential motion.

Mr. SMITH of Oregon. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the preferential motion offered by the gentleman from Oregon (Mr. SMITH).

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

Mr. SMITH of Oregon. 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 122, nays 202, not voting 109, as follows:

[Roll No. 452] . . .

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will make the following statement:

It is the usual and customary practice in this House that when we come to the end of a proceeding, as we did, that the majority leader then announces the program for the remainder of the night. The majority leader had informed me that he was going to make that announcement. Normally it is a unanimous-consent request, and that is what the Chair anticipated that the majority leader would do.

It is the prerogative and the duty of the Speaker of the House to run this body in an expeditious manner and he

should be informed when motions are going to be made, whether they are privileged or otherwise, and when he is suddenly confronted with a privileged motion, then it is my opinion, while the Chair appreciates that he follows the rules of the House, it does not improve the decorum of the House. The Speaker at all times tries to be fair, and thought he was being fair with the Members when he was recognizing the majority leader to inform the membership what the program was for the remainder of the evening.

Parliamentarian's Note: The Speaker recognized the Majority Leader to announce the program for the remainder of the day and declined to recognize a Member to offer a motion to adjourn pending that announcement, although the Majority Leader had neglected to obtain unanimous consent to address the House for one minute. The Speaker then suggested that decorum would be maintained by unanimous-consent permission to announce the leadership program pending a motion to adjourn. Any Member can force an immediate vote on a privileged motion to adjourn by objecting to a unanimous-consent request to address the House for one minute to announce the program. The Speaker may entertain a unanimous-consent request pending a privileged motion, but in this instance he merely assumed that the Majority Leader had properly obtained the

floor. Once the floor is obtained for one minute, a motion to adjourn cannot interrupt.

§ 3.11 The motion to adjourn is highly privileged and may be offered after the House rejects a motion to lay on the table a motion to instruct conferees and before the vote occurs on the motion to instruct.

On May 29, 1980,⁽¹⁾ the House adopted a motion to insist on its disagreement to a Senate amendment and to request a further conference with the Senate, and then adopted a motion to instruct the House conferees, after having rejected a motion to adjourn offered by the manager of the conference report:

MOTION TO INSTRUCT OFFERED BY MR.
LATTA

Mr. [Delbert L.] LATTA [of Ohio]. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. LATTA moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on House Concurrent Resolution 307, first concurrent resolution on the budget for fiscal year 1981, to agree to the figures in functional category 050, national security, of \$153.7 billion in outlays and \$171.3 billion in budget authority.

1. 126 CONG. REC. 12717-19, 96th Cong. 2d Sess.

MOTION TO TABLE OFFERED BY MR.
GIAIMO

Mr. [Robert N.] GIAIMO [of Connecticut]. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER.⁽²⁾ The question is on the motion to table offered by the gentleman from Connecticut (Mr. GIAIMO).

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

Mr. LATTA. 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 123, nays 165, not voting 145, as follows:

[Roll No. 273] . . .

MOTION FOR ADJOURNMENT

Mr. GIAIMO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Connecticut (Mr. GIAIMO).

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

Mr. LATTA. 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 141, nays 145, not voting 147, as follows:

[Roll No. 274] . . .

Mr. TAUZIN changed his vote from “yea” to “nay.”

So the motion was rejected.

The result of the vote was announced as above recorded.

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

The SPEAKER. The question is on the motion to instruct offered by the gentleman from Ohio (Mr. LATTA).

The motion was agreed to.

APPOINTMENT OF CONFEREES ON
HOUSE CONCURRENT RESOLUTION 307

The SPEAKER. The Chair appoints the following conferees: Messrs. GIAIMO, WRIGHT, ASHLEY, SIMON, MINETA, JONES of Oklahoma, BRODHEAD, WIRTH, PANETTA, GEPHARDT, NELSON, LATTA, CONABLE, Mrs. HOLT, Mr. REGULA, and Mr. RUDD.

§ 3.12 The motion to adjourn takes precedence over a vote on final passage where the House has reconsidered the first vote on final passage and where the previous question has been ordered by motion to final passage.

On Sept. 20, 1979,⁽¹⁾ the following events occurred in the House:

RECONSIDERATION OF VOTE ON
HOUSE JOINT RESOLUTION
399, CONTINUING APPROPRIATIONS, 1980

Mr. [Harold A.] VOLKMER [of Missouri]. Mr. Speaker, having voted on the prevailing side, I move to reconsider the vote whereby House Joint Resolution 399 was not passed.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI).⁽²⁾ The Chair will inquire, did the gentleman vote no on final passage?

Mr. VOLKMER. Mr. Speaker, I voted no on final passage.

1. 125 CONG. REC. 25512, 25513, 96th Cong. 1st Sess.
2. Dan Rostenkowski (IL).

The SPEAKER pro tempore. The gentleman qualifies.

The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves to reconsider the vote whereby House Joint Resolution 399 was not passed. . . .

Mr. [Gerald B. H.] SOLOMON [of New York]. Mr. Speaker, I move that motion, that House Joint Resolution 399 be laid upon the table.

The SPEAKER pro tempore. The Chair will state that is not in order. It is not the right motion. The joint resolution itself cannot be laid on the table, the previous question having been ordered yesterday.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

As many as are in favor of the motion will say aye.

Mr. SOLOMON. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER pro tempore. The Chair will state that he has put the question on the motion offered by the gentleman from Missouri and the question is being taken.

The motion offered by the gentleman from New York (Mr. SOLOMON) to lay on the table has come too late.

The question is on the motion to reconsider offered by the gentleman from Missouri (Mr. VOLKMER).

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

RECORDED VOTE

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 196, not voting 24, as follows:

[Roll No. 490] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

MOTION OFFERED BY MR. GRASSLEY

Mr. [Charles E.] GRASSLEY [of Iowa]. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GRASSLEY moves to reconsider the vote whereby House Joint Resolution 399 was read a third time and engrossed.

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

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

Mr. GRASSLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was refused.

So the motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

PREFERENTIAL MOTION OFFERED BY
MR. BETHUNE

Mr. [Ed] BETHUNE [of Arkansas]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The motion to adjourn offered by the gentleman from Arkansas (Mr. BETHUNE) is preferential and in order.

The question is on the preferential motion offered by the gentleman from Arkansas (Mr. BETHUNE).

The preferential motion was rejected.

The SPEAKER pro tempore. The pending question is on the passage of the joint resolution.

As many as are in favor will signify by saying “aye”; as many as are opposed will signify by saying “no.”

In the opinion of the Chair, the ayes have it, and the joint resolution is passed.

RECORDED VOTE

Mr. [Kenneth B.] KRAMER [of Colorado]. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. A recorded vote is demanded.

Mr. [George E.] DANIELSON [of California]. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The demand for a recorded vote is in order.

So many as are in favor will stand and remain standing until counted.

Forty-seven Members have arisen. A recorded vote is ordered.

PARLIAMENTARY INQUIRY

Mr. [Mario] BIAGGI [of New York]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BIAGGI. Mr. Speaker, we had a voice vote on the previous question,

and then we had intervening business, a motion to adjourn. This is not in order.

The SPEAKER pro tempore. The question on the passage was never disposed of.

Forty-seven Members have arisen, a sufficient number. A recorded vote is ordered.

As many as are in favor of the resolution will vote "aye"; as many as are opposed will vote "no."

The vote was taken by electronic device, and there were—ayes 196, noes 212, not voting 26, as follows:

[Roll No. 491] . . .

So the joint resolution was rejected.

The result of the vote was announced as above recorded.

Parliamentarian's Note: In light of this precedent, the question becomes whether the motion to adjourn is in order pending reconsideration after an initial vote on final passage where instead the previous question has been ordered by adoption of a special order governing consideration of the pending measure to final passage without intervening motion (except one motion to recommit) and not by the ordinary motion for the previous question. It has been held that the motion to adjourn is not in order during consideration of a bill where by special order "the previous question shall be considered as ordered . . . and final passage of the bill; and then, without intervening mo-

tion, the vote shall be taken upon the third reading thereof, and upon the final passage of the bill, and, should a motion to reconsider be made, upon a motion to lay the latter motion on the table."⁽³⁾ Similarly, the motion to adjourn was held out of order pending the question of reconsideration of the vote on third reading, under a special rule ordering the previous question on the bill "to its passage whereupon, without intervening motion, votes shall be taken on said bill until the same shall have been fully disposed of."⁽⁴⁾ These examples address the denial of intervening motions, including motions to adjourn not only "to" but "through" final disposition of the motion to reconsider. A measure is not considered "finally" disposed of until the motion to reconsider is disposed of.⁽⁵⁾ While clause 3 of Rule XIX specifically gives the motion to adjourn precedence over the entry of a motion to reconsider under the general rules of the House,⁽⁶⁾ an interpretation of a typical contemporary supervening special order as reversing this priority and foreclosing the motion to adjourn

3. 4 Hinds' Precedents § 3212.

4. *Id.* at § 3213.

5. See Ch. 23 § 33, *infra*.

6. *House Rules and Manual* § 1003 (2007).

until final passage has been finally voted, rather than merely reached, would be appropriate and not governed by the 1979 ruling, consistent with the Hinds' Precedents cited above and the proper meaning of "final passage" without intervening motion. Only where a record vote on a motion to reconsider is postponed pursuant to clause 8 of Rule XX⁽⁷⁾ may the motion to adjourn then be entertained (since the business of passage of the bill would no longer be pending).⁽⁸⁾

§ 3.13 A motion to adjourn has the highest privilege in the House, regardless of the lack of Senate action on a collateral matter.

On Friday, July 30, 1971,⁽¹⁾ a Member inquired whether a motion to adjourn would be in order, given the parliamentary situation at that time.

PARLIAMENTARY INQUIRY

Mr. [John] CONYERS [Jr., of Michigan]. Mr. Speaker, a parliamentary inquiry.

7. *Id.* at § 1030.

8. See § 6.5, *infra*, for discussion of clause 6(c) of Rule XX (*House Rules and Manual* § 1025 [2007]) on a motion to adjourn pending the result of a yea and nay vote.

1. 117 CONG. REC. 28332, 28333, 92d Cong. 1st Sess.

The SPEAKER.⁽²⁾ The gentleman from Michigan (Mr. CONYERS) will state his parliamentary inquiry.

Mr. CONYERS. Mr. Speaker, in view of the fact that the Senate has put the Lockheed matter over until Monday, would a motion to adjourn be in order?

The SPEAKER. The Chair will state that of course a motion to adjourn is always in order, and the relevance of side or collateral issues is unimportant.

Mr. CONYERS. I thank the Speaker.

§ 3.14 Only one motion to adjourn is admissible during consideration of a motion to suspend the rules.⁽¹⁾

On July 21, 1947,⁽²⁾ the following took place in the House after a motion to suspend the rules was moved and seconded:

MOTION TO ADJOURN

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 42, noes 261.

Mr. PICKETT. Mr. Speaker, I ask for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. GAMBLE and Mr. PICKETT.

The House again divided; and the tellers reported that there were—ayes, 51, noes 149.

2. Carl Albert (OK).

1. Rule XV clause 1(b), *House Rules and Manual* § 890 (2007).

2. 93 CONG. REC. 9523, 80th Cong. 1st Sess.

Mr. PICKETT. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 299, not voting 46, as follows:

[Roll No. 126]

Subsequently, during debate on the motion to suspend the rules, a second motion to adjourn was made:⁽³⁾

Mr. [Thomas J.] MURRAY of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.⁽⁴⁾ That motion is not in order. Under the precedents, a motion to adjourn is not in order until the final vote upon the motion to suspend the rules and pass the bill.

When Another Member Has the Floor

§ 3.15 While the motion to adjourn is of highest privilege under clause 4 of Rule XVI,⁽¹⁾ it may not be made while another Member has the floor in debate.

On Mar. 25, 1993,⁽²⁾ the following proceedings occurred on the floor of the House:

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

3. *Id.* at p. 9529.
4. Joseph W. Martin, Jr. (MA).
1. *House Rules and Manual* §911 (2007).
2. 139 CONG. REC. 6372, 6373, 103d Cong. 1st Sess.

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I ask for this extended moment to inquire of the distinguished majority leader the program for the next week.

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, will the gentleman yield?

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

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding. . . .

Mr. [Robert K.] DORNAN [of California]. . . .

What are we doing here? What is this ugliness and rudeness? This is the worst session I have ever seen ever and where is the Speaker, for God's sake? He disappeared a week ago.

The SPEAKER pro tempore (Mr. LEWIS of Georgia).⁽³⁾ The Chair would advise the gentleman from California, the Speaker is in the chair.

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

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I simply want to say to the minority leader that as he knows, we have had a number of conversations that are continuing. We are trading proposals and ideas for how to reasonably deal with special orders that would be an appropriate way for all the Members and that Members could agree to.

We will continue to work as hard and as quickly on that as we can and try to bring back to the membership a set of ideas that we hope can gain support.

3. John R. Lewis (GA).

REQUEST FOR MOTION TO
ADJOURN

Mr. [Gene] TAYLOR [of Mississippi]. Mr. Speaker, there being no further legislative business before this body, I move that we adjourn.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] has the floor.

§ 3.16 A motion to adjourn, while privileged, cannot be entertained while another Member holds the floor but may be offered as soon as the floor is yielded.

On June 6, 1968,⁽¹⁾ shortly after the House convened at noon, Mr. Richard L. Ottinger, of New York, attempted to call up a motion to adjourn which he had placed at the desk. However, the Minority Leader, Gerald R. Ford, of Michigan, had just been granted the floor by unanimous consent for one minute.

LEGISLATIVE PROGRAM

Mr. Gerald R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for today.

The SPEAKER.⁽²⁾ Without objection, it is so ordered.

1. 114 CONG. REC. 16225, 16226, 90th Cong. 2d Sess. See also 112 CONG. REC. 27727, 89th Cong. 2d Sess., Oct. 19, 1966.
2. John W. McCormack (MA).

There was no objection.

Mr. OTTINGER. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER. The Chair will state that the gentleman from Michigan [Mr. GERALD R. FORD] has the floor at the present time and has been recognized.

When Mr. Ford's time was up, Mr. Ottinger again offered his privileged motion, which was rejected.⁽³⁾

PRIVILEGED MOTION TO AD-
JOURN OFFERED BY MR. OT-
TINGER

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

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. OTTINGER moves that the House do now adjourn.

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

Mr. [Benjamin S.] ROSENTHAL [of New York]. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. I object to the vote on the ground that a quorum is not present.

The SPEAKER. The Chair will protect the gentleman who is making the motion.

Mr. OTTINGER. 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.

3. 114 CONG. REC. 16225, 90th Cong. 2d Sess., June 6, 1968.

The SPEAKER. The gentleman from New York [Mr. OTTINGER] objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 70, nays 301, not voting 62. . . .

So the motion was rejected.

Parliamentarian's Note: Mr. Ottinger, who offered the motion to adjourn shortly after the House convened, had urged the Speaker to agree to the early adjournment of the House as a tribute to the late Senator Robert F. Kennedy, who had died in the early hours of that morning from bullet wounds inflicted in Los Angeles, California, the previous evening.

The Speaker pointed out to Mr. Ottinger that the Senate was planning to conduct business prior to its adjournment and that precedents of the House indicated that it was customary to proceed with business on such occasions. Mr. Ottinger had nonetheless remained most anxious to offer the motion and so was recognized.

§ 3.17 A motion to adjourn is not in order while another Member holds the floor unless the Member with the floor yields for such motion.

On Oct. 18, 1945,⁽¹⁾ a Member yielded to another Member, who then moved for adjournment.

Mr. [John Edward] SHERIDAN [of Pennsylvania]. Mr. Speaker, will the gentleman yield?

Mr. [Edward E.] COX [of Georgia]. I yield to the gentleman from Pennsylvania.

Mr. SHERIDAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.⁽²⁾ Does the gentleman from Georgia yield for that purpose?

Mr. COX. Mr. Speaker, I do not yield for that purpose, and the gentleman should not have taken advantage of the courtesy I extended to him.

During Parliamentary Inquiries

§ 3.18 The motion to adjourn is not in order when offered during time yielded for a parliamentary inquiry.

On June 3, 1964,⁽¹⁾ a Member who had the floor for debate and who yielded for a parliamentary inquiry could not then be deprived of the floor by a motion to adjourn:

Mr. [Alphonzo] BELL [of California]. Mr. Speaker, it is my feeling that the

1. 91 CONG. REC. 9814, 79th Cong. 1st Sess. See also 109 CONG. REC. 10152, 88th Cong. 1st Sess., June 4, 1963.
2. Sam Rayburn (TX).
1. 110 CONG. REC. 12522, 88th Cong. 2d Sess.

Job Corps proposal does not provide the specialized instruction to meet this need.

Such retraining must be carried out where the facilities, the equipment, and the trained personnel are available.

Mr. [Paul C.] JONES of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.⁽²⁾ Does the gentleman yield for a parliamentary inquiry?

Mr. BELL. Mr. Speaker, I yield.

Mr. JONES of Missouri. Mr. Speaker, is a motion to adjourn now in order?

The SPEAKER pro tempore. If the gentleman yields for that purpose.

Mr. JONES of Missouri. This is a parliamentary inquiry. I tried to propound a parliamentary inquiry a minute ago, but I could not get any response.

Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman's motion is out of order.

Mr. JONES of Missouri. It is out of order?

The SPEAKER pro tempore. Unless the gentleman yields for that purpose.

Mr. BELL. Mr. Speaker, I do not yield.

May Not Be Repeated in Absence of Intervening Business

§ 3.19 While the motion to adjourn has the highest privilege in the House under clause 4 of Rule XVI,⁽¹⁾ it may

2. Carl Albert (OK).

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

not be repeated in the absence of intervening business.

On July 31, 1975,⁽²⁾ the following proceedings occurred in the House:

Mr. [Charles J.] GARNEY [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.⁽³⁾ The gentleman from Ohio moves that the House do now adjourn.

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 195, answered “present” 1, not voting 54, as follows:

[Roll No. 474] . . .

So the motion was rejected.

The Clerk announced the following pair:

On this vote:

Mr. O'Hara for, with Mr. Ruppe, against.

Mr. [Philip E.] RUPPE [of Michigan]. Mr. Speaker, I have a live pair with the gentleman from Michigan (Mr. O'HARA). If he were present he would have voted “yea.” I voted “nay.” I withdraw my vote and vote “present.”

The result of the vote was announced as above recorded.

Mr. John L. BURTON [of California]. Mr. Speaker, I move that the House do now adjourn.

2. 121 CONG. REC. 26243, 94th Cong. 1st Sess.

3. Carl Albert (OK).

The SPEAKER. The motion is not in order since we just had a vote on a similar motion and there has been no intervening business or debate.

Mr. John L. BURTON. Mr. Speaker, I thought a motion to adjourn is always in order.

The SPEAKER. The Chair will take unanimous-consent requests.

Calls of the House

§ 3.20 A motion to adjourn is in order following a call of the House, and it is not necessary that the Chair announce that a quorum has failed to respond before entertaining the motion to adjourn.

On Oct. 14, 1969,⁽¹⁾ a quorum not being present, a motion to adjourn was made following a call of the House.

Mr. [Gillespie V.] MONTGOMERY [of Mississippi]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.⁽²⁾ Evidently a quorum is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

1. 115 CONG. REC. 30054, 30055, 91st Cong. 1st Sess.
2. John W. McCormack (MA).

[Roll No. 223] . . .

Mr. [Donald M.] FRASER [of Minnesota]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. I would like to ask, if I may, where the matter stands now of the call of the House which was made by the majority leader. As I understand it, there is not yet a quorum recorded at the desk.

The SPEAKER. The gentleman is correct.

Mr. FRASER. Now, Mr. Speaker, what are the options open to the House at this point?

The SPEAKER. The Chair is patiently waiting to see. Regular order is the establishment of a quorum. If a quorum is not established, then a motion to adjourn would be in order.

Mr. FRASER. Mr. Speaker, am I correct that if a quorum is not established, there are only two choices open to the House—either a motion to adjourn or a motion to instruct the Sergeant at Arms to produce the missing Members?

The SPEAKER. The gentleman is correct.

Mr. FRASER. Mr. Speaker, so long as a quorum is not produced and in the event the House should instruct the Sergeant at Arms, would it be possible for the House to proceed, or would the House have to stand in abeyance with no further proceedings?

The SPEAKER. The Chair will state that the House cannot do business without a quorum.

Mr. FRASER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. Mr. Speaker, in order to see if I have that point clearly in mind, if there were an instruction to bring in absent Members and it did not succeed during the period of time, during that period of time the House could proceed with no other business; is that correct?

The SPEAKER. The House cannot proceed at all until a quorum is established.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. QUILLEN. Mr. Speaker, due to the lack of a quorum, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I ask for the yeas and nays.

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. BOGGS. Mr. Speaker, does it require a quorum to adjourn?

The SPEAKER. The Chair will state to the gentleman from Louisiana that it does not require a quorum.

§ 3.21 A quorum not being present, no motion is in order but for a call of the House or a motion to adjourn, and the motion to adjourn takes precedence over a motion for a call of the House.

On June 12, 1963,⁽¹⁾ when a motion for a call of the House and a motion to adjourn were both before the House, the Speaker announced that the question was on the motion to adjourn.

Mr. [Frank. J.] BECKER [of New York]. Mr. Speaker, I make the point of order a quorum is not present.

Mr. [Donald C.] BRUCE [of Indiana]. Mr. Speaker, I move a call of the House.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.⁽²⁾ The question is on the motion that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. Bruce) there were—ayes 23, noes 34.

So the motion was rejected.

§ 3.22 A motion to adjourn in the absence of a quorum is

1. 109 CONG. REC. 10739, 88th Cong. 1st Sess.

Parliamentarian's Note: Following a point of order that a quorum was not present and prior to the ascertainment thereof by the Chair, a Member moved a call of the House. Another Member immediately moved to adjourn. The Chair recognized the latter and put the question on the higher privileged motion to adjourn. On a division vote, the House refused to adjourn. In response to a parliamentary inquiry, the Chair stated that the point of order that a quorum was not present had not been renewed after the House had refused to adjourn.

2. W. Homer Thornberry (TX).

not entertained after a call of the House has been ordered by motion.

On June 4, 1963,⁽¹⁾ time allotted to two Members of the minority under previous order of the House was interrupted by seven quorum calls, seven division votes, a yea and nay vote, and various motions, including a motion to adjourn. The motion to adjourn was not entertained because the absence of a quorum had been noted and a quorum call had already been ordered.

Mr. [John Bell] WILLIAMS [of Mississippi]. Mr. Speaker, since 45 or 50 Members have left the floor, I make the point of order a quorum is not present.

The SPEAKER.⁽²⁾ Evidently a quorum now is not present.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

Mr. WILLIAMS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Chair will state that a call of the House has been ordered.

The Clerk will call the roll.

§ 3.23 A motion to adjourn is in order pending a point of

1. 109 CONG. REC. 10152, 88th Cong. 1st Sess.
2. John W. McCormack (MA).

order that a quorum is not present, but is not entertained after the Clerk has commenced to call the roll after a call of the House is ordered and a Member has responded to his name.

On June 3, 1960,⁽¹⁾ the following took place in the House with regard to the timing of a motion to adjourn:

CALL OF THE HOUSE

Mr. [Silvio O.] CONTE [of Massachusetts]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT).⁽²⁾ Obviously a quorum is not present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is a motion to adjourn in order?

The SPEAKER pro tempore. Not now. The Chair will advise that a call of the House has been ordered.

Mr. HOFFMAN of Michigan. Can a member of the minority—

The regular order was demanded.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will call the roll.

1. 106 CONG. REC 11828, 11829, 86th Cong. 2d Sess.
2. Carl Albert (OK).

§ 3.24 The motion to adjourn takes precedence of a motion for a call of the House.

On Apr. 24, 1956,⁽¹⁾ a point of order was made that a quorum was not present and, prior to ascertainment thereof by the Chair, a Member moved a call of the House, and another Member immediately moved to adjourn; the Chair recognized the latter and put the question on the higher privileged motion to adjourn. The following took place in the House:

Mr. [Wayne L.] HAYS of Ohio. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.⁽²⁾ If the gentleman from Georgia retains the floor, that motion is not in order.

Mr. [Carl] VINSON [of Georgia]. I retain it, Mr. Speaker. I am just moving around to get a little exercise.

The SPEAKER. Does the gentleman from Mississippi insist upon his point of no quorum?

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I insist upon the point of no quorum.

The SPEAKER. The Chair will count. Evidently there is no quorum present.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move a call of the House.

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

1. 102 CONG. REC. 6891, 84th Cong. 2d Sess.
2. Sam Rayburn (TX).

The SPEAKER. The motion to adjourn is a privileged motion. The question is on the motion.

The motion was rejected.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

A call of the House was ordered.

§ 3.25 A motion to adjourn is in order pending a point of order that a quorum is not present.

On Aug. 24, 1949,⁽¹⁾ after a point of order was made that a quorum was not in attendance, but before any action had been taken on the point of order, a motion to adjourn was entertained, voted on, and agreed to:

ADJOURNMENT

Mr. [Frank B.] KEEFFE [of Wisconsin]. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER.⁽²⁾ The question is on the motion.

The question was taken; and on a division (demanded by Mr. KEEFFE) there were—ayes 49, noes 38.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 132, not voting 114, as follows:

1. 95 CONG. REC. 12191, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).

[Roll No. 197] . . .

So the motion was agreed to.

Precedence Over Questions of Privilege

§ 3.26 A question of privilege is not entertained pending a vote on a motion to adjourn.

On Apr. 15, 1970,⁽¹⁾ a Member moved for adjournment, and while that motion was pending, another Member rose to a point of privilege.

Mr. [Wayne L.] HAYS [of Ohio]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.⁽²⁾ The question is on the motion offered by the gentleman from Ohio.

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

Mr. HAYS. 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.

Mr. Justice Douglas has been on the Bench for a great many years, and he can wait for one more night. I have not had my dinner.

The SPEAKER pro tempore. The Chair will count.

Mr. HAYS. Mr. Speaker, I am willing to withhold my motion if the gentleman wants to ask permission to insert his remarks, but obviously all these speeches were written by the

1. 116 CONG. REC. 11940, 11941, 91st Cong. 2d Sess.
2. Charles M. Price (IL).

same author, and I do not think we ought to have to sit here and listen to them.

Mr. [William L.] SCOTT [of Virginia]. Mr. Speaker, if the gentleman will yield, my remarks will not take more than 10 minutes.

Mr. HAYS. I have been hearing that for a long time now.

Mr. [Louis C.] WYMAN [of New Hampshire]. Mr. Speaker, I rise to a point of special privilege.

The SPEAKER pro tempore. There is a motion pending.

Mr. HAYS. Mr. Speaker, I insist on the point of order.

The SPEAKER pro tempore. The gentleman from Ohio insists on the point of order.

Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Beyond Constitutional Term

§ 3.27 A motion that when the House adjourns that day it stand adjourned until a date beyond the constitutional term of that Congress is not in order under art. I clause 4 of the Constitution, and under clause 4 of Rule XVI.⁽¹⁾

On Apr. 18, 2002,⁽²⁾ a motion that the House adjourn to a stated

1. *House Rules and Manual* §911 (2007).
2. 148 CONG. REC. 4969, 107th Cong. 2d Sess.

date nine years hence was ruled out of order:

Mr. [Charles B.] RANGEL [of New York]. Mr. Speaker, I yield 2 1/2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

REQUEST FOR MOTION TO ADJOURN

Mr. [Gerald D.] KLECZKA [of Wisconsin]. Mr. Speaker, I move that the House, upon conclusion of today's business, adjourn until noon, January 1, 2011.

The SPEAKER pro tempore.⁽³⁾ That motion is not in order at this time.

Mr. KLECZKA. Well, Mr. Speaker, if it was in order, it would give some rationale to the bill before the House.

By Chair's Initiative

§ 3.28 The Speaker pro tempore, the only Member present in the Chamber: (1) convened the House; (2) led the House in the pledge of allegiance; and (3) adjourned the House (by unanimous consent *sua sponte*).

On Feb. 3, 2000,⁽¹⁾ the following proceedings took place in the House:

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin). . . .

3. Michael K. Simpson (ID).

1. 146 CONG. REC. 596, 107th Cong. 1st Sess.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore.⁽²⁾ The Chair will lead the House in the Pledge of Allegiance. . . .

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday next.

There was no objection.

Accordingly (at 10 o'clock and 2 minutes a.m.), under its previous order, the House adjourned until Monday, February 7, 2000, at 2 p.m.

Parliamentarian's Note: This form of unanimous consent is now common practice on "pro forma days" when no special orders or one-minute speeches are scheduled.⁽³⁾

2. Paul Ryan (WI).

3. This was the first instance of this kind in the 106th Congress. For similar instances see 144 CONG. REC. 4297, 4298, 105th Cong. 2d Sess., Mar. 23, 1998; 144 CONG. REC. 2847, 2848, 105th Cong. 2d Sess., Mar. 9, 1998; 143 CONG. REC. 19614, 105th Cong. 1st Sess., Sept. 22, 1997; 143 CONG. REC. 11732, 105th Cong. 1st Sess., June 21, 1997; 143 CONG. REC. 10344, 105th Cong. 1st Sess., June 7, 1997; 143 CONG. REC. 9648, 9649, 105th Cong. 1st Sess., May 30, 1997; 143 CONG. REC. 9646, 105th Cong. 1st Sess., May 27, 1997; 142 CONG. REC. 2763, 2764, 104th Cong. 2d Sess., Feb. 16, 1996; and 141 CONG. REC. 28740, 28774, 104th Cong. 1st Sess., Oct. 20, 1995.

§ 3.29 The Speaker has adjourned the House overnight on his own initiative by unanimous consent.

On Dec. 11, 1944,⁽¹⁾ the following transpired in the House:

The SPEAKER.⁽²⁾ Without objection, the House will stand adjourned until 12 o'clock noon tomorrow.

There was no objection; thereupon (at 5 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Tuesday, December 12, 1944, at 12 o'clock noon.

By Minority Member

§ 3.30 The Speaker pro tempore having attempted by unanimous consent to adjourn the House at the end of special-order speeches and there being an objection, the objecting minority member on the floor was then recognized to move adjournment—there being no majority member on the floor at that time.⁽¹⁾

1. 90 CONG. REC. 9209, 78th Cong. 2d Sess.

2. Sam Rayburn (TX).

1. This was customarily the prerogative for recognition through the 98th Congress.

Parliamentarian's Note: While no longer the current practice, in 1984 the Parliamentarian could not recall a recent example of a minority Member moving adjournment at the end

On May 23, 1984,⁽²⁾ the following events occurred on the floor of the House:

ADJOURNMENT

The SPEAKER pro tempore.⁽³⁾ Without objection, the House stands adjourned.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania (Mr. WALKER) have a motion?

Mr. WALKER. Mr. Speaker, I have always wanted to do this.

The SPEAKER pro tempore. The Chair is going to recognize the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p.m.) the House adjourned until tomorrow, Thursday, May 24, 1984, at 10 a.m.

Withdrawal of Motion

§ 3.31 A motion to adjourn may be withdrawn by the mover thereof, and unanimous consent for that action is not required.

On Oct. 14, 1969,⁽¹⁾ when a Member asked unanimous consent

of special-order speeches on a day, nor could he recall the Chair adjourning the House by unanimous consent.

2. 130 CONG. REC. 13960, 98th Cong. 2d Sess.

3. Sander M. Levin (MI).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

to withdraw his motion to adjourn, two Members objected. The Speaker ruled unanimous consent unnecessary and allowed the Member to withdraw his motion.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. YATES. Is there not a motion to adjourn pending upon which I have asked for the yeas and nays?

The SPEAKER. The gentleman's inquiry is correct.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I ask unanimous consent to withdraw my motion to adjourn.

Mr. YATES. Mr. Speaker, I object.

Mr. [William S.] MOORHEAD [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER. The Chair will state that it does not require unanimous consent to withdraw the gentleman's motion.

Mr. QUILLEN. Mr. Speaker, I withdraw my motion and I yield to the majority leader.

§ 3.32 Where a Member moves to adjourn and then withdraws the motion, the Member loses the floor, and the Speaker may then recognize another Member of the House to renew the motion.

On Oct. 14, 1969,⁽¹⁾ a Member withdrawing his motion to ad-

2. John W. McCormack (MA).

1. 115 CONG. REC. 30055, 91st Cong. 1st Sess.

journal stated his intention to yield to the Majority Leader. The Speaker advised the Member that on withdrawing his motion to adjourn he would lose the floor.

Mr. [James H.] QUILLEN [of Tennessee]. Mr. Speaker, I withdraw my motion [to adjourn] and I yield to the majority leader.

The SPEAKER.⁽²⁾ The Chair will state the gentleman from Tennessee does not have that privilege. The Chair has the privilege of recognition when the gentleman has withdrawn his motion. The Chair recognizes the gentleman from Oklahoma.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I would prefer not to make this motion at this time, but in view of the parliamentary situation, I move that the House do now adjourn.

Mr. [Sidney R.] YATES [of Illinois]. Mr. Speaker, on that I demand the yeas and nays.

In Memory

§ 3.33 In at least one instance, a Member has offered a motion to adjourn "in memory of" a deceased Member without the House having adopted a resolution so marking the day's adjournment.

On Oct. 28, 1997,⁽¹⁾ the House adjourned in memory of Rep. Walter H. Capps, of California, who had died earlier that day:

2. John W. McCormack (MA).

1. 143 CONG. REC. 23557, 105th Cong. 1st Sess. For additional information

ADJOURNMENT

Mr. [Vic] FAZIO of California. Mr. Speaker, it is with great regret that I move that the House do now adjourn in memory of the late Honorable WALTER H. CAPPS, our dear departed colleague.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 29, 1997, at 10 a.m., in memory of the late Honorable WALTER H. CAPPS of California.

§ 4. In Committee of the Whole

§ 4.1 The motion to adjourn is not in order in the Committee of the Whole.⁽¹⁾

On Feb. 22, 1950,⁽²⁾ the following transpired in the Committee of the Whole during consideration of the Federal Fair Employment Practices Act (H.R. 4453):

The CHAIRMAN.⁽³⁾ . . .

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc.—

on adjourning out of respect for deceased Members, see Ch. 38 *infra*.

1. *House Rules and Manual* §§ 333, 912 (2007).
2. 96 CONG. REC. 2218, 81st Cong. 2d Sess. See also 95 CONG. REC. 5616, 5617, 81st Cong. 1st Sess., May 4, 1949.
3. Francis E. Walter (PA).

SHORT TITLE

SECTION 1. This act may be cited as the "Federal Fair Employment Practices Act."

Mr. [Paul W.] SHAFER [of Michigan]. Mr. Chairman, I move that we now adjourn.

The CHAIRMAN. That motion is not in order in Committee.

Parliamentarian's Note: In the Committee of the Whole, the proper motion is that the Committee "do now rise", which motion, if adopted, would then permit a motion to adjourn in the House.

§ 5. Debate on Motion; Amendments

Because debate on the simple motion to adjourn or on the motion to fix the day to which the House shall adjourn is precluded by clause 4(b) and clause 4(c) of Rule XVI,⁽¹⁾ a prefatory statement leading up to the motion is not in order as debate on the motion and is not carried in the *Congressional Record*.⁽²⁾

The motion to lay on the table the motion to adjourn is not in order since under clause 4 of Rule XVI, the motion to adjourn is not debatable.⁽³⁾

1. *House Rules and Manual* §911 (2007).
2. See § 5.1, *infra*.
3. *House Rules and Manual* §911 (2007). See also § 5.2, *infra*.

The motion to adjourn is not subject to amendment fixing the time of adjournment.⁽⁴⁾

§ 5.1 Pursuant to clause 4 of Rule XVI, the motion to adjourn is not debatable.⁽¹⁾

On Feb. 13, 2002,⁽²⁾ the following proceedings took place:

MOTION TO ADJOURN

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

PARLIAMENTARY INQUIRY

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, if this is the most important bill to be sent to the floor by discharge petition by the minority, then why is it they call for adjournment on the day of the bill's presentation on the floor?

The SPEAKER pro tempore (Mr. CULBERSON).⁽³⁾ The gentleman from Florida is recognized for a proper parliamentary inquiry. The gentleman will state his inquiry.

Mr. FOLEY. Mr. Speaker, does the bill, as presented under the rule, comply with the dictates of the discharge petition, or are we operating under a substitute version?

The SPEAKER pro tempore. The House is operating under the terms of House Resolution 344.

4. See § 5.3, *infra*.

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

2. 148 CONG. REC. 1291, 107th Cong. 1st Sess.

3. John Abney Culberson (TX).

A motion to adjourn has been offered, and it is not debatable. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS).

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

RECORDED VOTE

Mr. LEWIS of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 13, noes 405, not voting 16, as follows:

[Roll No. 18] . . .

So the motion to adjourn was rejected.

§ 5.2 A motion under clause 4(c) of Rule XVI that when the House adjourns it stand adjourned to a time certain is not debatable, and thus is not subject to the motion to lay on the table.⁽¹⁾

On Nov. 17, 1981,⁽²⁾ the following proceedings occurred in the House:

(FIRST LEGISLATIVE DAY)

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT). . . .

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

2. 127 CONG. REC. 27768–71, 97th Cong. 1st Sess.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MURTHA).⁽³⁾ This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

A motion to reconsider was laid on the table.

Mr. [Edward P.] BOLAND [of Massachusetts]. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be dispensed with.

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. BOLAND. Mr. Speaker, I move further reading of the Private Calendar be dispensed with.

POINT OF ORDER

Mr. [F. James] SENSENBRENNER [Jr., of Wisconsin]. Mr. Speaker, I make a point of order against the motion.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, clause 6 of rule XXIV, the second paragraph says that—

On the third Tuesday of each month after the disposal of such business on the Speaker's table as requires reference only, the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar.

There is a precedent that the Private Calendar may be dispensed with, but

3. John P. Murtha, Jr. (PA).

that was only before the first bill was called on the Private Calendar.

I would state that since the first bill has been called on the Private Calendar, in order to comply with clause 6 of rule XXIV, the complete Private Calendar must be called unless dispensed with by unanimous consent. The unanimous-consent request has been objected to.

I believe that the point of order should be sustained and the motion should be ruled out of order.

The SPEAKER pro tempore. The Chair will note that under clause 6, rule XXIV on the first Tuesday of each month, a two-thirds vote is required to dispense with the call of Private Calendar, that call being automatic. The Speaker's authority to direct the call is discretionary on the third Tuesday, and so the rule is silent on the motion to dispense with the call, and consistent with that discretionary authority and absent any precedent to the contrary, the point of order should be overruled.

Mr. SENSENBRENNER. Mr. Speaker, I appeal the decision of the Chair.

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I move that the motion to appeal the Chair's decision be laid on the table.

The SPEAKER pro tempore. The question is on the motion to lay the appeal from the Chair's decision on the table.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—yeas 75, nays 37.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

Mr. FOLEY. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. FOLEY moves that when the House adjourns today it adjourn to meet at 4 p.m. today.

Mr. WALKER. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. Under the last sentence of clause 4, rule XVI, that motion to adjourn is not debatable and therefore cannot be laid on the table.

The question is on the motion.

□ 1245

Mr. SENSENBRENNER. 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 191, nays 172, not voting 70, as follows:

[Roll No. 306] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded. . . .

□ 1300

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

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

the gentleman from Washington (Mr. FOLEY).

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

Mr. WALKER. 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 188, nays 172, not voting 73, as follows:

[Roll No. 307] . . .

So the motion was agreed to.

Accordingly (at 1 o'clock and 19 minutes p.m.) the House adjourned until 4 o'clock p.m.

Parliamentarian's Note: This was the first occasion on which the motion under clause 4 of Rule XVI was utilized to adjourn to a later time on the same calendar day, although its use for that purpose has been previously discussed. The only other occasions where the House held more than one legislative session on the same legislative day which appear to be a matter of record occurred in the Second and Fourth Congresses.⁽⁴⁾

§ 5.3 A motion to fix the time to adjourn is not a permissible motion and thus does not take precedence over the simple motion to adjourn, and a simple motion to adjourn is not subject to

4. See 5 Hinds' Precedents § 6724, fn. 1.

amendment fixing the time of adjournment.

On Feb. 15, 1950,⁽¹⁾ a Member inquired whether it would be in order to amend a simple motion to adjourn.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HOFFMAN of Michigan. Does a motion to fix time to adjourn take precedence over a motion to adjourn?

The SPEAKER. It does not.

Mr. HOFFMAN of Michigan. A further parliamentary inquiry, Mr. Speaker: Is it in order to offer to a motion to adjourn, an amendment seeking to fix the time of adjournment?

The SPEAKER. It is not.

Parliamentarian's Note: The motion to set the day and time of reconvening is of equal privilege, at the Speaker's discretion, to the simple motion to adjourn under clause 4(c) of Rule XVI,⁽³⁾ but is to be distinguished from a motion to "fix the time of adjournment" which is not in order.⁽⁴⁾

1. 96 CONG. REC. 1808, 81st Cong. 2d Sess.

2. Sam Rayburn (TX).

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

4. *Id.* at §913.

§ 6. Voting; Effect of Adoption

§ 6.1 The motion to adjourn is subject to a record vote.

On Feb. 8, 1964,⁽¹⁾ a Member inquired whether a motion to adjourn would be subject to a roll call vote. The exchange between the Member and the Speaker was as follows:

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

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HALLECK. When the motion to adjourn is made, could that be subject to a rollcall vote?

The SPEAKER. If a sufficient number stand. . . .

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

Mr. [William M.] McCULLOCH [of Ohio]. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 175; not voting 36. . . .

So the motion to adjourn was agreed to.

§ 6.2 Adoption of a concurrent resolution providing for adjournment *sine die* or adjournment to a day certain

1. 110 CONG. REC. 2616, 2639, 88th Cong. 2d Sess.

2. John W. McCormack (MA).

does not preclude a demand for the yeas and nays on the subsequent motion to adjourn on that day.

On the legislative day of Sept. 26, 1961,⁽¹⁾ a Member called up a privileged Senate concurrent resolution for immediate consideration:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up for immediate consideration a privileged Senate resolution, Senate Concurrent Resolution 55.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Wednesday, the 27th day of September 1961, and that when they adjourn on said day they stand adjourned sine die.

Mr. ALBERT. Mr. Speaker, I move the previous question on the resolution.

Mr. [H. Carl] ANDERSEN of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore.⁽²⁾ The gentleman will state it.

Mr. ANDERSEN of Minnesota. Mr. Speaker, in case the privilege is not given to Members to vote by yea and nay on this particular motion will it not be equally possible for a Member of the House to request a yea-and-nay vote on the final adjournment of the House?

1. 107 CONG. REC. 21528, 21529, 87th Cong. 1st Sess.

2. John W. McCormack (MA).

The SPEAKER pro tempore. The answer to that is in the affirmative; the gentleman can submit the request.

The question is on ordering the previous question.

The question was ordered.

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

The question was taken; and on a division (demanded by Mr. ANDERSEN of Minnesota) there were—yeas 192, nays 6.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I object to the vote on the ground a quorum is not present, and make the point of order a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and thirty-two Members are present, a quorum.

Mr. ANDERSEN of Minnesota. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. ANDERSEN of Minnesota. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. ANDERSEN of Minnesota. Mr. Speaker, the provisions of the Legislative Reorganization Act of 1946 are applicable to both Houses.

Mr. Speaker, I quote section 132 as follows:

Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

Mr. Speaker, I make a point of order against the resolution.

The SPEAKER pro tempore. The Chair is aware that we have a state of

national emergency, and overrules the point of order.

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 6.3 A division vote may be held on a motion to adjourn.

On June 15, 1951,⁽¹⁾ a Member inquired as to whether a division vote would be in order on a question of adjournment.

Mr. [Arthur L.] MILLER of Nebraska. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. MILLER of Nebraska. Mr. Speaker, I expect to make a point of order that a quorum is not present. Should a motion then be made to adjourn, will it be in order to ask for a division on the question of adjournment?

The SPEAKER. It will.

§ 6.4 Where the Speaker counted the Members rising to second a demand for the yeas and nays on a motion to adjourn and then counted the total number of Members present to determine whether one-fifth seconded such demand, he declined to honor the request of a Member that a new count be taken on the ground that

1. 97 CONG. REC. 6620, 6621, 82d Cong. 1st Sess.
2. Sam Rayburn (TX).

some Members entered the Chamber and were counted after the count of those seconding the demand.

On Jan. 23, 1950,⁽¹⁾ the following transpired in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER.⁽²⁾ [after counting]. Fifty-four Members have arisen, not a sufficient number.

Mr. [Earl] WILSON of Indiana. Mr. Speaker, a point of order. There were many Members who came in and were counted after the standing count was taken. I ask that the vote be taken again.

The SPEAKER. The Chair is not going to make the count again because he has just counted both the total number of Members and the number standing to demand the yeas and nays.

The question is on the motion to adjourn.

Mr. MARCANTONIO. On that I demand tellers, Mr. Speaker.

Tellers were ordered, and the Speaker appointed as tellers Mr. MCCORMACK and Mr. MARCANTONIO.

The House divided; and the tellers, reported that there were—ayes 167, noes 109.

So the motion was agreed to.

§ 6.5 When a quorum fails to vote on a roll call, the Speaker may entertain a motion to

1. 96 CONG. REC. 785, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

adjourn, if seconded by a majority of those present, to be ascertained by actual count of the Speaker.

On Oct. 10, 1940,⁽¹⁾ the following transpired after an “automatic” roll call vote on the issue of referring a vetoed bill to the Committee on Immigration and Naturalization:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker—

The SPEAKER.⁽²⁾ The gentleman from Massachusetts.

Mr. McCORMACK. Mr. Speaker, may I inquire the result of the roll call just taken?

The SPEAKER. On this roll call 213 Members have answered—108 yeas and 105 nays. This is 3 short of a quorum.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, in view of the situation that exists, which is obvious to all of us, and of necessity, I move that the House do now adjourn.

Mr. [John C.] SCHAFER of Wisconsin. Mr. Speaker, I demand a second to the motion.

The SPEAKER. Under the rule the demand for a second is in order. The question is on ordering a second.

The question was taken; and there were—ayes 144, noes 3.

So a second was ordered.

Mr. [Samuel] DICKSTEIN [of New York]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DICKSTEIN. The vote on the motion to refer the bill to the committee being yeas 108, nays 105, what will happen to the motion if the House adjourns?

The SPEAKER. The motion will be the continuing business before the House when it convenes on Monday.

The question is on the motion to adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.) the House, pursuant to its previous order, adjourned until Monday, October 14, 1940, at 12 o'clock noon.

Parliamentarian's Note: While clause 6(c) of Rule XX⁽³⁾ provides that “[a]t any time after Members have had the requisite opportunity to respond by the yeas and nays, but before a result has been announced, a motion that the House adjourn shall be in order if seconded by a majority of those present, to be ascertained by actual count by the Speaker. If the House adjourns on such a motion, all proceedings under this clause shall be considered as vacated.”; this clause should be read in light of the analysis in § 3, *supra*, where the availability of a motion to adjourn under the standing rules may be foreclosed by a special order of business adopted by

1. 86 CONG. REC. 13535, 76th Cong. 3d Sess.
2. Sam Rayburn (TX).

3. *House Rules and Manual* § 1025 (2007). This clause was formerly clause 4 of Rule XV.

the House which orders the previous question on a (bill) to final passage without intervening motion except one motion to recommit, with or without instructions. The same rationale precluding the motion to adjourn where supervening language of a special rule is operative should be interpreted to foreclose a motion to adjourn pending the announcement of the result of a yea and nay vote during the operation of such supervening language, whether ordered by one-fifth of those present or automatic under clause 6(a) of Rule XX.⁽⁴⁾

On the occasion of Oct. 10, 1940, the general rules of the House were operating on the motion to refer a vetoed bill and the House was not operating a special order of business ordering the previous question to final passage without intervening motion.

§ 7. Quorum Requirements

The Constitution provides that “a majority of each [House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day . . .”⁽¹⁾

4. *Id.*

1. U.S. Const. art. I, § 5, clause 1. See also *House Rules and Manual* § 52 (2007) and Ch. 20, generally, *supra*.

Accordingly, a quorum is not required to adjourn from day to day, but is required to adjourn to a day and time certain.⁽²⁾ And if the Speaker is to entertain a motion to adjourn under clause 6 of Rule XX after the completion of a roll call, but before the result has been announced, the motion must be seconded by a majority of those present to be ascertained by an actual count of the Speaker.⁽³⁾

§ 7.1 It is not in order to demand an “automatic” roll call under clause 4, Rule XV⁽¹⁾ on an affirmative vote on the motion to adjourn, since the motion to adjourn from day-to-day may be agreed to by less than a quorum.

Instance where the yeas and nays were ordered on a motion to adjourn, which was rejected.

On Nov. 4, 1983,⁽²⁾ the following events occurred:

MOTION TO ADJOURN

Mr. [Dan E.] LUNGREN [of California]. Mr. Speaker, I move that the House do now adjourn.

2. *House Rules and Manual* § 913 (2007).
3. *Id.* at § 1025 (2007).
1. Now Rule XX clause 6, *House Rules and Manual* § 1025 (2007).
2. 129 CONG. REC. 30946, 30947, 98th Cong. 1st Sess.

The SPEAKER pro tempore.⁽³⁾ The question is on the motion offered by the gentleman from California (Mr. LUNGREN).

The question was taken, and on a division demanded by Mr. LUNGREN there were —ayes 3; noes 1.

Mr. [Henry B.] GONZALEZ [of Texas]. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair would advise the gentleman from Texas that he cannot do that on an affirmative vote to adjourn, only on a negative vote.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The gentleman cannot get a recorded vote in the House based now on the number now present.

Does the gentleman demand the yeas and nays?

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Those in favor of taking this vote by the yeas and nays will stand.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, a parliamentary inquiry.

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

Mr. GONZALEZ. Mr. Speaker, it certainly is not my intention to inconvenience Members who on the assurances that there would be no recorded votes have left the premises.

On the other hand, I think that the gentleman offering the motion to ad-

journal has acted quite unjustly and capriciously in depriving those of us who have arranged for special orders to be heard, once the gentleman has had his privilege of being heard.

I would like to ask the gentleman from California if he could withhold that motion to adjourn, if such a request is in order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas may pursue an inquiry.

There was no objection. . . .

Mr. LUNGREN. When the majority leadership decides they will not even show the least courtesy to the minority here, we have to use the rules that are available to us. There are very few rules available to use any more because of the change in rules we had.

Mr. Speaker, I insist on my motion.

The SPEAKER pro tempore. Does the gentleman from Texas insist on his demand for the yeas and nays?

Mr. GONZALEZ. I do Mr. Speaker.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 120, answered “present” 1, not voting 213, as follows:

[Roll No. 456] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.⁽⁴⁾

§ 7.2 Where less than a quorum of the House rejects a motion

4. While a quorum is not required on an affirmative motion to adjourn, a negative vote on that motion by division may precipitate an “automatic” roll call pursuant to clause 6 of Rule XX (*House Rules and Manual* § 1025 [2007]). See § 6.3, *supra*.

3. David Bonior (MI).

to adjourn, the Speaker may not entertain unanimous-consent requests until a quorum is established.

On Dec. 22, 1973,⁽¹⁾ a Member called attention to the absence of a quorum. Another Member moved for adjournment and demanded the yeas and nays. The motion to adjourn was rejected but by less than a quorum. A parliamentary inquiry was raised as to whether a unanimous-consent request could be entertained before establishment of a quorum.

Mr. [Otis G.] PIKE [of New York]. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER.⁽²⁾ The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

MOTION TO ADJOURN OFFERED
BY MR. O'NEILL

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

The SPEAKER. The question is on the motion made by the gentleman from Massachusetts (Mr. O'NEILL) that the House do now adjourn.

Mr. PIKE. 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.

1. 119 CONG. REC. 43321, 93d Cong. 1st Sess.
2. Carl Albert (OK).

The SPEAKER. The Chair will inform the gentleman from New York (Mr. PIKE) that a quorum is not needed for action upon a motion to adjourn the House.

Mr. PIKE. 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 39, nays 160, not voting 233, as follows:

[Roll No. 725] . . .

So the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. O'NEILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts will state it.

Mr. O'NEILL. Mr. Speaker, realizing the fact that now a call of the House is in order, is it permissible for me to ask unanimous consent that I may address the House for 1 minute?

The SPEAKER. Not in the absence of a quorum.

§ 7.3 While a quorum is not required to adjourn, a point raised against a negative vote on the motion to adjourn precipitates an automatic roll call under the rule.

On June 15, 1951,⁽¹⁾ the following occurred:

POINT OF ORDER

Mr. [A. L.] MILLER of Nebraska. Mr. Speaker, I renew my point of order that a quorum is not present.

1. 97 CONG. REC. 6621, 82d Cong. 1st Sess.

Mr. [Leslie C.] ARENDS [of Illinois]. Mr. Speaker, will the gentleman from Nebraska withhold that long enough for me to find out what the program will be for next week?

Mr. MILLER of Nebraska. Mr. Speaker, I think we should have a quorum here to hear the program for next week.

The SPEAKER.⁽²⁾ Evidently, a quorum is not present.

MOTION TO ADJOURN

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

The question was taken; and on a division (demanded by Mr. MILLER of Nebraska) there were—ayes 33, noes 53.

Mr. MILLER of Nebraska. 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.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. You do not have to have a quorum to adjourn.

The SPEAKER. The vote was negative; ayes 33, noes 53. The Clerk will call the roll.

Mr. RANKIN. There has been no roll call demanded. The vote has already been taken.

The SPEAKER. The gentleman made the point of order that a quorum was not present on the vote on the motion to adjourn.

Mr. RANKIN. That point of order is not in order for the simple reason you do not have to have a quorum to adjourn.

The SPEAKER. But the House refused to adjourn on the vote.

Mr. RANKIN. I understand, but a roll call is not in order unless it is demanded by the House.

The SPEAKER. This matter has been up many times since the present occupant has been in the chair, and the decision always has been just what the Chair stated it to be.

Mr. RANKIN. The Chair is in error.

The SPEAKER. The Chair has been following the rules and precedents established for over 150 years.

Mr. RANKIN. The Chair is still wrong; that never has been the rule.

The SPEAKER. Evidently, a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 75, nays 161, not voting 198, as follows:

[Roll No. 77] . . .

So the motion to adjourn was rejected.

§ 8. Dilatory Motions; Repetition of Motion

A motion to adjourn may be ruled out of order as dilatory—that is, made solely for the purpose of delaying the legislative

2. Sam Rayburn (TX).

process—pursuant to a point of order raised against the motion by another Member or at the initiative of the Chair.⁽¹⁾

Repeated motions to adjourn are allowed in the House, if other business has intervened.⁽²⁾

Repeated Motions to Adjourn

§ 8.1 The transaction of a unanimous-consent request to delete a Member’s name from the list of cosponsors of a bill is such “intervening business” as would enable repetition of the motion to adjourn.

On Nov. 18, 1999,⁽¹⁾ a Member made a motion that the House adjourn:

MOTION TO ADJOURN

Mr. [Ron] KIND [of Wisconsin]. Mr. Speaker, I move that the House do now adjourn.

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

1. 5 Hinds’ Precedents §§ 5721, 5731; 8 Cannon’s Precedents §§ 2796, 2813; and *House Rules and Manual* §§ 902, 903 (2007).
2. See §§ 8.1–8.3, *infra*.
1. 145 CONG. REC. 30644, 30645, 106th Cong. 1st Sess. For an example of how the motion to adjourn may not be repeated in absence of “intervening business” see § 3.19, *supra*.

RECORDED VOTE

Mr. [David R.] OBEY [of Wisconsin]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 25, noes 395, not voting 13, as follows:

[Roll No. 603] . . .

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2420

Mr. [Sherwood L.] BOEHLERT [of New York]. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2420.

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

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion to adjourn offered by the gentleman from Wisconsin [Mr. OBEY].

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

§ 8.2 After the Speaker has entertained a motion that the

2. J. Dennis Hastert (IL).

House adjourn, it is too late to make the point of order that the motion is dilatory on the ground that the House rejected such a motion an hour previously.

On Feb. 22, 1950,⁽¹⁾ the Speaker, having entertained a motion to adjourn, did not sustain a point of order that the motion to adjourn was dilatory.

The SPEAKER.⁽²⁾ The gentleman from Florida [Mr. SIKES] moves that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order on the motion.

The SPEAKER. The gentleman will state it.

Mr. MARCANTONIO. Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

The SPEAKER. The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

§ 8.3 After a motion to adjourn has been made and rejected,

1. 96 CONG. REC. 2161, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

a second motion that the House adjourn is held not dilatory and in order if other business has intervened.

On Feb. 15, 1950,⁽¹⁾ a Member made a point of order against a motion to adjourn, claiming it was dilatory:

MOTION TO ADJOURN

Mr. [Ed] GOSSETT [of Texas]. Mr. Speaker, I move that the House do now adjourn.

Mr. [Vito] MARCANTONIO [of New York]. Mr. Speaker, a point of order.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. MARCANTONIO. Just preceding the last roll call the House refused to adjourn. I submit that this motion is dilatory. I understand that it is entirely within the Speaker's discretion to rule on these motions, but in view of the fact that we have just had a motion to adjourn this one obviously is dilatory.

Mr. GOSSETT. Mr. Speaker, if the Chair will hear me on the point of order, other business has been transacted and another roll call has intervened.

The SPEAKER. The Chair is prepared to rule. Business has intervened. The Chair holds the motion to be in order.

Refusal of Recognition

§ 8.4 Where a motion to adjourn is rejected pending a

1. 96 CONG. REC. 1809, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

motion to dispense with further proceedings under a call of the House and that motion is then adopted, recognition for the immediate repetition of a motion to adjourn may be denied pending the calling up of a bill on Calendar Wednesday.

On Feb. 15, 1950,⁽¹⁾ the Speaker exercised his discretion not to recognize Members for motions to adjourn:

CALL OF THE HOUSE

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 49] . . .

The SPEAKER.⁽²⁾ On this roll call 326 Members have answered to their names, a quorum.

Is there objection to dispensing with further proceedings under the call?

Mr. [Tom] PICKETT [of Texas]. Mr. Speaker, I object.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts [Mr. McCORMACK.]

1. 96 CONG. REC. 1810-12, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes, 126, noes 17.

Mr. PICKETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, I move that we do now adjourn.

The SPEAKER. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. HOFFMAN of Michigan. Mr. Speaker, a preferential motion. I move that the House do now adjourn; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 198, not voting 108, as follows:

[Roll No. 50] . . .

So the motion to adjourn was rejected.

The Clerk announced the following pairs: . . .

The SPEAKER. The question is on the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under the call.

Mr. PICKETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKETT. Mr. Speaker, at the time the gentleman from Michigan moved to adjourn, the Speaker had just stated what the question was—which was the motion of the gentleman from Massachusetts [Mr. McCORMACK] to dispense with further proceedings under a preceding call of the House. I

objected to the vote, as was revealed by a division on the question, on the ground that a quorum was not present. Is not now the order of business an automatic roll call on the motion of the gentleman from Massachusetts [Mr. MCCORMACK]?

The SPEAKER. No; it is not. The vote now comes de novo.

The question is on the motion of the gentleman from Massachusetts [Mr. MCCORMACK].

The question was taken; and on a division (demanded by Mr. PICKETT) there were—ayes 138, noes 6.

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and I make the point of order that a quorum is not present.

Mr. [Anthony] CAVALCANTE [of Pennsylvania]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAVALCANTE. Under the rules of the House, are the cloakrooms a part of the Hall of the House?

The SPEAKER. The Chair cannot count any Members that he cannot see.

The Chair will count. [After counting.] Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 86, answered “present” 1, not voting 102, as follows:

[Roll No. 51] . . .

So the motion was agreed to.

The Clerk announced the following pairs: . . .

CALENDAR WEDNESDAY

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on the District of Columbia.

Mr. [Clare E.] HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

Mr. [Howard W.] SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillian].

Mr. SMITH of Virginia. Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

The SPEAKER. The Chair has recognized the gentleman from South Carolina [Mr. McMILLIAN].

Mr. [William M.] COLMER [of Mississippi]. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLAN] has been recognized.

Mr. COLMER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLIAN] has been recognized.

Parliamentarian's Note: Repeated motions and roll calls were sought in this instance in an effort to delay business under the Calendar Wednesday rule, and there was no intervening business

at this point prior to the calling up of the bill.

§ 9. To a Day Certain; Three-day Limit

The House, in adjourning for not more than three days, must take into the count either the day of adjourning or the day of the meeting. Sunday is not taken into account in making this computation unless the House, by special order, provides for a session on a Sunday.⁽¹⁾

The House has declared itself in a series of recesses subject to the constraint that the House not adjourn for more than three days without the consent of the Senate.⁽²⁾ The Committee on Rules also has reported a rule authorizing the Speaker to declare recesses subject to the call of the Chair, each consistent with the constitutional requirement that neither House adjourn or recess for more than three days without the consent of the other House.⁽³⁾

The House has adopted a resolution reported from the Committee on Rules providing that the

1. *House Rules and Manual* § 83 (2007). See also §§ 9.7–9.10, *infra*; and 5 Hinds' Precedents §§ 6673, 6674.
2. See Ch. 39, § 2.21, *supra*.
3. See § 9.1, *infra*.

House meet only Tuesdays and Fridays for a stipulated period, whereupon the Speaker advised the House that no business on those days would be conducted, including recognition for unanimous consent.⁽⁴⁾

§ 9.1 The House adopted a privileged rule reported by the Committee on Rules to authorize, *inter alia*, the Speaker to declare the House in recesses subject to the call of the Chair during five discrete periods, each consistent with the constitutional constraint that neither House (recess or) adjourn for more than three days without consent of the other House.

On Jan. 5, 1996,⁽¹⁾ the following proceedings occurred:

Ms. [Deborah W.] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That (a) the Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 5, 1996,

4. See § 9.6, *infra*.
1. 142 CONG. REC. 357, 104th Cong. 2d Sess.

through Tuesday, January 9, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 9, 1996.

(b) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 9, 1996, through Friday, January 12, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 12, 1996.

(c) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 12, 1996, through Tuesday, January 16, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 16, 1996.

(d) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Tuesday, January 16, 1996, through Friday, January 19, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Friday, January 19, 1996.

(e) The Speaker may declare recesses subject to the call of the Chair on the calendar days of Friday, January 19, 1996, through Tuesday, January 23, 1996. A recess declared pursuant to this subsection may not extend beyond the calendar day of Tuesday, January 23, 1996.

SEC. 2. The requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before the calendar day of Wednesday, January 24, 1996, and providing for consideration or disposition of any of the following measures: . . .

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

Ms. PRYCE. . . .

By recessing rather than adjourning, the House will effectively be on standby, ready to return should the White House come to meet its responsibility and submit legislation, as promised, that achieves a balanced budget and puts the Government back into full operation.

Parliamentarian's Note: Similarly, as in Ch. 39, § 2.21, *supra*, an "overlap" between three-day periods (one ending and another beginning on the same calendar day) is considered not infirm under art. I, § 5 clause 4 of the Constitution. The resolution was within the authority of the Committee on Rules to report. It did not violate any procedural restriction in the Constitution. It did not permit the House to be in adjournment or uninterrupted recess for more than three days (excepting Sundays).

§ 9.2 The House adopted a privileged concurrent resolution providing for adjournment of the two Houses on any of three days to a day certain in excess of three days on motions of respective Majority Leaders or designees, and the House by

2. Jack Kingston (GA).

unanimous consent permitted an adjournment for three days contingent upon Senate action on the concurrent resolution.

On Nov. 20, 1987,⁽¹⁾ the following occurred in the House:

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, NOVEMBER 20, 1987, OR MONDAY, NOVEMBER 23, 1987, OR TUESDAY, NOVEMBER 24, 1987, TO MONDAY, NOVEMBER 30, 1987, AND OF THE SENATE FROM FRIDAY, NOVEMBER 20, 1987, OR MONDAY, NOVEMBER 23, 1987, OR TUESDAY, NOVEMBER 24, 1987, TO MONDAY, NOVEMBER 30, 1987

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 220) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 220

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, November 20, 1987, or Monday, November 23, 1987, or Tuesday, November 24, 1987, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock meridian on Monday, November 30, 1987, and that when the Senate adjourns on Friday, November 20, 1987, or Monday, November 23, 1987, or Tuesday, November 24, 1987, pursuant to a motion made

by the majority leader, or his designee, in accordance with the resolution, it stand adjourned until 10 o'clock ante meridiem on Monday, November 30, 1987.

The SPEAKER pro tempore.⁽²⁾ Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

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

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

RECORDED VOTE

Mr. [Steven] GUNDERSON [of Wisconsin]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 181, not voting 42, as follows:

[Roll No. 447] . . .

PROVIDING FOR POSSIBLE ADJOURNMENT TO MONDAY, NOVEMBER 23, 1987

Mr. [Tony] COELHO [of California]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, unless it adjourns pursuant to the provisions of House Concurrent Resolution 220, that it stand adjourned to meet at noon on Monday next.

The SPEAKER.⁽³⁾ Is there objection to the request of the gentleman from California?

1. 133 CONG. REC. 33029, 33030, 100th Cong. 1st Sess.

2. James J. Howard (NJ).

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

Mr. [Robert F.] WALKER [of Pennsylvania]. Reserving the right to object, is that a change in the schedule as previously announced?

Mr. COELHO. No. This is just in case something would happen that we are protected and can meet if necessary.

Mr. WALKER. I would like to have an explanation of this.

The SPEAKER. Let the Chair respond to the inquiry of the gentleman from Pennsylvania.

This is only a stand-by in the event that the Senate failed to complete the action on the adjournment resolution so that we would have a pro forma session. We do not expect that to occur.

Mr. WALKER. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

§ 9.3 On consecutive privileged motions of the Majority Leader, pursuant to clause 4 of Rule XVI⁽¹⁾ and at the Speaker's discretion, the House voted that when it adjourned on that day it adjourn to meet at 3:15 p.m. for a second legislative day on that calendar day, and then adjourned [in order to reconvene a new session and consider a special order re-

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

ported by the Committee on Rules on the first legislative day without a two-thirds vote on "same-day" consideration].

On Oct. 29, 1987,⁽²⁾ the House was concluding consideration of a special order reported from the Committee on Rules, as follows:

Mr. [Butler] DERRICK [of South Carolina]. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore.⁽³⁾ The question is on the resolution.

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

RECORDED VOTE

Mr. [Trent] LOTT [of Mississippi]. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 217, not voting 13, as follows:

[Roll No. 385] . . .

Mr. WATKINS changed his vote from "nay" to "yea."

So the resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

2. 133 CONG. REC. 29918, 29919, 29932–35, 100th Cong. 1st Sess.

3. Harold L. Volkmer (MO).

THE VOTE ON HOUSE
RESOLUTION 296

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, I ask for this 1-minute for the purpose to say that under somewhat otherwise normal conditions, noting our unanimous vote on this side, we would be elated with this victory.

Mr. Speaker, we do not look upon it that way. The majority in this House has said here there ought not be a quick rush to judgment, that we recognize the urgency of the overall objective, but this procedure would do it harm. It has been my feeling for the last week or so in view of what the President has said and in view of some of our colleagues meeting over in the other body as they have, that men of good will could bring their divergent thoughts together, and reach agreement. Had this scenario unfolded this afternoon the way it was originally described, however, I am just afraid the tenor of that debate would have given the wrong signal.

I think from the few remarks we might have made earlier and some of the others, this feeling was shared by Members on both sides of the aisle and, so, yes, I for one am grateful for that vote to defeat the rule, but we are not gloating over it.

I just want to say to the distinguished Speaker that there might be an inclination to quickly go to the Rules Committee, come back with a stripped-down version, but it should be known now the Members have attempted to express their desire to give

this bipartisan negotiating team a chance. The distinguished gentleman from Washington [Mr. FOLEY] serves on that negotiating team. I think he would probably buttress what I have said from the standpoint that there is some movement. There is a good feeling, and frankly maybe in a shorter time span than one might feel is possible, I think agreement can be reached.

□ 1215

Then out of that meeting I would think would come a much better signal, the kind that all of us would like to project.

With that, Mr. Speaker, I have nothing further to say other than I would hope that it would signal our intention and certainly our ability to work together, hand and glove, in a bipartisan way to come to a final resolution.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask for this time in order to speak to the question of the schedule and program for the balance of the week.

I appreciate what my friend, the gentleman from Illinois [Mr. MICHEL], the minority leader, has suggested. He has been consistent, suggesting all along that we delay, and see if we can get some signal as to what the President will accept before we try to pass anything.

If we do that, it puts the total initiative in the hands of the executive

branch of Government over something that the Constitution declared was the primary business of the House of Representatives.

I bow to the majority. That is a part of the business of this chamber. We recognize that when a majority speaks, we owe them our respect. The majority quite obviously did not want to vote on this particular rule. At least 25 or 30 Members have told me personally in the last couple of days that they just did not believe it appropriate to be considering this deficit reduction bill at the same time and in the same package that we were considering a welfare reform bill. A great many of those Members professed that they liked the welfare reform bill and that they believe we need welfare reform, but they thought it inappropriate to consider the two somewhat different matters together.

The distinguished gentleman from Illinois made that suggestion to me, as a matter of fact, 2 weeks ago. Obviously a substantial number of Members feel that way.

Therefore, the Rules committee will convene at 12:45 and we will be seeking another rule which separates those two somewhat distinguishable items and takes welfare reform out of it.

I do believe that we have the responsibility as the U.S. House of Representatives to do our best to come forward with a reasonable, fair, constructive deficit reduction package so that we have something that represents our majority to take and put on the table when we negotiate with the White House. Otherwise, we go bereft of any suggestions, having said in effect that the House cannot make up its mind and has no suggestions to offer.

Therefore, I am going to ask that the Rules Committee meet and bring us back a rule that bows to the express wishes of a great many Members of the House. I have had a great many Members say to me that they cannot imagine a fairer revenue measure than the one that we have to consider. We will give the House that opportunity and see if a majority of the Members wish to go forward with at least that much deficit reduction action. And we will stay in session here until we do that.

So I do implore my colleagues, the minority party, to work with us. You have chosen throughout this year a course that I recognize has been a difficult one for you. I could have wished that we would have had more bipartisan cooperation when the Budget Committee was trying to come to a mix. For reasons of your own—and I do not criticize you for it—you chose to stay out of these meetings, to boycott them. And then we invited you to participate and wished you had participated along with other Members of the Ways and Means Committee in putting together a revenue package. And it was your choice and decision to boycott those meetings.

Notwithstanding that, exactly half the revenues in that bill are out of the President's request—things that he specifically requested. So we do want to be reasonable: we want to be bipartisan. We want to fulfill the wishes of the responsible majority of this House. That is what we have tried to so that we do not go home this week having said that we are incapable or unwilling to face the reality of the need for real deficit reduction.

ANNOUNCEMENT OF MEETING OF RULES COMMITTEE

Mr. DERRICK. Mr. Speaker, the chairman of the Committee on Rules

has authorized me to announce that the Committee on Rules will meet at 1:15 this afternoon to consider H.R. 3545. . . .

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3545, BUDGET RECONCILIATION ACT OF 1987

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 100-411) on the resolution (H. Res. 298) providing for the consideration of the bill (H.R. 3545) to provide for reconciliation pursuant to section 4 of the concurrent resolution on the budget for the fiscal year 1988, which was referred to the House Calendar and ordered to be printed. . . .

MOTION TO ADJOURN UNTIL 3:15 P.M. TODAY

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I move, pursuant to clause 4 of rule XVI, that when the House adjourns today it adjourn to meet at 3:15 p.m. today.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. [Trent] LOTT [of Mississippi]. 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 243, nays 166, not voting 25, as follows:

[Roll No. 386] . . .

LEGISLATIVE PROGRAM

(By unanimous consent, Mr. FOLEY was allowed to proceed out of order for 1 minute.)

Mr. FOLEY. Mr. Speaker, I take this time to advise the Members on both sides of the aisle of what we intend for the program this afternoon. The Committee on Rules has reported and the rule to provide for consideration of the Guaranteed Deficit Reduction Reconciliation Act has been filed. Because the Rules of the House require a two-thirds vote for it to be brought up on the same day, it was our intention to ask for unanimous consent so that this might occur. Since I have been advised, however, that will not be granted, we now intend to move that the House adjourn today, and, should that motion be adopted, we would reconsider the rule, the general debate, and complete action on the Guaranteed Deficit Reduction Reconciliation Act.

We feel frankly, that this is in the interest of Members on both sides of the aisle since it avoids the possibility of a prolonged session tomorrow and the inconvenience this would cause because of commitments made earlier on the assumption the House would not be in session this Friday.

So the purpose of this announcement is to suggest to Members on both sides of the aisle that, assuming adoption of

the motion, the adjournment of the House will not signal the end of business today. We will reconvene at 3:15.

Mr. [Edward R.] MADIGAN [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois [Mr. MADIGAN].

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Speaker, do I understand that the purpose of our having 2 legislative days in 1 calendar day is so that the House avoids the necessity of having a two-thirds majority to be able to consider this and can consider it only with a simple majority, is that the gentleman's point?

Mr. FOLEY. Actually, there is not any requirement for a special vote to consider it on the next legislative day. A two-thirds vote is required to consider it on the same day. The rule could be adopted under these circumstances with a majority vote. . . .

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. VOLKMER). The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

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

Mr. WALKER. 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 236, nays 171, not voting 27, as follows:

[Roll No. 387] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 3 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until today, Thursday, October 29, 1987, at 3:15 p.m.

Parliamentarian's Note: Because the Majority Leader held the floor beyond 3 p.m. before moving to adjourn, even though the House was to reconvene at 3:15 p.m., the east clock (facing the chair) had to be stopped to permit the 15-minute vote by electronic device on the motion to adjourn to remain open for 15 minutes before 3:15 p.m., the precise time at which the House had voted to reconvene.

§ 9.4 A motion that when the House adjourns, it stand adjourned to a day and time certain under clause 4 of Rule XVI⁽¹⁾ is only in order if offered on the legislative day to which the adjournment applies and may not merely set a different time for convening on a subsequent day beyond the next legislative day.

1. *House Rules and Manual* §§ 911, 912 (2007).

On Sept. 23, 1976,⁽²⁾ the following unanimous-consent request was made:

Mr. [John M.] MURPHY [of New York]. Mr. Speaker, I ask unanimous consent that when the House convenes on Tuesday, September 28, 1976, it convene at 10 o'clock a.m.

The SPEAKER pro tempore.⁽³⁾ Is there objection to the request of the gentleman from New York?

Mr. [Clarence E.] MILLER of Ohio. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MURPHY of New York. Mr. Speaker, I move that when the House convenes on Tuesday next, it convene at 10 o'clock a.m.

The SPEAKER pro tempore. The Chair will state that the motion is not in order at this time.

Parliamentarian's Note: Upon adjourning on Sept. 23, 1976, the House met on Monday, Sept. 27, 1976, on which day the motion to set the convening time for Sept. 28, 1976, would have been in order.

§ 9.5 The motion that the adjournment on that day be one to a day and time certain requires a quorum for adoption.⁽¹⁾

2. 122 CONG. REC. 32104, 94th Cong. 2d Sess.

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

1. *House Rules and Manual* §§911, 912 (2007). See also 4 Hinds' Precedents

On June 19, 1975,⁽²⁾ the following occurred in the House:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I move that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow morning. . . .

The SPEAKER.⁽³⁾ The question is on the motion offered by the gentleman from Massachusetts (Mr. O'NEILL).

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

Mr. [John M.] ASHBOOK [of Ohio]. 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 384, nays 13, not voting 31, as follows:

[Roll No. 321] . . .

So the motion was agreed to.

Serial Adjournments to Days Certain

§ 9.6 The House agreed to a resolution providing that the House meet only Tuesdays and Fridays for a stipulated

§ 2954. See also § 7, *supra*, for additional information on quorum requirements.

2. 121 CONG. REC. 19789, 19790, 94th Cong. 1st Sess.

3. Carl Albert (OK).

period. The Speaker advised the membership that when the House met on those days, it would meet only to adjourn.

On Aug. 25, 1949,⁽¹⁾ the House, by two-thirds vote, agreed to consider on that same day a resolution reported out from the Committee on Rules. The proceedings on the resolution were as follows:

Mr. [Edward E.] COX [of Georgia], from the Committee on Rules, submitted the following resolution (H. Res. 345), which was referred to the House Calendar and ordered printed:

Resolved, That until Wednesday, September 21, 1949, the House shall meet only on Tuesday and Friday of each week unless otherwise ordered.

Mr. COX. Mr. Speaker, I ask for immediate consideration of the resolution.

The SPEAKER.⁽²⁾ The question is, Will the House consider the resolution?

The question was taken; and (two thirds having voted in favor thereof) the House decided to consider the resolution.

The Clerk read the resolution (H. Res. 345) as follows:

Resolved, That until Wednesday, September 21, 1949, the House shall meet only on Tuesday and Friday of each week unless otherwise ordered.

The resolution was agreed to.

A Member then asked whether business would be permitted on those Tuesdays and Fridays.

1. 95 CONG. REC. 12287, 12288, 81st Cong. 1st Sess.
2. Sam Rayburn (TX).

Mr. [Earl C.] MICHENER [of Michigan]. Mr. Speaker, it is understood that the House will take 3-day recesses as provided in the resolution.

What business will be permitted on the days the House meets?

The SPEAKER. The Chair will state, in answer to the inquiry of the gentleman from Michigan, that if the Senate had agreed to cooperate with us and had passed the resolution as the House passed it yesterday, of course, there would have been an adjournment from tomorrow until September 21. The Senate did not see fit to cooperate with us in that. Of course, during that time there would have been no business whatever transacted.

The Chair thinks, under the circumstances, that when the House meets on Tuesdays and Fridays it will meet only to adjourn. No public business will be transacted; there will be no 1-minute speeches or extensions of remarks.

And, as the gentleman made this inquiry, the Chair takes the opportunity to give all Members assurance that there will be no business of any kind transacted until the 21st of September.

Adjournments to Sunday Session

§ 9.7 By unanimous consent, the House established a Sunday as a legislative day.

On Aug. 20, 1994,⁽¹⁾ the following occurred:

1. 140 CONG. REC. 23367, 103d Cong. 2d Sess.

ADJOURNMENT TO SUNDAY,
AUGUST 21, 1994

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, August 21, 1994.

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

There was no objection.

§ 9.8 By unanimous consent the House ordered a legislative session to convene on a Sunday, ordinarily a “dies non”.

On Nov. 17, 1989,⁽¹⁾ the following occurred in the House:

ADJOURNMENT TO SUNDAY,
NOVEMBER 19, 1989

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1 p.m. on Sunday, November 19, 1989.

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

There was no objection.

§ 9.9 By unanimous consent, the House may provide for a session of the House on a Sunday, traditionally a “dies non” under the precedents of the House.⁽¹⁾

2. Thomas S. Foley (WA).

1. 135 CONG. REC. 30029, 101st Cong. 1st Sess.

2. Thomas S. Foley (WA).

1. 5 Hinds' Precedents §§ 6673, 6674.

On Dec. 18, 1987,⁽²⁾ the following proceedings occurred in the House:

ADJOURNMENT OF THE HOUSE
FROM SATURDAY, DECEMBER
19, 1987, TO SUNDAY, DECEMBER
20, 1987

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that when the House adjourns from any session on Saturday, December 19, 1987, that it adjourn to meet at 1 p.m. on Sunday, December 20, 1987.

The SPEAKER pro tempore.⁽³⁾ Is there objection to the request of the gentleman from Washington?

There was no objection.

§ 9.10 By unanimous-consent request of the Majority Leader, a session of the House on Sunday (a “dies non” under the precedents of the House) was made in order (thus permitting a subsequent motion to adjourn from Saturday until Sunday).

On Dec. 17, 1982,⁽¹⁾ the following occurred in the House:

AUTHORIZING THE HOLDING OF
A SESSION ON SUNDAY, DE-
CEMBER 19, 1982

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I ask unanimous consent that it shall be in order for a session to be held on Sunday next.

2. 133 CONG. REC. 36352, 100th Cong. 1st Sess.

3. Kenneth J. Gray (IL).

1. 128 CONG. REC. 31946, 31948, 97th Cong. 2d Sess.

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

Mr. [Manuel] LUJAN [Jr., of New Mexico]. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.⁽³⁾

2. John P. Murtha, Jr. (PA).
3. *Parliamentarian's Note*: The House has, in recent history, continued in

session beyond midnight Saturday into the calendar day of Sunday, but this appears to be the first instance since that recorded in 5 Hinds' Precedents §§ 6732 (June 29, 1902), 7168 (Feb. 1, 1903), 7169 (Apr. 10, 1904), and 7246 (Feb. 8, 1903), where the House met on separate legislative days on Sundays for eulogies to deceased Members, although those days were counted as legislative days.

B. Adjournments for More Than Three Days to Date Certain

§ 10. In General; House-Senate Adjournments for Differing Periods

Under art. I, § 5, clause 4 of the Constitution, neither House may adjourn (or recess) for more than three days without the consent of the other. Thus, while the House may adjourn by motion from Thursday to Monday, or from Friday to Tuesday, the House cannot adjourn from Monday to Friday without the Senate's consent.⁽¹⁾ Sundays are not included in the calculation unless the House has agreed to meet on Sunday as a separate legislative day.⁽²⁾

The form which is used for the two Houses to provide their respective consent to the adjournment to the other is the concurrent resolution. The concurrent resolution may set forth the times at which the adjournment is to begin and end, but frequently the resolution will provide optional dates so as to give each House some discretion in determining the exact period of its own adjournment.⁽³⁾ A concurrent resolution may grant the consent of the

1. *House Rules and Manual* §§ 82, 84 (2007).

2. See § 9, *supra*.

3. See, e.g., § 10.7 *supra*.

House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period,⁽⁴⁾ or may grant the consent of the Senate to an adjournment of the House for more than three days to a day certain, or to any day before that day as determined by the House.⁽⁵⁾ Often a concurrent resolution originating in one House and providing only for an adjournment of that House is amended in the other House to provide a separate adjournment date and/or times for that House where those arrangements are not negotiated in advance.⁽⁶⁾

§ 10.1 The House has adopted a privileged resolution providing for adjournment *sine die* of the House on Monday, Dec. 20, or Tuesday, Dec. 21, pursuant to a motion made by the Majority Leader or his designee in accordance with

4. See § 10.1, *infra*.

5. See § 10.3, *infra*.

6. See § 10.4, *infra*.

For a discussion of the authority of the President to determine the period of adjournment when the two Houses are unable to agree with respect thereto, see *House Rules and Manual* § 171 (2007).

the resolution, and providing the consent of the House to adjournment *sine die* of the Senate at any time prior to Jan. 3, 1983, as determined by the Senate, and the consent of the House for adjournments or recesses of the Senate for periods of more than three days as determined by the Senate during such period.

On Dec. 20, 1982,⁽¹⁾ the majority whip offered a concurrent resolution as follows:

ADJOURNMENT SINE DIE OF THE
HOUSE AND SENATE

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 438) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 438

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives shall adjourn Monday, December 20, 1982, or on Tuesday, December 21, 1982, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, and that when it adjourns on said day, it stand adjourned *sine die*; and be it further

Resolved, That the consent of the House of Representatives is hereby given to an adjournment *sine die* of

the Senate at any time prior to January 3, 1983, when the Senate shall so determine; and that pending such *sine die* adjournment, the Senate may adjourn or recess for such period or periods in excess of 3 days as it may determine.

Mr. FOLEY. Mr. Speaker, just in order that the Members not believe that this adjournment resolution indicates any imminent action on the part of the leadership to move adjournment *sine die*, it is done for the purpose of referring it to the other body.

The concurrent resolution was agreed to.

Alternative Dates Certain

§ 10.2 The House concurred in a privileged Senate concurrent resolution providing adjournments from and to separate days certain in excess of three days (on either of two days in the House on motion by the Majority Leader or his designee) with joint majority leadership recall authority.

On Mar. 16, 1989,⁽¹⁾ the Speaker⁽²⁾ laid before the House the following Senate concurrent resolution:

1. 135 CONG. REC. 4480, 4481, 101st Cong. 1st Sess.
2. James C. Wright, Jr. (TX).

1. 128 CONG. REC. 32951, 97th Cong. 2d Sess.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM MARCH 17, 1989, UNTIL APRIL 4, 1989, AND CONDITIONAL ADJOURNMENT OF THE HOUSE FROM MARCH 23, 1989, OR MARCH 24, 1989, UNTIL APRIL 3, 1989

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional recess or adjournment of the Senate from March 17, 1989, until April 4, 1989, and a conditional adjournment of the House from March 23 or 24, 1989, until April 3, 1989.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 17, 1989, it stand recessed or adjourned until 2:15 post meridiem on Tuesday, April 4, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution; and that when the House adjourns on Thursday, March 23, 1989, or on Friday, March 24, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock meridian on Monday, April 3, 1989, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this resolution.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, 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 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.

§ 10.3 A Senate concurrent resolution, providing for adjournment of the Senate to a day certain and giving the Senate consent for House adjournment for more than three days until a day certain or any prior day determined by the House, was taken from the Speaker's table and laid before the House as privileged by the Speaker.

On May 27, 1982,⁽¹⁾ the following occurred:

1. 128 CONG. REC. 12504, 12505, 97th Cong. 2d Sess.

Parliamentarian's Note: The Parliamentarian advised that a quorum was required under clause 4 of Rule XVI (*House Rules and Manual* §913 [2007]) to adopt a motion setting the day and hour of reconvening and that a simple motion to adjourn pursuant to S. Con. Res. 102 to a day certain specified in the motion would have required a quorum since the concurrent resolution required "as determined by the House" and would not have been tantamount to a simple motion to adjourn. Further, any change in the hour of convening was permitted under clause 4 of Rule XVI (*House Rules and Manual* §913

PROVIDING FOR ADJOURNMENT
OF THE SENATE AND GIVING
CONSENT FOR ADJOURNMENT
OF THE HOUSE

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 102) providing for an adjournment of the Senate from May 27, 1982, May 28, 1982, or May 29, 1982, until June 8, 1982, and giving the consent of the Senate to an adjournment of the House for more than 3 days.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 102

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Thursday, May 27, 1982, Friday, May 28, 1982, or Saturday, May 29, 1982, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand adjourned until 12:00 noon on Tuesday, June 8, 1982.

SEC. 2. That the consent of the Senate is hereby given to an adjournment of more than three days to a day certain by the House of Representatives to begin on May 27, 1982, or any day thereafter and ter-

[2007]) but required a quorum and could not be included in a final simple motion to adjourn. The last time the two Houses agreed to such a concurrent resolution was in the 83d Congress. Such a resolution offers the advantage of flexibility where one House is ready to adjourn but the other cannot yet decide on an adjournment or return date. See 100 CONG. REC. 15554, 83d Cong. 2d Sess., Aug. 20, 1954 (H. Con. Res. 266).

minating on June 8, 1982 or any day before that day as determined by the House of Representatives.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT TO
WEDNESDAY, JUNE 2, 1982

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, pursuant to the provisions of Senate Concurrent Resolution 102, and clause 4, rule XVI, I move that when the House adjourns today it adjourn to meet at noon on Wednesday, June 2, 1982.

The motion was agreed to.

A motion to reconsider was laid on the table.

§ 10.4 A Senate concurrent resolution providing for the adjournment of the two Houses of Congress to a day certain was amended in the House to provide that the House should reconvene a week later than the Senate.

On July 2, 1960,⁽¹⁾ a Senate concurrent resolution providing for an adjournment of the two Houses to Aug. 8, 1960, was called up by the Majority Leader as privileged in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I call up

1. 106 CONG. REC. 15828, 86th Cong. 2d Sess.

Senate Concurrent Resolution 112 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses shall adjourn on Saturday, July 2, 1960, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 8, 1960.

Mr. McCORMACK. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCormack: Strike out all after the resolving clause and insert: "That when the two Houses shall adjourn on Sunday, July 3, 1960, the Senate shall stand adjourned until 12 o'clock noon on Monday, August 8, 1960, and the House of Representatives shall stand adjourned until 12 o'clock noon on Monday, August 15, 1960."

Mr. McCORMACK. Mr. Speaker, I move the previous question. . . .

The SPEAKER. (2) Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

. . .

The resolution was agreed to.

2. Sam Rayburn (TX).

Alternative Departure Dates

§ 10.5 The House agreed to a privileged concurrent resolution providing for (recess or) adjournment of each House for more than three days from alternate departure dates to separate dates certain, subject to joint leadership recall at such place and time as they may designate.

On Feb. 13, 2003,⁽¹⁾ the following took place:

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 13, 2003, or Friday, February 14, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 25, 2003, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, February 13, 2003, Friday, February 14,

1. 149 CONG. REC. 3917, 108th Cong. 1st Sess.

2003, Saturday, February 15, 2003, or any date from Monday, February 17, 2003, through Friday, February 21, 2003, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, February 24, 2003, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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.

§ 10.6 The House agreed to a privileged concurrent resolution providing for the “August recess” adjournment of the House from the then-current legislative day of more than three days to a date certain, and of the Senate to recess or adjourn on any day during a week-long period to a different date certain and providing joint majority leadership recall authority.

On Aug. 3, 1990,⁽¹⁾ a Member offered a privileged concurrent resolution as follows:

PROVDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 3, 1990, TO WEDNESDAY, SEPTEMBER 5, 1990, AND ADJOURNMENT OR RECESS OF THE SENATE FROM ANY DAY BETWEEN AUGUST 3 AND AUGUST 10, 1990, TO SEPTEMBER 10, 1990

Mr. [William H.] GRAY [III, of Pennsylvania]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, August 3, 1990, it stand adjourned until 12 o'clock meridian on Wednesday, September 5, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, August 3, 1990, to Friday, August 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, it stand in recess or stand adjourned until 10 o'clock ante meridian on Monday, September 10, 1990, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

1. 136 CONG. REC. 22182, 101st Cong. 2d Sess.

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.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 10.7 The House concurred in privileged Senate amendments to a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain, providing that when the Senate recesses on one of four designated days pursuant to a motion made by the Senate Majority Leader in accordance with the resolution, it stand in recess for more than three days to a day certain.

On Aug. 17, 1978,⁽¹⁾ the Speaker pro tempore⁽²⁾ laid before the House the following communication from the Senate:

1. 124 CONG. REC. 26794, 95th Cong. 2d Sess.
2. Lucien N. Nedzi (MI).

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 17 TO SEPTEMBER 6, 1978, AND OF THE SENATE FROM AUGUST 25, 26, 28, OR 29 TO SEPTEMBER 6, 1978

The SPEAKER pro tempore. The Chair lays before the House the following communication from the Senate.

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con Res. 696) entitled "concurrent resolution providing for an adjournment of the House from August 17 to September 6, 1978," do pass with the following amendments: Page 1, line 4, after "1978" insert: ", and that when the Senate recesses on Friday, August 25, Saturday, August 26, Monday, August 28 or Tuesday, August 29, 1978, pursuant to a motion made by the Majority Leader in accordance with this resolution, it stand in recess until 10 o'clock a.m. on Wednesday, September 6, 1979".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from August 17 until September 6, 1978, and for a recess of the Senate from August 25, 26, 28, or 29 until September 6, 1978."

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Contingent Adjournment Pending Senate Action

§ 10.8 The House, by unanimous consent, fixed the time to which it would adjourn as

the second day hence, unless the House sooner were to receive a message from the Senate transmitting its adoption of (1) a conference report providing omnibus appropriations and, (2) a House-originated concurrent resolution of adjournment, in which case the House would stand adjourned pursuant to that concurrent resolution.

On Feb. 13, 2003,⁽¹⁾ the following occurred in the House:

CONDITIONAL ADJOURNMENT
TO FRIDAY, FEBRUARY 14, 2003

Mr. [Mark] FOLEY [of Florida]. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet at 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned pursuant to that concurrent resolution.

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

1. 149 CONG. REC. 3917, 3937, 108th Cong. 1st Sess.

Parliamentarian's Note: This form of unanimous-consent request has become standard practice in the House where the House has originated action on a concurrent resolution of adjournment and is awaiting concurrence by the Senate.

2. J. Gresham Barrett (SC).

There was no objection. . . .

ADJOURNMENT

Mr. [Scott] McINNIS [of Colorado]. Mr. Speaker, pursuant to House Concurrent Resolution 41 of the 108th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. BARRETT of South Carolina). Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, February 14, 2003, unless it sooner has received a message or messages from the Senate transmitting both its adoption of the conference report to accompany House Joint Resolution 2 and its adoption of House Concurrent Resolution 41, in which case the House shall stand adjourned until 2 p.m. on Tuesday, February 25, 2003, pursuant to House Concurrent Resolution 41.

Thereupon, (at 9 o'clock and 52 minutes p.m.), pursuant to House Concurrent Resolution 41, 108th Congress, and its previous order, the House adjourned until Tuesday, February 25, 2003, at 2 p.m.

§ 10.9 The Senate amended a House concurrent resolution providing for an adjournment of the House for more than three days to a day certain by providing that when the Senate completed its disposition of a designated bill, it stand in recess until that same date certain.

On June 29, 1978,⁽¹⁾ the following House concurrent resolution with Senate amendments was laid before the House:

ADJOURNMENT OF CONGRESS
UNTIL MONDAY, JULY 10,
1978—COMMUNICATION FROM
THE SENATE OF THE UNITED
STATES

The SPEAKER pro tempore (Mr. ROSTENKOWSKI)⁽²⁾ laid before the House the following communication from the Secretary of the Senate of the United States:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 654) entitled "concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978", do pass with the following amendments:

Page 1, line 5, strike out "1978." and insert "1978, and that when the Senate completes its disposition of H.R. 12426, Calendar No. 883, it stand in recess until 11:00 o'clock a.m. on Monday, July 10, 1978."

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the House from June 29 until July 10, 1978, and for a recess of the Senate from the time H.R. 12426 is disposed of until July 10, 1978".

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

Parliamentarian's Note: While an amendment in the House to

1. 124 CONG. REC. 19466, 95th Cong. 2d Sess.
2. Dan Rostenkowski (IL).

render an adjournment to a day certain, contingent upon completion of specific legislative action, would not normally be germane,⁽³⁾ when the Senate imposes this condition on itself as an amendment, the House must dispose of the amendment.

Concurrent Resolution Amended to Include the House

§ 10.10 A Senate concurrent resolution, providing for an adjournment of that body to a day certain, was amended by the House to provide for its adjournment to a different time.

On Nov. 24, 1969,⁽¹⁾ the two Houses adjourned for a five-day period over the Thanksgiving holiday. The proceedings were as follows:

PROVIDING FOR ADJOURNMENT
FROM WEDNESDAY, NOVEMBER
26 TO MONDAY, DECEMBER 1

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 48 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 48

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

3. See § 11.2, *infra*.
1. 115 CONG. REC. 35539, 91st Cong. 1st Sess.

when the Senate adjourns on Wednesday, November 26, 1969, it stand adjourned until 10 a.m. Monday, December 1, 1969.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On page 1, line 4, strike out the period and insert the following: “; and that when the House adjourns on Wednesday, November 26, 1969, it stand adjourned until 12 o’clock noon on Monday, Dec. 1, 1969.”

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

§ 11. Consideration of Concurrent Resolution; Privilege, Amendment, Debate, Budget Act Restrictions

A concurrent resolution providing for an adjournment of the House or of the Senate, or of both Houses, is called up as privileged in the House,⁽¹⁾ even though it provides for an adjournment of the two Houses to different days certain.⁽²⁾ Amendments of one House to a concurrent resolution

1. *House Rules and Manual* § 84 (2007).

2. See §§ 10.2–10.4, *supra*, and § 11.1, *infra*.

of the other are also privileged for consideration.⁽³⁾ An adjournment resolution remains privileged, despite its inclusion of additional matter, so long as such additional matter would be privileged in its own right, such as a declaration asserted as a question of the privileges of the House relating to the ability of the House to receive veto messages during the adjournment.⁽⁴⁾ On the other hand, an adjournment resolution including a provision establishing an order of business for the following session of the Congress is not privileged.⁽⁵⁾

In 1985, §§ 309 and 310 of the Congressional Budget Act of 1974 were amended to prohibit the consideration of concurrent resolutions providing adjournments during the month of July in excess of three days until the House had passed general annual appropriation bills within the jurisdictions of all the appropriations subcommittees for the ensuing fiscal year; and until the House had completed action on all reconciliation legislation for the ensuing fiscal year required to be reported by the final adopted concurrent resolution on the budget for that

3. See, *e.g.*, 128 CONG. REC. 1472, 97th Cong. 2d Sess., Feb. 10, 1982.

4. See § 15.4, *infra*.

5. See § 14.13, *infra*.

fiscal year.⁽⁶⁾ The Balanced Budget and Emergency Deficit Control Act repealed § 310(f) of the Congressional Budget Act of 1974 which had prevented consideration of *sine die* adjournment resolutions until Congress had completed action on the second concurrent resolution and reconciliation legislation required by a second budget resolution.⁽⁷⁾

A concurrent resolution providing for an adjournment to a date certain is not debatable (except by unanimous consent or by reserving objection to a unanimous-consent request to dispense with reading)⁽⁸⁾ and is not amendable if the previous question is ordered thereon.⁽⁹⁾

§ 11.1 Consideration by unanimous consent of a concurrent resolution providing for adjournment of both Houses in July on motions of majority leaders or their designees from alternate days to days certain, subject to joint majority leadership recall.

On June 23, 1989,⁽¹⁾ the following occurred in the House:

6. See *House Rules and Manual* § 1127 (2007).
7. *Ibid.*
8. *Id.* at § 84. See also §§ 11.3, 11.8, 11.9, 11.11, *infra*.
9. See §§ 11.2, 11.12, *infra*.
1. 135 CONG. REC. 13271, 101st Cong. 1st Sess.

PROVIDING CONDITIONAL RECESS OR ADJOURNMENT OF SENATE AND CONDITIONAL ADJOURNMENT OF HOUSE OVER THE JULY 4TH HOLIDAY

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 50) providing for a conditional recess or adjournment of the Senate and a conditional adjournment of the House over the July 4th holiday, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, June 22, 1989, Friday, June 23, 1989, Saturday, June 24, 1989, Sunday, June 25, 1989, Monday, June 26, 1989, Tuesday, June 27, 1989, Wednesday, June 28, 1989, Thursday, June 29, 1989, Friday, June 30, 1989, or Saturday, July 1, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 8:30 a.m. on Tuesday, July 11, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House adjourns on Thursday, June 29, 1989,

2. Kweisi Mfume (MD).

or Friday, June 30, 1989, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12:00 o'clock noon on Monday, July 10, 1989, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, 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 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.⁽³⁾

§ 11.2 Although a Senate concurrent resolution providing for an adjournment of more than three days to a day certain of the House and Senate is not subject to amendment if the previous question is ordered thereon, a motion to commit to a committee with instructions to report back forthwith with an amendment may be offered after

3. *Parliamentarian's Note:* Unanimous consent was required for consideration of this resolution covering more than three days in July since under § 309 of the Budget Act the House had not passed all general appropriation bills for the ensuing fiscal year.

the previous question is ordered.⁽¹⁾

On Oct. 1, 1980,⁽²⁾ a Senate concurrent resolution was laid before the House as follows:

The SPEAKER laid before the House a privileged Senate concurrent resolution (S. Con. Res. 126) providing for a recess of the Senate and an adjournment of the House of Representatives until Wednesday, November 12, 1980.

The Clerk read the title of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 126

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses on any day beginning with Tuesday, September 30, 1980, but no later than Thursday, October 2, 1980, as determined by the majority leader, after consultation with the minority leader, and as so moved by the majority leader in accordance with this resolution, it stand in recess until 11 a.m. on Wednesday, November 12, 1980, and that when the House of Representatives adjourns on Thursday, October 2, 1980, it stand adjourned until 12 meridian on Wednesday, November 12, 1980.

The SPEAKER.⁽³⁾ Without objection, the previous question is ordered on the Senate concurrent resolution.

There was no objection.

1. See Rule XIX clause 2, *House Rules and Manual* § 1001 (2007).
2. 126 CONG. REC. 28576, 28577, 96th Cong. 2d Sess.
3. Thomas P. O'Neill, Jr. (MA).

MOTION TO COMMIT WITH INSTRUCTIONS OFFERED BY MR. RHODES

Mr. [John J.] RHODES [of Arizona]. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. RHODES moves to commit Senate Concurrent Resolution 126 to the Committee on Rules with instructions that the Committee report the resolution back to the House forthwith with the following amendment:

Strike out "when the House of Representatives adjourns on Thursday, October 2, 1980" and insert in lieu thereof the following, "when the House of Representatives adjourns on the day following the consideration by the House of a second concurrent resolution on the budget for Fiscal Year 1981 pursuant to the provisions of section 305 of Public Law 93-344".

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. RHODES).

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

Mr. RHODES. 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 161, nays 231, not voting 40, as follows:

[Roll No. 614]

Parliamentarian's Note: While normally a concurrent resolution of adjournment would not be subject to an amendment making it contingent upon prior legislative action, in this case no germaneness point of order was raised against the contingency.⁽⁴⁾

4. See also § 10.9, *supra*, and § 13, *infra*.

§ 11.3 Although a privileged concurrent resolution providing for an adjournment of the House for more than three days to a day certain is not subject to debate, the Chair may entertain a parliamentary inquiry pending the adoption of the resolution.

On June 28, 1978,⁽¹⁾ the following privileged concurrent resolution was considered and agreed to:

ADJOURNMENT FROM THURSDAY, JUNE 29, 1978 TO MONDAY, JULY 10, 1978

Mr. [James C.] WRIGHT [Jr., of Texas]. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 654) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 654

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, June 29, 1979, it stand adjourned until 12 o'clock meridian on Monday, July 10, 1978.

PARLIAMENTARY INQUIRY

Mr. [Robert E.] BAUMAN [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore.⁽²⁾ The gentleman will state his parliamentary inquiry.

1. 124 CONG. REC. 19390, 95th Cong. 2d Sess.
2. Joseph G. Minish (NJ).

Mr. BAUMAN. Mr. Speaker, do I understand correctly from what the majority leader said previously that the terms of this resolution are such that all Members will have to return to their districts to work and they are not allowed on world junkets or to indulge in any taxpayer financed foreign travel; is that correct?

The SPEAKER pro tempore. The Chair will state that that is not a parliamentary inquiry, but that is what the majority leader implied.

Mr. BAUMAN. I thank the Chair and seriously doubt the majority leader's implication although I endorse it.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

§ 11.4 A House concurrent resolution providing for an adjournment of the House to a day certain, with Senate amendments thereto, is laid before the House as privileged by the Speaker.

On May 23, 1973,⁽¹⁾ Speaker Carl Albert, of Oklahoma, laid before the House the following resolution:

ADJOURNMENT OF CONGRESS
OVER MEMORIAL DAY HOLIDAY

The SPEAKER laid before the House the concurrent resolution (H. Con. Res.

1. 119 CONG. REC. 16804, 93d Cong. 1st Sess.

221) providing for an adjournment of the House from May 24, 1973, until May 29, 1973, together with the Senate amendments thereto.

The clerk read the Senate amendments, as follows:

Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Wednesday, May 23, 1973, it stand adjourned until 12 o'clock meridian, Tuesday, May 29, 1973."

Amend the title so as to read: "Concurrent resolution providing for the adjournment of the two Houses of Congress over the Memorial Day Holiday."

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

§ 11.5 The Speaker laid before the House as privileged a House concurrent resolution with a Senate amendment thereto, providing for an adjournment of the two Houses to days certain.

On Feb. 8, 1973,⁽¹⁾ Speaker Carl Albert, of Oklahoma, laid before

1. 119 CONG. REC. 3908, 93d Cong. 1st Sess.

Parliamentarian's Note: Under the procedure prior to the 92d Congress, the Majority Leader offered a privileged motion to take the concurrent resolution from the Speaker's table, with the Senate amendment, and to concur in the Senate amendment. Either procedure is appropriate, since the Senate amendments are entitled to privileged consideration in the

the House as privileged House Concurrent Resolution 105. The proceedings were as follows:

ADJOURNMENT OF THE CONGRESS COMMENCING FEBRUARY 8, 1973

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 105), providing for an adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973, together with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "1973." and insert: "1973, and that when the Senate adjourns on Thursday, February 8, 1973, it stand adjourned until 11 o'clock antemeridian, Thursday, February 15, 1973."

The Senate amendment was concurred in. . . .

A motion to reconsider was laid on the table.

§ 11.6 A Senate concurrent resolution providing for an adjournment of the Senate to a day certain is laid before the House by the Speaker as privileged and may then be amended by motion to provide for a comparable adjournment by the House.

House either by motion or by the Speaker putting the question on their adoption.

On Aug. 18, 1972,⁽¹⁾ Speaker Carl Albert, of Oklahoma, laid before the House the following privileged Senate concurrent resolution:

ADJOURNMENT OF THE HOUSES FROM AUGUST 18 TO SEPTEMBER 5, 1972

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 94) providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972:

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10 o'clock ante meridian on Tuesday, September 5, 1972.

An amendment was then offered from the floor by the Majority Leader:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL: Strike out in page 1, line four, "1972.", and insert the following: "1972, and that when the House adjourns on Friday, August 18, 1972, it stand adjourned until 12 noon on Tuesday, September 5, 1972."

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

§ 11.7 A Senate concurrent resolution, providing for an adjournment during the month

1. 118 CONG. REC. 29136, 92d Cong. 2d Sess.

of July of the two Houses to a day certain, was called up as privileged.

On June 30, 1972,⁽¹⁾ the Senate concurrent resolution below was called up in the House as privileged and agreed to:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I call up Senate Concurrent Resolution 88 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 88

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, June 30, 1972, they stand adjourned until 12 o'clock noon on Monday, July 17, 1972.

Parliamentarian's Note: Such a concurrent resolution providing for a July adjournment would be liable to a point of order in the House under § 309 of the Congressional Budget Act of 1974, as amended in 1985, if the House has not completed initial action on all general appropriation bills.

§ 11.8 While a concurrent resolution providing for an adjournment of the House to a day certain is, under the precedents, not debatable, debate under the "one-minute rule" has sometimes

1. 118 CONG. REC. 23740, 92d Cong. 2d Sess.

been allowed to proceed by unanimous consent.

On May 23, 1972,⁽¹⁾ Speaker Carl Albert, of Oklahoma, permitted a unanimous-consent request for the Majority Leader to be recognized for one minute while there was pending a House concurrent resolution providing for an adjournment:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 619) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 24, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I yield to the gentleman from Iowa. . . .

The SPEAKER. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

On Nov. 6, 1969,⁽²⁾ a privileged concurrent resolution for adjournment was called up. The Speaker

1. 118 CONG. REC. 18545, 18546, 92d Cong. 2d Sess.

2. 115 CONG. REC. 33260, 91st Cong. 1st Sess.

recognized a Member by unanimous consent for one minute:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I again offer the concurrent resolution (H. Con. Res. 441) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker—

The SPEAKER.⁽³⁾ Does the gentleman from Missouri desire to be recognized for 1 minute?

Mr. HALL. I do, Mr. Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HALL. Mr. Speaker, the majority leader has consulted with me since this joint resolution was first brought up today, but I do not yet understand why we adjourned at 12:26 on Monday and why we have had limited debate and bills programmed this week; and why we are not going to work tomorrow but plan to work into the late hours tonight in order to accomplish the completion of the aviation and airport bill under two separate rules, and then we do not plan to meet Monday. Now, surely no one can object to us going over on Armistice Day, but this is November 7, and we approach the yearend. . . .

3. John W. McCormack (MA).

Mr. [H. R.] GROSS [of Iowa] . . .

There is nothing the gentleman from Missouri or the gentleman from Iowa can do that would be effective for it is not within our power to schedule legislation. But we can protest and serve notice that not only for the remainder of this year and certainly at the beginning of next year we can insist that the legislative machinery operate as the citizens of this country expect it to be operated.

The concurrent resolution was agreed to.

§ 11.9 Although neither a concurrent resolution providing for an adjournment to a day certain nor an amendment thereto are debatable, the Majority Leader was, by unanimous consent, permitted to proceed for one minute.

On Mar. 26, 1970,⁽¹⁾ Speaker John W. McCormack, of Massachusetts, by unanimous consent, recognized the Majority Leader for one minute while a nondebatable proposed House amendment to a nondebatable House concurrent resolution was pending.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 59 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

1. 116 CONG. REC. 9467, 9468, 91st Cong. 2d Sess.

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourn on March 26, 1970, it stand in adjournment until 12 o'clock meridian, Tuesday, March 31, 1970.

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On line 4, page 1, strike out the period and insert: “; and that when the House adjourns on Thursday, March 26, 1970, it stand adjourned until 12 o'clock meridian, Tuesday, March 31, 1970.”

(Mr. Albert asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I rise in support of the amendment.

§ 11.10 A concurrent resolution providing for an adjournment of the House may be offered as privileged and then withdrawn prior to action thereon.

On Nov. 6, 1969,⁽¹⁾ the following privileged resolution was offered

1. 115 CONG. REC. 33255, 91st Cong. 1st Sess.

Parliamentarian's Note: The resolution could have been withdrawn by Mr. Albert without asking unanimous consent since no action had been taken on the resolution. Although a voice vote had been taken, the result had not been finally announced, since the Chair only announced that the ayes “appeared to

in the House by the Majority Leader:

H. CON. RES. 441

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, November 6, 1969, it stand adjourned until 12:00 meridian, Wednesday, November 12, 1969.

The SPEAKER.⁽²⁾ The question is on the concurrent resolution.

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

Mr. [Durward G.] HALL [of Missouri]. 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. The gentleman from Missouri objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

Mr. HALL. Mr. Speaker, I ask unanimous consent to withdraw the point of order, provided the other request is withdrawn, until other arrangements can be made.

The SPEAKER. The gentleman can withdraw his point of order.

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I ask unanimous consent to withdraw the concurrent resolution temporarily.

have it.” See 5 Hinds' Precedents § 5349, where an announced division vote on a motion to adjourn was superceded by ordering of tellers, thereby rendering the division vote inoperative.

2. John W. McCormack (MA).

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

There was no objection.

§ 11.11 A concurrent resolution providing for adjournment of Congress to a day certain is not debatable.

On Aug. 28, 1967,⁽¹⁾ a Member attempted to debate a concurrent resolution providing for adjournment of Congress to a day certain:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up House Concurrent Resolution 497 and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 497

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Thursday, August 31, 1967, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, September 11, 1967.

Mr. [H. R.] GROSS [of Iowa]. Mr. Speaker, I move to strike the last word.

The SPEAKER.⁽²⁾ The Chair will state that this is not a debatable resolution. . . .

The concurrent resolution was agreed to.

§ 11.12 A concurrent resolution providing for an adjourn-

1. 113 CONG. REC. 24201, 90th Cong. 1st Sess.
2. John W. McCormack (MA).

ment of the Congress to a day certain is subject to amendment if the previous question has not been ordered.

On Sept. 22, 1950,⁽¹⁾ the Speaker clarified for a Member the circumstances under which an amendment to a concurrent resolution for adjournment to a day certain would be in order:

Mr. [J. Percy] PRIEST [of Tennessee]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 287), and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, September 23, 1950, they stand adjourned until 12 o'clock meridian on Monday, November 27, 1950.

Mr. PRIEST. Mr. Speaker, I move the previous question.

Mr. [John W.] HESELTON [of Massachusetts]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. HESELTON. Mr. Speaker, is it possible to offer an amendment to the resolution at this point?

The SPEAKER. Inasmuch as the previous question has been moved, it is not in order; and, of course, if the previous question is ordered, it is not in

1. 96 CONG. REC. 15635, 81st Cong. 2d Sess.
2. Sam Rayburn (TX).

order to offer amendments to the resolution.

Mr. HESELTON. If the previous question is not ordered, then would an amendment be in order?

The SPEAKER. If the previous question is not ordered, then if the gentleman is recognized he may offer an amendment.

The question is on the motion of the gentleman from Tennessee [Mr. PRIEST] for the previous question.

§ 11.13 A concurrent resolution providing that the two Houses adjourn to a day certain is not operative until agreed to by both, and where the Senate amends the resolution, the amendment is disposed of by privileged motion which requires a quorum for adoption.

On Mar. 30, 1944,⁽¹⁾ the House considered a Senate amendment to a House concurrent resolution adjourning Congress until Apr. 12, 1944:

The SPEAKER pro tempore.⁽²⁾ The Chair lays before the House, House Concurrent Resolution No. 75, with a Senate amendment, which the Clerk will report.

The Clerk read as follows:

Senate amendment: On page 2, line 3, strike out "Thursday, March 30" and insert "Saturday, April 1."

1. 90 CONG. REC. 3318, 78th Cong. 2d Sess.
2. John W. McCormack (MA).

Amend the title so as to read: "Concurrent resolution providing for the adjournment of Congress from Saturday, April 1, 1944, to Wednesday, April 12, 1944."

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

Mr. [Clare E.] HOFFMAN [of Michigan]. Mr. Speaker, reserving the right to object, I make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. What is the procedure?

Mr. [Robert] RAMSPECK [of Georgia]. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. HOFFMAN. Well, Mr. Speaker, I object.

The SPEAKER pro tempore. Is the gentleman propounding a parliamentary inquiry?

Mr. HOFFMAN. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOFFMAN. What is the procedure on this resolution?

The SPEAKER pro tempore. It is a privileged resolution, and the procedure would be for some Member—and the gentleman from Georgia [Mr. RAMSPECK] has done so—to make a motion that the House concur in the Senate amendment.

Mr. HOFFMAN. And then a vote is taken on the motion?

The SPEAKER pro tempore. That is correct.

Mr. HOFFMAN. Does that require a quorum?

The SPEAKER pro tempore. Any action by the House requires a quorum if

the one who takes such step raises that question.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANKIN. As I understand the situation, whether there is a quorum present or not, unless this amendment is agreed to the resolution does not become final until this amendment is disposed of. That is correct, is it not?

The SPEAKER pro tempore. The gentleman is correct.

Mr. RANKIN. And therefore we would not be in a position to recess for the time mentioned until this amendment is disposed of one way or the other.

The SPEAKER pro tempore. The understanding of the Chair is the same as that of the gentleman from Mississippi.

The gentleman from Georgia moves that the House concur in the Senate amendment.

The question is on the motion of the gentleman from Georgia.

Mr. HOFFMAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count.

Mr. HOFFMAN. Mr. Speaker, I withdraw the point of no quorum for the time being.

The SPEAKER pro tempore. Without objection, further consideration of the concurrent resolution (H. Con. Res. 75) will be withdrawn.

There was no objection.

Parliamentarian's Note: The Speaker pro tempore, having laid

the Senate amendment before the House as privileged, could have withdrawn it as a matter of right without unanimous consent since no action had been taken thereon.

§ 12. August Recess

The Legislative Reorganization Act of 1970 provides for a *sine die* adjournment, or (in an odd-numbered year) for an adjournment of slightly over a month (from that Friday in August which is at least 30 days before Labor Day to the Wednesday following Labor Day) unless the Nation is in a state of war, declared by Congress.⁽¹⁾ Prior to that revision, the 1946 Legislative Reorganization Act provided for adjournment *sine die* of the two Houses not later than the last day of July each year, except during time of war or a national emergency proclaimed by the President. Presidentially declared emergencies negated operation of the provision.⁽²⁾

Congress may waive the current requirement and make other determinations regarding its August adjournment.⁽³⁾ In an odd-numbered year a concurrent resolution

1. 84 Stat. 11140 § 461(b). See also *House Rules and Manual* § 1106 (2007).

2. See § 6.2, *supra*, and § 16, *infra*.

3. *House Rules and Manual* § 84 (2007).

conforming to this requirement is called up as privileged and requires a yeas and nays vote for adoption⁽⁴⁾ and is not debatable,⁽⁵⁾ but the House may adjourn by simple motion on July 31 to meet on Aug. 1, and so the statute has no binding effect absent subsequent action.⁽⁶⁾ In even-numbered and some odd-numbered years, the House has agreed to concurrent resolutions waiving the provisions of this law to provide that the two Houses shall not adjourn for more than three days or *sine die* until they have adopted a concurrent resolution to that effect.⁽⁷⁾ To obviate the requirement of a concurrent resolution waiving the requirement, the House has included the language “in consonance with section 132(a)” in its concurrent resolution providing for an August adjournment.⁽⁸⁾

§ 12.1 The House adopted an “August recess” resolution by the yeas and nays, “in consonance with” §132 of the Legislative Reorganization

4. See §§ 12.2, 12.5, *infra*.
5. See § 12.2, *infra*. See also *House Rules and Manual* § 1106 (2007).
6. See § 12.3, *infra*.
7. *House Rules and Manual* § 1106 (2007).
8. See § 12.1, *infra*. See also *House Rules and Manual* § 1106 (2007).

Act of 1946, on July 31 of an odd-numbered year requiring a roll call vote.

On July 31, 1997,⁽¹⁾ the House adopted the following concurrent resolution:

PROVDING FOR ADJOURNMENT OF THE HOUSE FROM AUGUST 1, OR AUGUST 2, 1997, TO SEPTEMBER 3, 1997, AND ADJOURNMENT OR RECESS OF THE SENATE FROM JULY 31, AUGUST 1, OR AUGUST 2, 1997, TO SEPTEMBER 2, 1997

Mr. [Porter J.] GOSS [of Florida]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 136) and I ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 136

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, August 1, 1997 or Saturday, August 2, 1997, pursuant to a motion made by the majority leader or his designee, it stand adjourned until noon on Wednesday, September 3, 1997, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, July 31, 1997, Friday, August 1, 1997, or Saturday, August 2, 1997, pursuant to a motion made by the majority leader

1. 143 CONG. REC. 17018, 105th Cong. 1st Sess.

or his designee in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Tuesday, September 2, 1997, or until such time on that day as may be specified by the majority leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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 pro tempore (Mr. LAHOOD).⁽²⁾ Pursuant to section 132 of the Legislative Reorganization Act of 1946, as amended, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 16, not voting 15, as follows:

[Roll No. 351] . . .

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Parliamentarian's Note: § 132 of the Legislative Reorganization Act of 1946 provides that “unless otherwise provided by the Congress, the two houses shall (1) adjourn *sine die* not later than July

2. Ray LaHood (IL).

31 of each year; or (2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each house by rollcall vote, for [an August recess].” Consideration of the adjournment resolution on July 31 meant that (1) the resolution could be treated as privileged; (2) the question of adopting the resolution required a roll call vote; and (3) a concurrent resolution permitting the two Houses to remain in session beyond July 31 in an odd-numbered year was not necessary.⁽³⁾

§ 12.2 Pursuant to the Legislative Reorganization Act of 1946, as amended, a concurrent resolution providing in an odd-numbered year for an adjournment for the month of August or until sooner recalled by the joint leadership is called up as privileged, is

3. For forms of resolutions permitting the two Houses to remain in session beyond July 31 in an odd-numbered year, see, *e.g.*, § 12.2, *infra*, and 141 CONG. REC. 21223, 104th Cong. 1st Sess., July 31, 1995. Notwithstanding the ostensible requirements of § 132, the House could adjourn by simple motion on July 31 to meet on Aug. 1 of an odd-numbered year. See § 12.3, *infra*.

For discussion of the *sine die* requirement in even-numbered years, see § 16, *infra*.

not debatable, and requires a yeas and nays vote for adoption if considered prior to Aug. 1.

On July 31, 1991,⁽¹⁾ the following privileged concurrent resolution was laid before the House:

ADJOURNMENT OF THE HOUSE
FROM FRIDAY, AUGUST 2, SATURDAY,
AUGUST 3, SUNDAY, AUGUST 4, OR MONDAY,
AUGUST 5, 1991, TO WEDNESDAY,
SEPTEMBER 11, 1991

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 191) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 191

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 2, Saturday, August 3, Sunday, August 4, or Monday, August 5, 1991, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand adjourned until noon on Wednesday, September 11, 1991, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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

1. 137 CONG. REC. 20675, 20676, 102d Cong. 1st Sess.

PARLIAMENTARY INQUIRY

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, is the resolution before the House debatable?

The SPEAKER. No. The Chair will tell the gentleman, it is not debatable. The vote must be taken by the yeas and nays.

Mr. WALKER. The vote must be taken by the yeas and nays, but the resolution is not subject to an hour's debate?

The SPEAKER. The resolution is not subject to an hour's debate, the gentleman is correct.

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

The SPEAKER. Under the statute, this vote must be taken by the yeas and nays.

The question is on the concurrent resolution.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 11, as follows:

[Roll No. 246] . . .

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. MONTGOMERY).⁽³⁾ Without objection, a motion to reconsider is laid on the table.

Mr. WALKER. Mr. Speaker, I object.

2. Thomas S. Foley (WA).

3. G. V. (Sonny) Montgomery (MS).

The SPEAKER pro tempore. Objection is heard.

Ms. [Louise M.] SLAUGHTER of New York. Mr. Speaker, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. [Peter H.] KOSTMAYER [of Pennsylvania]. Mr. Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. KOSTMAYER], to lay on the table the motion offered by the gentleman [sic] from New York [Mr. [sic] SLAUGHTER].

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

Mr. WALKER. Mr. Speaker, on that I demand tellers.

Mr. [Harold L.] VOLKMER [of Missouri]. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The demand for the yeas and nays takes precedence.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 391, nays 22, not voting 20, as follows:

[Roll No. 247]

§ 12.3 Each House may, under the Constitution, by simple motion on July 31 adjourn “from day to day” to meet on Aug. 1, unless provided otherwise by concurrent resolution in accordance with a law requiring an “August recess”.

On July 31, 1991,⁽¹⁾ the following proceedings occurred:

ADJOURNMENT

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore.⁽²⁾ The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

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

Mr. [Dan] ROSTENKOWSKI [of Illinois]. 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 342, nays 70, not voting 21, as follows:

[Roll No. 248] . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 7 o'clock and 10 minutes p.m.) under the Constitution, the House adjourned until tomorrow, Thursday, August 1, 1991, at 10 a.m.

§ 12.4 By unanimous consent, the House considered, and by voice vote agreed to, a concurrent resolution providing, notwithstanding the requirements of the Legislative Reorganization Act of 1970⁽¹⁾

1. 137 CONG. REC. 20677, 20678, 102d Cong. 1st Sess.
2. G. V. (Sonny) Montgomery (MS).
1. 2 USC § 198.

that the two Houses adopt, not later than July 31 of an odd-numbered year by roll call vote, a concurrent resolution adjourning for August, that the House and the Senate shall not adjourn for more than three days or *sine die* until they have adopted a subsequent concurrent resolution to that effect.

On July 29, 1987,⁽²⁾ the Majority Leader called up by unanimous consent House Concurrent Resolution 170, waiving the requirement of the Legislative Reorganization Act of 1970 for “August recess” by roll call by July 31:

RELATIVE TO ADJOURNMENT
TO A DATE CERTAIN DURING
THE REMAINDER OF THE
100TH CONGRESS

Mr. [Thomas S.] FOLEY [of Washington]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 170), and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. TRAXLER).⁽³⁾ The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 170

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

2. 133 CONG. REC. 21459, 21460, 100th Cong. 1st Sess.
3. Bob Traxler (MI).

of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses to Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain or for adjournment sine die.

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

Mr. [Robert H.] MICHEL [of Illinois]. Mr. Speaker, reserving the right to object, and I do not intend to object, but might I just use this opportunity to ask the gentleman from Washington [Mr. FOLEY], the distinguished majority leader, how the program unfolds for the balance of this day and tomorrow?

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

Mr. MICHEL. Mr. Speaker, I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, it is hoped that we will adopt this resolution which dispenses with the statutory July 31 sine die adjournment of the act, an anachronism unfortunately of other years and times but still a part of the law.

After we dispose of this matter, we have no legislative program for tonight. Tomorrow we will continue to consider Price-Anderson, and we would hope to conclude at a fairly early hour tomorrow. . . .

Mr. [Robert S.] WALKER [of Pennsylvania]. Mr. Speaker, reserving the right to object, if we would fail to pass the resolution before the House, would

the Congress actually have to adjourn as of the end of this month?

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

Mr. WALKER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding.

That is an interesting question. The gentleman always asks interesting questions.

I do not have a very interesting answer.

Mr. WALKER. I would say to the gentleman that I have many constituents who think the country would be better off if in fact we lived within the law.

Mr. FOLEY. I know there is another theory that a former distinguished Member of the other body, Senator Anderson, held; and that was that the worst mistake that was ever made by the Congress in this century was to air-condition the Capitol in 1938.

Since we are now air-conditioned, and since this is unfortunately a legal anachronism, we would hope that the Members would treat it as such and not attempt to take a premature departure from the legislative business.

Mr. WALKER. Further reserving the right to object, why do we not just repeal the anachronism? It seems to me it would make far more sense rather than go through this exercise, if in fact it would cause major problems for the House to carry out what is in the law.

Mr. FOLEY. I think that is an excellent suggestion, and it was the subject of discussion between the distinguished Republican leader and myself just before this matter was brought forward.

I think we are in essential agreement that it should be repealed; and except for the proper procedures, I would not want to try to do it tonight.

The gentleman's suggestion is very well taken. It is a total anachronism and should be repealed.

Not to engage in further anecdotes, but there was a former Member of this body, I am told, who always adjourned himself personally on the 31st of July in accordance with the statute not regarding the action of the House or the other body.

The Member used to go to the well and say that it was his purpose to obey the law as well as to make it; and since the statute was in existence, he hereby adjourned himself sine die.

The distinguished gentleman died in office.

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

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

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

That gentleman was from my home State of Illinois, and used to sit invariably right where the gentleman from Pennsylvania [Mr. GEKAS] is sitting now.

The gentleman's name is Noah Mason, a former schoolteacher, very precise; and I can just about mimic him perfectly as he used to get up, as you indicated, on the floor and say, "Mr. Speaker, it is July 31, and I just want to inform the membership that this Member is going to abide by the law and return to his home district for the benefit of his constituents" and so forth like that.

□ 1740

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

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

There was no objection.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: While Rep. Foley did not directly respond to Rep. Walker's question whether Congress would be forced to adjourn at the end of July absent adoption of this concurrent resolution, it has been the consistent opinion of House and Senate Parliamentarians that the constitutional requirement that neither House can adjourn for more than three days without the consent of the other (by concurrent resolution) would mandate that the House and Senate would not be forced to adjourn *sine die* under this law. Indeed, each House could by simple motion adjourn overnight to meet on Aug. 1 or could by unanimous consent or motion adjourn for not more than three days. Neither House has treated § 132 as the equivalent of a *sine die* adjournment resolution adopted by both Houses, since no message is transmitted between the two Houses establishing that date as the *sine die* adjournment

day and essentially because the enactment of such a rule separately in each House does not constitute contemporaneous "consent" within the meaning of art. I, § 5 of the Constitution. Absent specific incorporation by both Houses of such statutory provisions enacted in a prior Congress, constituting contemporaneous consent in the current Congress, the Parliamentarians agreed that no point of order would lie against a motion on July 31⁽⁴⁾ to adjourn overnight absent adoption of a § 132 concurrent resolution, and that language is directory and not mandatory in nature. Since it is not mandatory, no privilege need be attached to the § 132 concurrent resolution described herein permitting the two Houses to remain in session. In the 101st Congress, the House did pass a joint resolution reported from the Committee on Rules repealing this statutory requirement, but the Senate did not act on the measure.⁽⁵⁾

§ 12.5 A Senate concurrent resolution providing for an adjournment of the two Houses from the first Friday in August until the second day after Labor Day in an odd-

4. See § 12.3, *supra*.

5. See 136 CONG. REC. 20178, 20179, 101st Cong. 2d Sess., July 27, 1990 (H.J. Res. 7).

numbered year (see 2 USC § 198), or until notified to reassemble pursuant to a joint agreement of the majority or minority leadership of the two Houses, requires a yeas and nays vote for adoption.

On July 30, 1973,⁽¹⁾ the House adopted the following concurrent resolution, called up as privileged from the Speaker's table by the Majority Leader:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 42) providing for a conditional adjournment of the two Houses from August 3 until September 5, 1973, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 42

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, August 3, 1973, they shall stand adjourned until 12:00 noon on Wednesday, September 5, 1973, 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 President pro tempore of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or when-

1. 119 CONG. REC. 26657, 26658, 93d Cong. 1st Sess.

ever 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.

The SPEAKER.⁽²⁾ The question is on concurring in the Senate concurrent resolution. Under the rules of the House, this vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 370, nays, 22, not voting 41, as follows:

[Roll No. 401] . . .

So the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Parliamentarian's Note: Beginning in 1976, this joint minority leadership recall provision was eliminated from concurrent resolutions providing joint House-Senate recall authority in subsequent Congresses, where the minority role was consultative only.

§ 12.6 The vote on a House concurrent resolution providing for an adjournment of the two Houses for the August recess in an odd-numbered year must be taken by the yeas and nays.

2. Carl Albert (OK).

On July 30, 1971,⁽¹⁾ the House adopted the concurrent resolution called up as privileged by the Majority Leader, the Speaker indicating that a roll call vote was required under the applicable statute, 2 USC § 198:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 384) and ask 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 two Houses adjourn on Friday, August 6, 1971, they stand adjourned until 12 o'clock meridian on Wednesday, September 8, 1971.

The SPEAKER.⁽²⁾ Under the rules and under the law, this vote must be taken by the yeas and nays.

The question is on the resolution.

The question was taken; and there were—yeas 334, nays 41, not voting 58, as follows:

[Roll No. 224] . . .

So the concurrent resolution was agreed to. . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

1. 117 CONG. REC. 28332, 92d Cong. 1st Sess.
2. Carl Albert (OK).

§ 13. Conditional Adjournments; Recall

On occasion, a concurrent resolution (or a Senate amendment to a concurrent resolution) providing for adjournment to a date certain included a condition that a designated legislative action first be completed before a motion to adjourn pursuant to the resolution could be offered.⁽¹⁾ Inclusion of such a condition does not destroy the privilege of the resolution (or of the Senate amendment). Such a condition, when included in the original text of the resolution (or Senate amendment), is to be distinguished from an amendment offered from the floor to a concurrent resolution which does not have such a contingency, where the amendment proposes to render the adjournment authority provided in the resolution contingent upon completion of a legislative action. In such a case, the proposed amendment would be subject to a point of order as not being germane to the pending concurrent resolution.⁽²⁾

The two Houses have adjourned to a date certain, with a provision that they may be reassembled earlier by the joint leadership (the Speaker and Majority Leader of

1. See § 10.9, *supra*.
2. See § 11.2, *supra*.

the Senate, acting jointly, upon consultation with the two Minority Leaders), subject to a stated standard for the decision to reassemble early. The standards used for such a decision to reassemble early have included “if legislative expedience so requires” and “wherever the public interest shall warrant it.”⁽³⁾ The two Houses have adjourned to a date certain with a provision that the House be subject to recall by the Speaker. A concurrent resolution may provide that the Senate shall adjourn to a date certain after it has disposed of a certain bill.⁽⁴⁾ Such recall authority may allow the respective designees of the Senate Majority Leader and the Speaker to reassemble.

In the 78th and 79th Congresses, the two Houses adopted concurrent resolutions adjourning to dates certain for “summer recesses” with leadership recall provisions permitting either the Speaker and President of the Senate acting jointly for legislative expediency, or the Majority Leaders of the two Houses, acting jointly, or the Minority Leaders of the two Houses, acting jointly, to request the consideration of legislation.⁽⁵⁾ In the 79th Congress, the

form was varied to provide for alternative dates of Senate adjournment during the months of August and September until the same date certain as the House.⁽⁶⁾

In the 80th Congress, the form of the concurrent resolution was varied to eliminate the ability of the Minority Leaders of the two Houses, acting jointly, to reconvene the two Houses during a lengthy adjournment to a date certain (from the end of July to the day prior to the expiration of that session in January) authorizing only the presiding officers and the Majority Leaders, all acting jointly, to recall the two Houses where the public interest shall warrant.⁽⁷⁾ In 1974, the two Houses, on one occasion again provided for minority leadership joint recall during an adjournment to a date certain.⁽⁸⁾

On an occasion in 1947, the House was required to amend the Senate concurrent resolution since it had assumed an adjournment on the calendar day of July 26, 1947, and the two Houses had remained in session beyond midnight.⁽⁹⁾ The modern form of concurrent resolutions provides for adjournments on the “legislative

3. See, e.g., § 13.1, *infra*.

4. See § 10.9, *supra*.

5. See § 13.4, *infra*.

6. See § 13.3, *infra*.

7. See § 13.2, *infra*.

8. See § 13.7, *infra*.

9. See § 13.2, *infra*.

day of” a specified date, in order to account for this possibility and avoid the necessity for an amendment.⁽¹⁰⁾

The 1947 precedent was the first use of leadership recall language wherein the two Houses had shifted political majorities to the party opposite that of the President, and the ability of the President’s minority party leadership to accomplish a joint recall contained in resolutions of the previous two Congresses was eliminated. Thus, President Truman, desiring to recall the two Houses on Nov. 17, 1947, did so by Presidential Proclamation issued Oct. 23, 1947, pursuant to Article I of the Constitution. The session was considered a continuation of the first session of the 80th Congress, rather than an extra special session, because the two Houses had adjourned to a date certain of Jan. 2, 1948, rather than *sine die*. This is in contrast with the reconvening of the Congress by proclamation of President Franklin D. Roosevelt on Sept. 13, 1939, in “extra session”, where the Houses had previously adjourned *sine die* until the next regular session in Jan. 1940.

From the 81st Congress until the 91st Congress, leadership re-

10. See § 13.6, *infra*.

call provisions were not included in concurrent resolutions of adjournment, either to a date certain or *sine die*. Then on July 20, 1970,⁽¹¹⁾ the House and Senate for the first time adopted an “August recess” concurrent resolution authorizing the Speaker to recall the House if legislative expedience so warranted. That single House recall authority was not again contained in a concurrent resolution of adjournment until 1998, when the two Houses adjourned *sine die* on Oct. 20, 1998,⁽¹²⁾ but also provided for alternative joint leadership recall authority of the two Houses by the two majority leaderships or for a House-only recall by the Speaker in the event the public interest warranted it. That recall authority, of a “lame duck” session of the House, was exercised by Speaker Newt Gingrich, of Georgia, to reassemble the House on Dec. 17, 1998,⁽¹³⁾ to consider four Articles of Impeachment of President William J. Clinton that had been reported by the Committee on the Judiciary.⁽¹⁴⁾

Joint leadership recall authority was not exercised pursuant to authority provided in a concurrent

11. See § 13.1, *infra*.

12. See § 15.3, *infra*.

13. See § 15.2, *infra*.

14. See § 15, *infra*, for discussion of recall provisions included in *sine die* adjournment concurrent resolutions.

resolution of adjournment until the 109th Congress, when such authority was used twice during the first session. The first instance was on Mar. 20, 2005, when the House was recalled during an adjournment to a date certain (the Senate having remained in session).⁽¹⁵⁾ The second instance was on Sept. 2, 2005, during the annual “August recess”, when the two Houses were reconvened (on consecutive days), to consider emergency appropriations legislation for disaster relief arising from Hurricane Katrina on Aug. 29, 2005.⁽¹⁶⁾

§ 13.1 A concurrent resolution, providing for an adjournment of the House to a date certain or to such earlier date as the House is reassembled by the Speaker, is called up as privileged.

On July 20, 1970,⁽¹⁾ the following privileged concurrent resolution was called up by the Majority Leader:

PROVIDING FOR ADJOURNMENT
FROM FRIDAY, AUGUST 14, TO
WEDNESDAY, SEPTEMBER 9

Mr. [Carl] ALBERT [of Oklahoma].
Mr. Speaker, I offer a privileged con-

15. See § 13.11, *infra*.

16. See § 13.12, *infra*.

1. 116 CONG. REC. 24978, 91st Cong. 2d Sess.

current resolution (H. Con. Res. 689) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 689

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 14, 1970, it shall stand adjourned until 12 o'clock on Wednesday, September 9, 1970, or until 12 o'clock meridian on the third day after Members are notified to reassemble pursuant to provisions of section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. At any time during this adjournment of the House, whenever the Speaker of the House determines that legislative expediency so warrants, he shall notify the Members of the House to reassemble.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The House subsequently, on Aug. 10, 1970,⁽²⁾ agreed to a Senate amendment to that concurrent resolution providing for a shorter adjournment of the Senate to a date certain and leaving unamended the House-only recall authority. This is the first instance of Speaker House-only recall authority.

§ 13.2 The House amended a Senate concurrent resolution to provide that the two

2. *Id.* at p. 28037.

Houses adjourn from the calendar day of Sunday, July 27, 1947, until Jan. 2, 1948, and providing authority for the joint majority leadership to reassemble the two Houses if legislative expediency shall so warrant it.

On July 26, 1947,⁽¹⁾ the following Senate concurrent resolution was laid before the House:

ADJOURNMENT RESOLUTION

The SPEAKER.⁽²⁾ The Chair lays before the House a Senate concurrent resolution (S. Con. Res. 33), which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Saturday, July 26, 1947, they shall stand adjourned until 12 o'clock meridian on Friday, January 2, 1948, or until 12 o'clock meridian on the third day after the respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The President pro tempore of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, and the majority leader of the House of Representatives, all acting jointly, shall notify the Members of the Senate and the House respectively, to reas-

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

The resolution was agreed to.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT RESOLUTION

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House concurred in Senate Concurrent Resolution 33.

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

There was no objection.

Mr. HALLECK. Mr. Speaker, I offer an amendment to Senate Concurrent Resolution 33 and ask for its immediate consideration.

The Clerk read as follows:

Amendment offered by Mr. HALLECK: On page 1 of the amendment strike out "Saturday, July 26, 1947" and insert "Sunday, July 27, 1947."

The amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The need for this amendment changing the calendar day is obviated in modern practice by using "legislative days," rather than calendar days, in the original resolution, thereby allowing the House to recess or otherwise remain in session beyond midnight while still remaining in the same legislative day.

1. 93 CONG. REC. 10521, 80th Cong. 1st Sess. See also 94 CONG. REC. 10247, 80th Cong. 2d Sess., Aug. 7, 1948 (H. Con. Res. 222), and 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948 (H. Con. Res. 218).
2. Joseph W. Martin, Jr. (MA).

§ 13.3 The House agreed to a concurrent resolution providing that the House adjourn from July 21, 1945, to Oct. 8, 1945, giving consent to the Senate to adjourn during the month of August or September until that same date, and making provision for the reassembling of the two Houses upon joint recall from majority or minority leaders if legislative expediency shall so warrant it.

On July 18, 1945,⁽¹⁾ the Majority Leader offered the following concurrent resolution:

ADJOURNMENT OF THE HOUSE UNTIL
OCTOBER 8, 1945

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 68) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Saturday, July 21, 1945, it stand adjourned until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

1. 91 CONG. REC. 7733, 7734, 79th Cong. 1st Sess. See also 90 CONG. REC. 8108, 8109, 78th Cong. 2d Sess., Sept. 21, 1944 (S. Con. Res. 54).

SEC. 2. That the consent of the House of Representatives is hereby given to an adjournment of the Senate at any time during the month of August or September, 1945, until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The President pro tempore of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency 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. . . .

The resolution was agreed to.

A motion to reconsider was laid on the table.

§ 13.4 The House agreed to a Senate concurrent resolution providing for adjournment of the two Houses from July 8, 1943, to Sept. 14, 1943, or until a time when Members were notified to reassemble in accordance with a process set out therein for presiding officers or majority or minority party leaders acting jointly to recall them if legislative expediency so warranted.

On July 8, 1943,⁽¹⁾ the following Senate concurrent resolution was called up by unanimous consent in the House:

ADJOURNMENT RESOLUTION

Mr. [Robert] RAMSPECK [of Georgia]. Mr. Speaker, I call up Senate Concurrent Resolution 17.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, July 8, 1943, they shall stand adjourned until 12 o'clock meridian on Tuesday, September 14, 1943, or until 12 o'clock meridian on the third day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The President of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency 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. RAMSPECK. Mr. Speaker, I move the previous question on the resolution.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, I offer an amendment.

The SPEAKER.⁽²⁾ The question is on ordering the previous question.

The previous question was ordered.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table. . . .

Parliamentarian's Note: Because the motion for the previous question took precedence over an amendment, Rep. Rankin was unable to offer an amendment and was relegated to a subsequent explanation⁽³⁾ of his intent, as follows:

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until September 14, 1943, the Clerk of the House be authorized to receive messages from the Senate.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, I wish to explain to the House that the amendment which I proposed to offer a moment ago provided for striking out the words "September 14" in the adjournment resolution and inserting the date of "August 10." In my opinion, Congress is making a serious mistake in adjourning for 2 months in view of the critical conditions now facing the country.

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

There was no objection.

1. 89 CONG. REC. 7516, 78th Cong. 1st Sess. See also 90 CONG. REC. 6667, 78th Cong. 2d Sess., June 23, 1944.

2. Sam Rayburn (TX).

3. 89 CONG. REC. 7516, 78th Cong. 1st Sess., July 8, 1943.

Recall Authority

§ 13.5 The House concurred in a Senate concurrent resolution (rendered nonprivileged by § 309 of the Budget Act for noncompletion of House action on 13 regular general appropriation bills but considered pursuant to a special order from the Committee on Rules) providing for adjournment (or recess) for more than three days (1) of the House, from a specific legislative day in July to a date certain in September, and (2) of the Senate, from alternate departure dates to a date certain, each subject to joint leadership recall by the Speaker and the Majority Leader or their designees whom the Speaker then named.⁽¹⁾

On July 26, 2002,⁽²⁾ the Speaker pro tempore laid before the House the following Senate concurrent resolution:

PROVIDING FOR CONDITIONAL
RECESS OR ADJOURNMENT OF
THE SENATE AND ADJOURN-
MENT OF THE HOUSE

The SPEAKER pro tempore (Mr. SIMPSON).⁽³⁾ Pursuant to section 2 of

1. See also § 15.12, *infra*.
2. 148 CONG. REC. 15138, 15139, 107th Cong. 2d Sess.
3. Michael K. Simpson (ID).

House Resolution 461, the Chair lays before the House the following Senate concurrent resolution:

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, August 1, 2002, Friday, August 2, 2002, or Saturday, August 3, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Tuesday, September 3, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, July 26, 2002, on a motion offered by its Majority Leader or his designee pursuant to this concurrent resolution, it stand adjourned until 2:00 p.m. on Wednesday, September 4, 2002, 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 House, respectively, to reassemble at such place and time as they may designate 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.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

WASHINGTON, DC,
July 27, 2002.

Pursuant to section 2 of Senate Concurrent Resolution 132, I hereby designate Representative RICHARD K. ARMEY of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under that concurrent resolution. In the event of the death or inability of my designee, the alternate Members of the House listed in the letter bearing this date that I have placed with the Clerk are designated, in turn, for the same purpose.

J. DENNIS HASTERT,
*Speaker of the House of
Representatives.*

Parliamentarian's Note: Because the Senate concurrent resolution provided for an adjournment in July, it was in violation of § 309 of the Congressional Budget Act of 1974 and hence was not privileged for consideration in the House. It did not require the yeas and nays since consideration was in an even-numbered year. On June 27, 2002,⁽⁴⁾ the House adopted House

4. 148 CONG. REC. 11754, 107th Cong. 2d Sess.

Resolution 461, a special order reported from the Committee on Rules, providing as follows:

SEC. 2. That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

The special order was necessary to waive points of order against Senate Concurrent Resolution 132 as in violation of § 309 of the Budget Act.

§ 13.6 In October 2001, after the “9/11” terrorist attacks, the “recall” language in a concurrent resolution of adjournment included for the first time a “place” element (in addition to the customary “time” element) to authorize, during adjournment to a date certain, a joint recall to another place (other than the seat of Government) consistent with clause 4 of § 5 of Article I of the Constitution.

On Oct. 17, 2001,⁽¹⁾ the following privileged concurrent resolution was offered by the Majority Leader:

1. 147 CONG. REC. 20210, 20211, 107th Cong. 1st Sess.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM WEDNESDAY, OCTOBER 17, 2001, TO TUESDAY, OCTOBER 23, 2001, AND FOR CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE FROM WEDNESDAY, OCTOBER 17, 2001, OR THURSDAY, OCTOBER 18, 2001, TO TUESDAY, OCTOBER 23, 2001

Mr. [Richard K.] ARMEY [of Texas]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 251) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 251

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, October 17, 2001, it stand adjourned until 12:30 p.m. on Tuesday, October 23, 2001, for morning hour debate, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Wednesday, October 17, 2001, or Thursday, October 18, 2001, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 10 a.m. on Tuesday, October 23, 2001, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

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 reassembly 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.

§ 13.7 The House concurred in Senate amendments to a House concurrent resolution adding Senate adjournment dates and inserting joint Presiding Officer or separate joint majority or minority leadership recall authority.

On Apr. 11, 1974,⁽¹⁾ the following proceedings occurred in the House:

PROVIDING FOR ADJOURNMENT OF THE CONGRESS FROM APRIL 11, 1974, UNTIL APRIL 22, 1974

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 475), providing for a conditional adjournment of the House from April 11 until April 22, 1974, with the Senate amendments thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

Page 1, strike out line 2 and insert: "when the two Houses adjourn

1. 120 CONG. REC. 10775, 93d Cong. 2d Sess.

on Thursday, April 11, 1974, they stand”.

Page 1, line 4, strike out “its Members” and insert: “their respective Members”.

Page 1, strike out lines 7 to 13, inclusive, and insert:

“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 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.”

Amend the title so as to read: “Concurrent resolution providing for a conditional adjournment of the House and Senate from April 11 until April 22, 1974.”

The Senate amendments were concurred in.

The concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian’s Note: The customary practice in preparing an adjournment resolution is for the leadership of the originating House, after consultation with the leadership of the other House, to include in the resolution alternative or joint adjournment and reconvening dates for both Houses so as to avoid the necessity for amendment by the second House.

However, in the instance set forth above, the House originated the concurrent resolution with no Senate dates and without joint recall authority.

Theresa Schiavo

§ 13.8 The Senate reconvened on a date earlier than the date to which it had adjourned, such reconvening being ordered under authority previously provided the joint Senate leadership in a Senate resolution of the previous Congress which remained in place as a standing order of the Senate.

Parliamentarian’s Note: In March 2005, during the 109th Congress, as the time for the beginning of the scheduled two-week Easter recess neared, the two Houses became embroiled in events surrounding legal challenges to the removal of life support from a woman in Florida named Theresa Marie Schiavo.

Each of the two Houses had adjourned on Thursday, Mar. 17, to meet on Monday, Mar. 21. The adjournment of the House to Monday, Mar. 21, was conditional: if it sooner received a message transmitting the Senate’s adoption of a concurrent resolution of adjournment originated by the House on that Thursday, then it would have

stood adjourned pursuant to that concurrent resolution. However, the Senate had adjourned without having adopted the adjournment resolution originated by the House.

As Ms. Schiavo's chances for survival decreased daily, pressure built on both Houses to reconvene over the weekend to consider legislation relating to her circumstances.

During the previous year, the Senate had adopted a resolution (S. Res. 296 of the 108th Congress) authorizing its Majority and Minority Leaders, acting jointly, to "modify any order for the time or place of the convening of the Senate" when "such action is warranted by intervening circumstances." (This resolution was adopted by the Senate without advance notice to or consultation with the House, resulting in concern by the House leadership that the Senate might use the authority provided in the Senate resolution to vary the duration of a Senate adjournment of more than three days to which the House had given its consent through adoption of a concurrent resolution. The Senate resolution also concerned the House leadership because it required the "concurrency" of the two Senate leaders rather than mere consultation,

thereby tending to raise the standard for bipartisan action in such matters.) In the March 2005 instance, the Senate was not adjourned for more than three days or pursuant to an adjournment resolution. So, its prospective use of Senate Resolution 296 related only to an over-the-weekend adjournment.

Senate Resolution 296 provided that body with very flexible authority to vary its reconvening from an adjournment overnight or over a weekend. The House has such authority only in the case of an imminent impairment at the place of convening (see Rule I clause 12(c), *House Rules and Manual* § 639 [2007]). The Senate leadership used that authority to reconvene the Senate on Saturday, Mar. 19, in order to adopt the adjournment resolution (H. Con. Res. 103)⁽¹⁾ that, in turn, would put the House in adjournment pursuant to that concurrent resolution upon receipt by the House Clerk of the formal notification of that Senate action. Once the House stood adjourned pursuant to that concurrent resolution, the recall authority provided in §2 thereof was available to provide for reassembly of the House on Sunday, Mar. 20.

On Mar. 17, 2005,⁽²⁾ the following proceedings occurred in the Senate:

1. See 151 CONG. REC. 5143, 109th Cong. 1st Sess.
2. *Id.* at pp. 5391, 5392.

ORDERS FOR MONDAY, MARCH
21, 2005

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, March 21; I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate begin a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER.⁽³⁾ Without objection, it is so ordered. . . .

ADJOURNMENT UNTIL MONDAY,
MARCH 21, 2005 AT 4 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:48 p.m., adjourned until Monday, March 21, 2005, at 4 p.m.

On Mar. 19, 2005,⁽⁴⁾ the following occurred in the Senate:

THERESA MARIE SCHIAVO

Mr. FRIST. Mr. President, the Congress has been working nonstop over the last 3 days to do its part to uphold human dignity and affirm the culture of life. I am pleased to announce that

3. John E. Sununu (NH).

4. 151 CONG. REC. 5444, 109th Cong. 1st Sess.

the House and Senate Republican leadership have reached an agreement on a legislative solution. The Senate has come in today to pass an adjournment resolution which we will send shortly to the House of Representatives. Procedurally, this action will have the effect of bringing the House into session so they can either pass compromise legislation by unanimous consent on Sunday or place this legislation on the suspension calendar for consideration early Monday morning. The Senate will be prepared to reconvene as soon as the House passes this new legislation.

It has been more than 24 hours since Terri Schiavo's feeding tube was removed. Under the legislation we will soon consider, Terri Schiavo will have another chance. It is a simple bill, only two pages long. It allows Terri's case to be heard in Federal court. More specifically, it allows a Federal district judge to consider a claim "by or on behalf of Theresa Marie Schiavo for the alleged violation of any right of Theresa Marie Schiavo under the Constitution or laws of the United States relating to the withholding or withdrawal of food, fluids, or medical treatment necessary to sustain her life."

I am pleased with our progress thus far, and I am committed as leader to see this legislation pass and give Terri Schiavo one last chance at life.

§ 13.9 The Senate agreed to a House concurrent resolution of adjournment, thereby enabling the recall authority provided in § 2 of that resolution.

Parliamentarian's Note: The House adopted House Concurrent

Resolution 103 on Thursday, Mar. 17, 2005, but could not use its recall provision until such time as it actually stood adjourned pursuant to that concurrent resolution⁽¹⁾ which depended on its receipt of a message from the Senate announcing the Senate's concurrence therein. A new adjournment resolution (S. Con. Res. 23) was adopted Mar. 20, 2005, to provide for an Easter recess after the reassembly under House Concurrent Resolution 103.

On Mar. 19, 2005,⁽²⁾ the following occurred in the Senate:

ADJOURNMENT OF THE SENATE
AND THE HOUSE OF REPRESENTATIVES

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that the Senate proceed to the adjournment resolution (H. Con. Res. 103) which is at the desk, provided that the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore.⁽³⁾ Without objection, it is so ordered.

1. For the notice provided to reassemble the House for impeachment proceedings against President Clinton, see § 15.3, *infra*. For the reassembly of both Houses during an August recess for consideration of legislation relating to Hurricane Katrina, see § 13.12, *infra*.
2. 151 CONG. REC. 5444, 109th Cong. 1st Sess.
3. Richard J. Santorum (PA).

The resolution was agreed to, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 17, 2005, Friday, March 18, 2005, or Saturday, March 19, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, March 17, 2005, through Saturday, March 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

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.

Mr. FRIST. Mr. President, I want to be clear about what we just agreed to.

Today we will not be adjourning under the authority provided by the resolution that we just considered. This adjournment resolution will now

allow the House to be called into session to consider legislative matters. At the close of business today, we will adjourn until Sunday. Once we are able to complete our work as it relates to Theresa Marie Schiavo, we are prepared to clear a new adjournment resolution so that we may begin the Easter recess.

§ 13.10 The Senate fixed the time to which it would adjourn as 2 p.m. on the following day (Sunday) and adjourned under that order (rather than under the concurrent resolution of adjournment just adopted).

On Mar. 19, 2005,⁽¹⁾ the following proceedings occurred:

ORDERS FOR SUNDAY, MARCH
20, 2005

Mr. [William H.] FRIST [of Tennessee]. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until 2 p.m. on Sunday, March 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate then begin a period of morning business with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore.⁽²⁾ Without objection, it is so ordered.

1. 151 CONG. REC. 5445, 109th Cong. 1st Sess.
2. Richard J. Santorum (PA).

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will convene for a short period of morning business. There will be no rollcall votes tomorrow. It appears that we have achieved compromise language with the House with respect to the Schiavo situation. It is my hope that the House will act on this language and send it to us early tomorrow afternoon, and I will have more to say on that tomorrow.

ADJOURNMENT UNTIL 2 P.M.
TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:22 p.m., adjourned until Sunday, March 20, 2005, at 2 p.m.

§ 13.11 Privileged concurrent resolution providing for adjournment (or recess) of each House for more than three days from separate, alternate dates of departure to separate dates certain, subject to joint leadership recall.

Parliamentarian's Note: In the 109th Congress, first session, the first "Easter recess" adjournment resolution (H. Con. Res. 103), adopted by the House on Mar. 17, 2005, and by the Senate on Mar. 19, 2005, was exhausted by reassembly thereunder on Mar. 20,

2005. When the Senate originated Senate Concurrent Resolution 23, it included a multitude of get-away days for the House in case it was unable to pass S. 686, the measure the House was recalled to consider.

On Sunday, Mar, 20, 2005,⁽¹⁾ two reports were filed from the Committee on Rules, as follows:

REPORT ON RESOLUTION
WAIVING REQUIREMENT OF
CLAUSE 6(a) OF RULE XXIII
WITH RESPECT TO CONSIDERATION
OF CERTAIN RESOLUTIONS

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-27) on the resolution (H. Res. 181) 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 686, FOR THE RELIEF OF THE PARENTS OF THERESA MARIE SCHIAVO

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109-28) on the resolution (H. Res. 182) providing for consideration of the Senate bill (S. 686) for the relief of the parents of Theresa Marie Schiavo, which was referred to the House Calendar and ordered to be printed.

1. 151 CONG. REC. 5481, 5482, 109th Cong. 1st Sess.

PROVIDING FOR A CONDITIONAL
ADJOURNMENT OR
RECESS OF THE TWO HOUSES

The Speaker laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 23) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Sunday, March 20, 2005, through Sunday, April 3, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 4, 2005, or until such other time as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any day from Sunday, March 20, 2005, through Monday, April 4, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 5, 2005, or until the time of any reassembly 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 House, respectively,

to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER.⁽²⁾ Without objection, the concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table. . . .

ADJOURNMENT

Mr. [Tom] DELAY [of Texas]. Mr. Speaker, pursuant to Senate Concurrent Resolution 23, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 23, 109th Congress, the House stands adjourned until 2 p.m. Tuesday, April 5, 2005.

Thereupon (at 12 o'clock and 46 minutes a.m., Monday, March 21, 2005), pursuant to Senate Concurrent Resolution 23, 109th Congress, the House adjourned until Tuesday, April 5, 2005, at 2 p.m.

Hurricane Katrina

§ 13.12 Pursuant to notice issued jointly by the Speaker and the Senate Majority Leader under the recall authority conferred in a concurrent resolution of adjournment, the House reassembled from its adjourn-

2. J. Dennis Hastert (IL).

ment pursuant to that concurrent resolution.

Parliamentarian's Note: The Senate had reassembled on the previous day. As with the previous recall during the first session of the 109th Congress (see § 13.9, *supra*), Members were given minimal notice of the reassembly. The bicameral leadership decided on Thursday, Sept. 1, 2005, that both Houses would have to come back early from the summer recess to address disaster-relief legislation relating to Hurricane Katrina. The Senate reassembled at 10 p.m. that night, and the House at 1 p.m. the next day, Friday, Sept. 2.

Thus Members had official notice of (at most) 19 hours (compared to about 17 hours for the reassembly of Mar. 20, 2005, and about three days for the House-only recall for impeachment proceedings on Dec. 17, 1998).

The Senate and the House reassembled on different days. In subsequent resolutions the language used for recall authority in concurrent resolutions of adjournment was modified to provide explicit authority to reassemble on separate days, by alluding to reassembly of the two Houses "at such place and respective time" as the joint leadership may designate.

On Sept. 2, 2005,⁽¹⁾ the following occurred in the House:

Pursuant to section 2 of House Concurrent Resolution 225, 109th Congress, the House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. DELAY).

DESIGNATION OF THE SPEAKER
PRO TEMPORE

The Speaker pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 2, 2005.

I hereby appoint the Honorable TOM DELAY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of
Representatives.*

NOTIFICATION OF
REASSEMBLING OF CONGRESS

The SPEAKER pro tempore. The Chair lays before the House the text of the formal notification sent to Members on Thursday, September 1, 2005, of the reassembling of the House.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 1, 2005.

DEAR COLLEAGUE: Pursuant to section 2 of House Concurrent Resolution 225, after consultation with the Minority Leader of the House of Representatives and the Minority Leader of the Senate, we hereby notify the Members

1. 151 CONG. REC. 19424, 109th Cong. 1st Sess.

of the Senate to reassemble at 10:00 p.m. on Thursday, September 1, 2005, and the members of the House of Representatives to reassemble at 1:00 p.m. on Friday, September 2, 2005.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

WILLIAM H. FRIST, M.D.,
Majority Leader of the Senate.

§ 13.13 The two Houses adopted a concurrent resolution providing for adjournment (or recess) of each House, the Senate from alternate departure dates, to a common date certain, subject to joint leadership recall authority.

Parliamentarian's Note: Although the contemplated period of adjournment for the House would not exceed three constitutional days, a concurrent resolution was used not only to permit the Senate to span Thursday and Tuesday but also to enable a further recall during the three-day Labor Day weekend, should the need arise.

On Sept. 2, 2005,⁽¹⁾ the following occurred in the House.

PROVIDING FOR A CONDITIONAL
ADJOURNMENT OR RECESS OF
THE TWO HOUSES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con.

1. *Id.* at p. 19443.

Res. 51) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, September 1, or on Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12 noon on Tuesday, September 6, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Friday, September 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it

stand adjourned until 2 p.m. on Tuesday, September 6, 2005, or until the time of any reassembly 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 House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore.⁽²⁾ Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

2. Tom DeLay (TX).

C. Adjournment *Sine Die*

§ 14. In General; Privilege; Inclusion of Other Matter

Adjournment *sine die* (literally “without day,” that is, without setting the date for reconvening in the concurrent resolution) is used to terminate a session of a Congress. Since under art. I, § 5, clause 4 of the Constitution neither House may adjourn for more than three days without the consent of the other House, and since Congress normally completes its work for a session more than three days prior to the constitutional date for the convening of the next session, in the usual practice adjournment *sine die* is accomplished by the adoption of a concurrent resolution. This is the practice even where the final adjournment of a session is only one or two days before the constitutional end of term.⁽¹⁾ A *sine die* adjournment resolution need not specify the date of reconvening because under § 2 of the 20th Amendment, a regular session of a Congress begins at noon of Jan. 3 of every year, unless Congress sets a different date by law.⁽²⁾ A session terminates automatically

1. See § 14.1, *infra*.

2. See Ch. 1, § 3, *supra*.

at the end of the constitutional term.⁽³⁾ Until recent years, *sine die* adjournments in even-numbered (election) years were normally taken by October (under the assumption that the business of the Congress be completed before Members to the next Congress are elected), and usually somewhat later in nonelection odd-numbered years. In more recent (105th-108th) Congresses, however, the final *sine die* adjournment of Congress has come after a “lame-duck” session following the election of Members to the Congress beginning in January of the subsequent odd-numbered year.⁽⁴⁾

Sine die adjournment concurrent resolutions may be called up from the floor as privileged, or if originating in the Senate, may be laid before the House from the Speaker’s table as privileged. While such a resolution is not debatable, a Member may be recognized during its consideration either by unanimous consent or

3. See §§ 14.11, 14.12, *infra*.

4. See 150 CONG. REC. 25728, 108th Cong. 2d Sess., Dec. 7, 2004 (H. Con. Res. 531); 148 CONG. REC. 23523, 107th Cong. 2d Sess., Nov. 22, 2002 (S Con. Res. 160); 146 CONG. REC. 27111, 106th Cong. 2d Sess., Dec. 15, 2000 (H. Con. Res. 446); and 144 CONG. REC. 28113, 105th Cong. 2d Sess., Dec. 19, 1998 (H. Con. Res. 353). See also *House Rules and Manual* § 84 (2007).

under a reservation of objection to a unanimous-consent request that the resolution be agreed to.⁽⁵⁾ The resolution requires a quorum for adoption.⁽⁶⁾ Unless called up as privileged, a measure relating to “final” adjournment of Congress is within the jurisdiction of the Committee on Rules.⁽⁷⁾ Once a session of Congress has been adjourned *sine die*, it may be reconvened either pursuant to leadership recall provisions contained in the concurrent resolution⁽⁸⁾ or by the President under the Constitution “on extraordinary Occasions”.⁽⁹⁾

A *sine die* resolution may specify the particular legislative or calendar day of adjournment or may specify two or more optional dates, in the latter case effected by a motion of the Majority Leader or the Majority Leader’s designee, and may be amended to provide for an adjournment on a date other than that specified.⁽¹⁰⁾ A resolution may provide for an adjournment to a date certain, unless the House sooner received a specified message from the Senate that it has adopted a House-

5. See § 14.9, *infra*.
6. See § 14.2, *infra*.
7. Rule X clause 1(n)(2), *House Rules and Manual* § 733 (2007).
8. See § 15, *infra*.
9. U.S. Const. art. II, § 3.
10. See, e.g., § 14.6, *infra*.

passed *sine die* adjournment resolution, in which case it would stand adjourned *sine die*.⁽¹¹⁾ A resolution providing *sine die* adjournment of a first session may include a provision that when the second session convenes, the two Houses may not conduct organizational or legislative business but shall adjourn on that day to a date certain, unless sooner recalled. However, such a resolution is not privileged since containing an order of business in addition to the *sine die* adjournment.⁽¹²⁾

Inclusion in such a resolution of a section asserting congressional prerogatives regarding “pocket vetoes” during *sine die* periods does not destroy the privilege of the concurrent resolution, since constituting a separate question of privilege.⁽¹³⁾

Privileged Status

§ 14.1 A concurrent resolution providing for an adjournment of the two Houses *sine die* is called up as privileged.

On Dec. 31, 1970,⁽¹⁾ the concurrent resolution below was called

11. See §§ 14.14, 15.1, *infra*.
12. See § 14.13, *infra*; but see § 14.14, *infra*.
13. See also §§ 14.15, 14.16, *infra*.
1. 116 CONG. REC. 44308, 91st Cong. 2d Sess.

up as privileged by the Majority Leader:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 799) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 799

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Saturday, January 2, 1971, and that when they adjourn on said day, they stand adjourned sine die.⁽²⁾

Quorum Requirement

§ 14.2 A quorum is required for the adoption of a concurrent resolution providing for a sine die adjournment of the two Houses.

On Oct. 18, 1972,⁽¹⁾ when a concurrent resolution to the effect that Congress adjourn *sine die* was offered in the House, a point of order was made that a quorum was not present on the question of adoption:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]. Mr. Speaker, I offer a

2. For additional instances of first session adjournments, see § 14.6, *infra*. See also 117 CONG. REC. 47676, 92d Cong. 1st Sess., Dec. 17, 1971 (H. Con. Res. 498); and 107 CONG. REC. 21528, 87th Cong. 1st Sess., Sept. 27, 1961 (Calendar Day) (S. Con. Res. 55).

1. 118 CONG. REC. 37061, 37062, 92d Cong. 2d Sess.

privileged concurrent resolution (H. Con. Res. 726) and ask for its immediate consideration.

The Clerk read as follows:

H. CON. RES. 726

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Wednesday, October 18, 1972, and that when they adjourn on said day, they stand adjourned sine die.

The SPEAKER.⁽²⁾ The question is on the concurrent resolution.

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

Mr. [James G.] O'HARA [of Michigan]. 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, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, nays 21, not voting 170, as follows:

[Roll No. 460] . . .

So the concurrent resolution was agreed to.

Rejection of Resolution

§ 14.3 The House has rejected a concurrent resolution providing for adjournment sine die.

2. Carl Albert (OK).

On July 29, 1954,⁽¹⁾ the House by a yeas and nays vote rejected a concurrent resolution providing for adjournment *sine die*:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a privileged resolution (H. Con. Res. 265) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring therein), That the two Houses of Congress shall adjourn on Saturday, July 31, 1954, and that when they adjourn on said day they stand adjourned sine die.

Mr. HALLECK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER.⁽²⁾ The question is on the passage of the resolution.

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 183, nays 193, not voting 56, as follows:

[Roll No. 126] . . .

So the concurrent resolution was rejected.

Effect of Rejection of Previous Resolution

§ 14.4 Where the House rejected a concurrent resolution

1. 100 CONG. REC. 12561, 12562, 83d Cong. 2d Sess. See also H. Jour. pp. 812, 813 (1954).
2. Joseph W. Martin, Jr. (MA).

tion providing for adjournment *sine die*, a second identical concurrent resolution providing for adjournment *sine die* was in order during the same week inasmuch as there had been intervening business.

On July 30, 1954,⁽¹⁾ a Member objected to a second concurrent resolution for adjournment *sine die*:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a concurrent resolution and ask for its immediate consideration.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION 266

Resolved by the House of Representatives (the Senate concurring therein), That the two Houses of Congress shall adjourn on Saturday, July 31, 1954, and that when they adjourn on said day they stand adjourned sine die. . . .

Mr. [Herman P.] EBERHARTER [of Pennsylvania]. My parliamentary inquiry is this: Within this week the House voted on an exactly similar resolution. Thereafter a motion to reconsider was laid on the table. I make the point of order, Mr. Speaker, that the motion to reconsider having been laid on the table on exactly the same resolution, it is not again in order at this time.

1. 100 CONG. REC. 12810, 12811, 83d Cong. 2d Sess.

The SPEAKER.⁽²⁾ In reply to the gentleman from Pennsylvania, the Chair will say that the House has transacted considerable legislative business since the last resolution was defeated on a preceding day.

The question is on the concurrent resolution.

Changing Date of Adjournment

§ 14.5 The House agreed to a Senate amendment in the nature of a substitute to a concurrent resolution providing for adjournment *sine die*, changing the date of adjournment from Oct. 11, 1984, to that date or Oct. 12, 1984.

On Oct. 11, 1984,⁽¹⁾ the Speaker laid before the House as privileged a Senate amendment to a concurrent resolution providing for adjournment *sine die*:

MESSAGE FROM THE SENATE

The SPEAKER pro tempore.⁽²⁾ The Chair lays before the House the following privileged message from the Senate.

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 377) entitled "Concurrent resolution providing for the sine die adjournment of the Ninety-eighth Congress".

2. Joseph W. Martin, Jr. (MA).

1. 130 CONG. REC. 32314, 98th Cong. 2d Sess.

2. Frank Harrison (PA).

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

That the two Houses of Congress shall adjourn on Thursday, October 11, 1984, or on Friday October 12, 1984, and that when they adjourn on said day, they stand adjourned sine die.

PARLIAMENTARY INQUIRY

Mr. [Tom] LOEFFLER [of Texas]. Mr. Speaker, for the clarification of the body, is it correct to assume that this technical amendment to the sine die resolution does not include the so-called call-back provision but, rather, addresses the dates of today and tomorrow so that we might conclude our work without having to stop the clock?

The SPEAKER pro tempore. The gentleman's assumption is correct.

Mr. LOEFFLER. I thank the Chair.

The SPEAKER pro tempore. The question is on the Senate amendment.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

§ 14.6 A House concurrent resolution providing for adjournment *sine die* was amended by the Senate to provide for adjournment on a later day than that originally proposed in the resolution.

On the legislative day of Sept. 14, 1959,⁽¹⁾ Speaker Sam Rayburn, of Texas, laid before the House as privileged, Senate amendments to a House concurrent resolution, as follows:

HOUSE CONCURRENT RESOLUTION
440

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Monday, September 14, 1959, and that when they adjourn on said day, they stand adjourned sine die.

With the following Senate amendments:

Line 3, strike out "Monday, September 14," and insert "Tuesday, September 15."

Amend the title so as to read: "Establishing that when the two Houses adjourn on Tuesday, September 15, 1959, they stand adjourned sine die."

The Senate amendments were concurred in.

§ 14.7 The House agreed to a concurrent resolution adjourning the first session of the 80th Congress *sine die* on Dec. 19, 1947, notwithstanding a concurrent resolution adopted at an earlier date adjourning the Congress until Jan. 2, 1948.

On Dec. 19, 1947,⁽¹⁾ the House agreed to a concurrent resolution

1. 105 CONG. REC. 19746, 86th Cong. 1st Sess., Sept. 15, 1959 (Calendar Day).

1. 93 CONG. REC. 11738, 80th Cong. 1st Sess.

changing the date for adjournment *sine die*. The Congress had adjourned from July 27, 1947, until Jan. 2, 1948, but the President called the Congress back into session on Nov. 17, 1947, thus resuming the first session on a date earlier than that to which it had adjourned. Hence the language of the following adjournment resolution:

Mr. [Charles A.] HALLECK [of Indiana]. Mr. Speaker, I offer a [privileged] House concurrent resolution (H. Con. Res. 127) which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of the Senate Concurrent Resolution 33, Eightieth Congress, the two Houses of Congress shall adjourn on Friday, December 19, 1947, and that when they adjourn on said day, they stand adjourned sine die.

The concurrent resolution was agreed to.

House Consent to Subsequent Senate Adjournment

§ 14.8 The House adopted a concurrent resolution providing for an adjournment *sine die* of the House and giving the consent of the House to a subsequent adjournment *sine die* of the Senate, and in the interim, to such Senate adjournments in excess of

three days as it might determine.

On Aug. 20, 1954,⁽¹⁾ a House concurrent resolution affecting dates of adjournment *sine die* of the two Houses was called up with an amendment:

Mr. [Leo E.] ALLEN of Illinois. Mr. Speaker, I call up the concurrent resolution (H. Con. Res. 266) providing for adjournment *sine die* of the 83d Congress, 2d session, with an amendment of the Senate thereto, and move that the House concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert "That the House of Representatives shall adjourn on August 20, 1954, and that when it adjourns on said day, it stand adjourned *sine die*."

"Resolved further, That the consent of the House of Representatives is hereby given to an adjournment *sine die* of the Senate at any time prior to December 25, 1954, when the Senate shall so determine; and that the Senate, in the meantime may adjourn or recess for such periods in excess of 3 days as it may determine."

The Senate amendment was concurred in, and a motion to reconsider was laid on the table.

Debate on Resolution

§ 14.9 Although a concurrent resolution providing for the

1. 100 CONG. REC. 15554, 83d Cong. 2d Sess.

adjournment of the second session of a Congress *sine die* is not debatable, a Member may be recognized during the consideration of such a concurrent resolution under a reservation of objection to a unanimous-consent request propounded by the Chair that the concurrent resolution be agreed to.

On Oct. 27, 1990,⁽¹⁾ the House, for the first time since the 93d Congress,⁽²⁾ 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

1. 136 CONG. REC. 36850, 101st Cong. 2d Sess.
2. See 15.7, *infra*.

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

The SPEAKER pro tempore.⁽³⁾ 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.

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. Is there objection to the adoption of the concurrent resolution? . . .

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.

§ 14.10 A concurrent resolution providing for an adjournment *sine die* is ordinarily

3. Michael R. McNulty (NY).

not debatable; however, debate has been permitted where no point of order was raised against it. A resolution appointing a committee to notify the President of an impending *sine die* adjournment is debatable.

In the Senate, on Oct. 11, 1968,⁽¹⁾ a Senate concurrent resolution (S. Con. Res. 83) was called up and agreed to. This concurrent resolution provided for the *sine die* adjournment of both Houses of Congress at the close of business on Friday, Oct. 11, 1968. The resolution was not taken up on this date in the House as certain Members of the House hoped that those Senators opposed to a bill permitting nationally televised debates between Presidential candidates might reconsider their position. (The matter was not, however, brought to a vote in the Senate.) The House did agree to a resolution authorizing the appointment of a committee to join a similar Senate committee to notify the President of plans to adjourn *sine die*.⁽²⁾

Mr. [Carl] ALBERT [of Oklahoma].
Mr. Speaker, I offer a resolution (H.

1. 114 CONG. REC. 31103, 90th Cong. 2d Sess.
2. *Id.* at p. 30767.

For discussion of House agreement to Senate concurrent resolutions, see Chs. 24, 32, 33, *supra*.

Res. 1320) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1320

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.

Mr. ALBERT. Mr. Speaker, I yield one-half minute to the gentleman from Michigan [Mr. O'HARA] to make a statement.

Mr. [James G.] O'HARA of Michigan, Mr. Speaker, as many Members of the House are aware, I am not in agreement with the statement in the resolution that both Houses have completed their business. I am very strongly of the opinion that the Senate has very important business remaining, but on this resolution I would not attempt to make that judgment for the Senate. I hope that they will reach that decision for themselves. I will, therefore, not oppose this resolution, Mr. Speaker, but I will, of course, reserve the right to oppose a motion to adjourn *sine die*.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER.⁽³⁾ The Chair appoints as members on the part of the House of the committee to notify the President, the gentleman from Oklahoma, Mr. ALBERT, and the gentleman from Michigan, Mr. GERALD R. FORD.

In the absence of House concurrence to the Senate resolution for

3. John W. McCormack (MA).

adjournment *sine die*, the Senate adjourned until Monday noon, Oct. 14, 1968.⁽⁴⁾ The House adjourned at 7:53 p.m. on Friday, Oct. 11, 1968,⁽⁵⁾ to reconvene Saturday, Oct. 12, 1968, at noon. On Saturday, Oct. 12, 1968,⁽⁶⁾ the House convened at 12 noon, and at 1:06 p.m., adjourned until Monday, Oct. 14, at noon.⁽⁷⁾

When the House convened on Monday, Oct. 14,⁽⁸⁾ the Senate resolution was called up in the House, and an amendment was offered changing the date to conform with the date anticipated for adjournment, that same Monday, the 14th.⁽⁹⁾ Mr. James G. O'Hara, of Michigan, was yielded five minutes for debate by the Majority Leader, who was recognized for debate without objection:

Mr. [Carl] ALBERT [of Oklahoma]. Mr. Speaker, I call up Senate Concurrent Resolution 83, and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 83

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

4. 114 CONG. REC. 31115, 90th Cong. 2d Sess., Oct. 11, 1968.
5. *Id.* at p. 30817.
6. *Id.* at p. 31116.
7. *Id.* at p. 31154.
8. *Id.* at p. 31311.
9. *Id.* at pp. 31312, 31313.

the two Houses of Congress shall adjourn on Friday, October 11, 1968, and that when they adjourn on said day, they stand adjourned sine die.

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: Page 1, line 3, strike out "Friday, October 11, 1968," and insert "Monday, October 14, 1968."

Mr. ALBERT. Mr. Speaker, I yield 5 minutes for the purpose of debate to the gentleman from Michigan [Mr. O'HARA]. . . .

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. O'HARA of Michigan. Mr. Speaker, I had announced on Friday of last week that I would attempt to prevent the adjournment of this session of Congress until the Senate had considered what I believe to be, in terms of the functioning of our political system, one of the most important bills that we have considered in the last 4 years. That proposal, Mr. Speaker, was the proposal that would have permitted network TV debates among the major candidates, for the Presidency of the United States. . . .

I have also had an opportunity to carefully review the situation in which the U.S. Senate finds itself. I have come to the reluctant conclusion that it will probably not be possible to acquire a quorum for the consideration of this legislation. I have become convinced that the minority will persist in its obstructionist tactics; that it is desperate to avoid this confrontation.

For these reasons and because I certainly do not want to inconvenience

Members of the House of Representatives, I wish to announce that I will not attempt to prevent the passage of the sine die adjournment resolution. But I remain convinced, Mr. Speaker, that the other body has done a disservice to the country, that the Congress has an unfulfilled obligation to the American people and that we ought to be dealing with that obligation rather than going home.

Then, Mr. Albert, who had yielded the time to Mr. O'Hara, yielded himself one minute to concur with Mr. O'Hara's statements regarding the House's position on televised debates, the situation in the Senate, and the adjournment:⁽¹⁰⁾

Mr. ALBERT. Mr. Speaker, I yield myself 1 minute only for the purpose of observing that the bill which has precipitated this discussion came to this body from the Senate. It was a Senate bill. The House amended the bill and sent it back to the Senate. It seems to us, therefore, that the Senate should have taken action under the circumstances. The statement made by our distinguish colleague, the gentleman from Michigan [Mr. O'Hara], amply sets forth the numerous reasons why we on this side of the aisle feel as we do about this matter.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. Albert].

The amendment was agreed to.

10. *Id.* at p. 31313.

The resolution was agreed to.

Declaration at Constitutional End of Session

§ 14.11 Because § 2 of the 20th Amendment requires that a regular session of a Congress begin at noon on Jan. 3 of each year (unless a different date is set by law), then if the House is in session at that time the Speaker declares the pending session adjourned *sine die* so that the next regular session may begin at noon.

On Jan. 3, 1996,⁽¹⁾ the following proceedings occurred in the House:

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 o'clock and 55 minutes a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the . . . prayer[.] . . .

PLEDGE OF ALLEGIANCE

The SPEAKER.⁽²⁾ Will the gentleman from New York [Mr. SOLOMON]

- 1. 142 CONG. REC. 38609, 38610, 104th Cong. 1st Sess.
- 2. Newt Gingrich (GA).

come forward and lead the House in the Pledge of Allegiance.

Mr. SOLOMON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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 bill of the House of the following title:

H.R. 1643. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria. . . .

COMMUNICATION FROM THE HONORABLE TOM DELAY, MAJORITY WHIP

The SPEAKER laid before the House the following communication from the Honorable TOM DELAY, majority whip: . . .

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives: . . .

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following message from the Clerk of the House of Representatives.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, December 29, 1995.

Hon. NEWT GINGRICH,
*House of Representatives, Wash-
ington, D.C.*

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, December 29, 1995, at 12:10 p.m. and said to contain a message from the President whereby he submits a semiannual report on the Russian Federation's continued compliance with emigration criteria as required by sections 402 and 409 of the Trade Act of 1974.

Sincerely,

ROBIN H. CARLE,
Clerk.

CONTINUED MOST-FAVORED-NATION STATUS FOR RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-154)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered to be printed: . . .

PARLIAMENTARY INQUIRY

Mr. [Steny H.] HOYER [of Maryland]. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOYER. Mr. Speaker, would it be in order for me at this time to ask unanimous consent to take up H.R. 1643, the bill just reported to us by the other body?

The SPEAKER. The Chair asks the gentleman to suspend. The House will come right back in session. . . .

SINE DIE ADJOURNMENT

The SPEAKER. Pursuant to the 20th amendment of the Constitution of the United States, the Chair declares the 1st session of the 104th Congress adjourned sine die.

Thereupon (at 12 noon) pursuant to the 20th amendment of the Constitution of the United States, the House adjourned.

Parliamentarian's Note: The Speaker laid these matters before the House within the five minutes remaining in the session, but could have waited until the second session, beginning at noon. On Jan. 3, 1992, the House adjourned by motion, but it seemed more prudent to adjourn by the Speaker's declaration, since a recorded vote on the motion, if ordered, might have taken the House beyond the noon expiration time for the session, requiring the clock to

be stopped to avoid a point of order under the Constitution.⁽³⁾

§ 14.12 Pursuant to § 2 of the 20th Amendment to the Constitution, a regular session of a Congress must begin at noon on Jan. 3 of every year, unless Congress establishes a different date by law, and if the House is in session at that time the Speaker declares the House adjourned *sine die* without a motion being made from the floor, so that the next regular session of that Congress, or the first regular session of the next Congress, as the case may be, may assemble at noon on that day.

On Jan. 3, 1980,⁽¹⁾ the following proceedings occurred in the House:

The House met at 11:55 a.m. and was called to order by the Speaker pro tempore (Mr. MOAKLEY).

The Chaplain, Rev. James David Ford, D.D., offered the . . . prayer[.] . . .

3. 137 CONG. REC. 36367, 102d Cong. 1st Sess. See also 126 CONG. REC. 3, 6, 96th Cong. 2d Sess., Jan. 3, 1980; and *House Rules and Manual* § 242 (2007).
1. 126 CONG. REC. 37773, 37774, 96th Cong. 1st Sess.

THE JOURNAL

The SPEAKER pro tempore.⁽²⁾ 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, and without objection, the Journal stands approved.

There was no objection. . . .

ADJOURNMENT

The SPEAKER pro tempore. The hour of 12 noon having arrived, pursuant to the 20th amendment of the Constitution, the Chair declares the first session of the 96th Congress adjourned sine die.

Thereupon (at 12 o'clock noon), pursuant to the 20th amendment of the Constitution, the House adjourned sine die.

Parliamentarian's Note: There are two prior instances wherein the House or both Houses adjourned at the constitutional expiration of the session. On Dec. 1, 1913, the House adjourned *sine die* on the final day by declaration.⁽³⁾

Inclusion of Nonprivileged Matter

§ 14.13 By unanimous consent the House considered a non-

2. John Joseph Moakley (MA).

3. See 8 Cannon's Precedents §3375. See also *The Congressional Globe*, 816, 817, 40th Cong. 1st Sess., Dec. 2, 1867.

privileged concurrent resolution providing for an adjournment of the House and the Senate to 11:55 a.m. on Jan. 3 or until recalled by joint leadership; providing that the House shall not conduct organizational or legislative business when reconvening the second session on Jan. 3; and providing for an adjournment from Jan. 3 to Jan. 22 or until recalled by joint leadership.

On Nov. 26, 1991,⁽¹⁾ the Majority Leader offered the following concurrent resolution:

Mr. [Richard A.] GEPHARDT [of Missouri]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 260) and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore.⁽²⁾ The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 260

Resolved by the House of Representatives (the Senate concurring), That when the House and Senate adjourn on the calendar day of Wednesday, November 27, 1991, in accordance with this resolution, they stand adjourned until 11:55 a.m. on Friday, January 3, 1992, or until noon on the second day after Members are notified to reassemble, whichever occurs first.

1. 137 CONG. REC. 35840, 35841, 102d Cong. 1st Sess.

2. Steny H. Hoyer (MD).

Ch. 40 § 14 DESCHLER-BROWN-JOHNSON PRECEDENTS

SEC. 2. That when the Congress convenes on January 3, 1992, for the second session of the 102d Congress, the House shall not conduct organizational or legislative business and when it adjourns on that day, it stand adjourned until noon on Wednesday, January 22, 1992, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with 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.

LEGISLATIVE PROGRAM

Mr. GEPHARDT. Mr. Speaker, I ask for this time to explain the resolution and give the Members a sense of the schedule.

Let me first say on the schedule that there obviously could be a vote on this adjournment resolution in the next few moments. It is not debatable, and we will move to vote very rapidly if there is a vote.

After that, there is one additional matter that I am aware of that may require a vote, and that has to do with the Medicaid legislation which is here, and we will be coming forward with a rule, and there could be a vote on it at the end of its consideration.

Other than that, there should not be further votes, assuming the adjournment resolution passes.

Let me say this: This concurrent resolution provides that the House will, when we finish business today, recess until 11:55 a.m., January 3, 1992, at

which time we will conclude the first session of this, the 102d Congress. At 12 noon that day, January 3, 1992, we will convene the second session of the 102d Congress and will then immediately proceed to recess until January 22, 1992.

During these recess periods, the House will be subject to the call of the Chair. If it becomes necessary or desirable to reconvene the two Houses to act on the President's returned veto of legislation we are sending to him for his consideration or because the scheduled work of the committees which has been described produces economic legislation which is ready for floor action or for other reasons, we will be able to reconvene in a timely manner.

Any such reconvening of the House will be done in the consultation with the leadership on both sides of the aisle.

That concludes my explanation of the concurrent resolution.

Parliamentarian's Note: The prohibition of business in the next session, stipulated in § 2 of the concurrent resolution, destroyed its privilege.⁽³⁾

§ 14.14 The House agreed to a concurrent resolution providing for adjournment of

3. See 125 CONG. REC. 37317, 96th Cong. 2d Sess., Dec. 20, 1979 (H. Con. Res. 232), for the last time (which was also the first time) a *sine die* adjournment and an adjournment to a date certain in the next session were combined in a single resolution (although, here, it was not technically a *sine die* adjournment). But see § 14.14, *infra*.

the first session of the 106th Congress *sine die* and providing that the House conduct no organizational or legislative business on the first day of the second session.

On Nov. 18, 1999,⁽¹⁾ the Majority Leader offered the following concurrent resolution:

PROVIDING FOR ADJOURNMENT SINE DIE AFTER COMPLETION OF BUSINESS OF FIRST SESSION OF 106TH CONGRESS AND SETTING FORTH SCHEDULE FOR CERTAIN DATES DURING JANUARY 2000 OF SECOND SESSION

Mr. [Richard K.] ARMEY [of Texas]. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 235), and ask for its immediate consideration.

The SPEAKER pro tempore.⁽²⁾ The Clerk will report the concurrent resolution.

The Clerk read as follows:

That when the House adjourns on any legislative day from Thursday, November 18, 1999, through Monday, November 22, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Thursday, December 2, 1999 (unless it sooner has received a message from the Senate transmitting its concurrence in the conference report to accompany H.R. 3194, in which case the House shall

stand adjourned *sine die*), or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Thursday, November 18, 1999, through Thursday, December 2, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned *sine die*, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 2. When the House convenes for the second session of the One Hundred Sixth Congress, it shall conduct no organizational or legislative business on that day and, when the House adjourns on that day, it shall stand adjourned until noon on January 27, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 3 of this concurrent resolution.

SEC. 3. 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. 4. The Congress declares that clause 2(h) of rule II of the Rules of the House of Representatives and the order of the Senate of January 6, 1999, authorize for the duration of the One Hundred Sixth 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 Sixth Congress the constitutional prerogative of the House and

1. 145 CONG. REC. 30734, 30735, 106th Cong. 1st Sess.
2. Ed Pease (IN).

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 current Congress does 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 concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: Although Majority Leader Armev claimed to be calling up the resolution as privileged, it was not privileged as indicated in § 14.13, *supra*, since it included a special order of business.

Pocket Vetoes During Sine Die and Intrasession Periods

§ 14.15 The President's return to the House by message under seal of a bill previously presented to him, together with a statement of his objections thereto, in which he asserted the power to "pocket veto" the bill during an intrasession adjournment of the originating House by withholding his approval, was laid before the House by the Speaker accom-

panied by an announcement from the chair regarding prior correspondence in the *Congressional Record*.

On Nov. 13, 2000,⁽¹⁾ the House, by unanimous consent, referred a veto message and bill to committee:

INTELLIGENCE AUTHORIZATION
ACT FOR FISCAL YEAR 2001—
VETO MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Today, I am disapproving H.R. 4392, the "Intelligence Authorization Act for Fiscal Year 2001," because of one badly flawed provision that would have made a felony of unauthorized disclosures of classified information. Although well intentioned, that provision is overbroad and may unnecessarily chill legitimate activities that are at the heart of a democracy. . . .

Since the adjournment of the congress has prevented my return of H.R. 4392 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The

1. 147 CONG. REC. 26022, 26023, 107th Cong. 1st Sess. See also § 14.16, *infra*, for the complete Extension of Remarks carried in the *Congressional Record*.

See also Ch. 24, *supra*, for further discussion on pocket vetoes.

Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to “pocket veto” bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4392 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

Sincerely,
WILLIAM J. CLINTON.
THE WHITE HOUSE, *November 4, 2000.*

□ 1845

The SPEAKER pro tempore (Mr. PEASE).⁽²⁾ The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

On September 19, 2000, the Speaker inserted in the Extensions of Remarks portion of the RECORD a copy of a letter dated September 7, 2000, signed jointly by him and the Democratic leader and addressed to the President of the United States, expressing their views on the limits of the “pocket-veto” power and including a similar letter from Speaker Foley and Republican leader Michel sent to President Bush on November 21, 1989. Without objection, that correspondence is reinserted at this point in the RECORD, since no response has been received to the September 7, 2000, letter and the same assertion by the President of “pocket-veto” power during an intrasession adjournment of Congress to a day certain is contained in the veto message just read to the House.

Parliamentarian’s Note: While treatment of pocket vetoes is also

2. Ed Pease (IN).

included in Ch. 24, *supra*, it is included here as related to congressional adjournments.

§ 14.16 Under permission to extend remarks, the Speaker inserted in the *Congressional Record* correspondence dated Sept. 7, 2000, to President Clinton from Speaker Hastert and Minority Leader Gephardt, and dated Nov. 21, 1989, to President Bush from Speaker Foley and Minority Leader Michel, expressing views on the extent of the President’s “pocket veto” authority during *sine die* and intrasession adjournment periods.

On Sept. 19, 2000,⁽¹⁾ the following was inserted into the Extension of Remarks section of the *Congressional Record*:

POCKET-VETO POWER
HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Mr. HASTERT. Mr. Speaker, I submit for the RECORD a copy of a letter signed jointly by myself and the Democratic Leader, Mr. Gephardt. It is addressed to President Clinton. In it, we

1. 136 CONG. REC. 18594, 107th Cong. 1st Sess.

express our views on the limits of the “pocket-veto” power. I also submit a copy of the letter referenced therein, which was sent to President Bush on November 21, 1989, by Speaker Foley and Republican Leader Michel.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
*The President, The White House,
Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

[“]Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to “pocket veto” bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.[”]

President Bush similarly asserted a pocket-veto authority during an inter-session adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that “[s]uccessive 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.” It also states our belief that it is not “constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation.” The Congress, on

numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of “pocket veto” authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974), the court held that the “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.
RICHARD A. GEPHARDT,
Democratic Leader

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
*President of the United States, The
White House, Washington, DC.*

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would “prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it.” You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a “hand enrollment” of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In *Kennedy v. Sampson*, the United States Court of Appeals held that “pocket veto” is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430

(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.⁽¹⁾ 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).⁽²⁾ The form of leadership recall authority as re-instituted in the 101st Congress remained the practice through the 108th Congress.⁽³⁾

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,⁽⁴⁾ 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.⁽⁵⁾

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.

—

§ 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,⁽¹⁾ the Majority Leader offered the following privileged concurrent resolution:

PROVIDING FOR SINE DIE AD-
JOURNMENT OF SECOND SES-
SION 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,⁽¹⁾ 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.

NOTIFICATION OF
REASSEMBLING OF CONGRESS

The SPEAKER.⁽²⁾ 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.

-
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,⁽¹⁾ 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:

-
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.⁽²⁾

Subsequently, on Oct. 21, 1998,⁽³⁾ 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.⁽⁴⁾ 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,⁽¹⁾ the Speaker pro tempore⁽²⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾ 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,⁽³⁾ 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.⁽⁴⁾ 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,⁽¹⁾ 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).⁽²⁾ 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,⁽¹⁾ 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,⁽¹⁾ 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.⁽²⁾ 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.] BREAU [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.⁽³⁾

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

RECALL DESIGNEE

The SPEAKER pro tempore (Mr. KERNS).⁽²⁾ 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.⁽³⁾

§ 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).

September (Labor Day) of such year to the second day after Labor Day.”⁽¹⁾ The section is not applicable if the Nation is in a state of war declared by Congress.⁽²⁾ In even-numbered years and some odd-numbered years, the House has agreed to concurrent resolutions waiving the provisions of this law to provide that the two Houses shall not adjourn for more than three days or *sine die* until they have adopted a concurrent resolution to that effect.⁽³⁾ To obviate the necessity of adoption of such a concurrent resolution waiving § 132 of the Legislative Reorganization Act of 1946, the two Houses have included language “in consonance with section 132(a)” in its concurrent resolutions providing for adjournments from July until September.⁽⁴⁾

1. See *House Rules and Manual* §§ 1105, 1106 (2007); 2 USC § 198.
2. *Ibid.*
3. See § 16.2, *infra*. See also 145 CONG. REC. 18763, 106th Cong. 1st Sess., July 30, 1999 (H. Con. 266); 140 CONG. REC. 18611–15, 103d Cong. 2d Sess., July 29, 1994 (H. Con. Res. 275); 132 CONG. REC. 18146, 18147, 99th Cong. 2d Sess., July 30, 1986 (H. Con. Res. 374); 128 CONG. REC. 18562, 18563, 97th Cong. 2d Sess., July 29, 1982 (H. Con. Res. 386); and 120 CONG. REC. 25008, 93th Cong. 2d Sess., July 24, 1974 (H. Con. Res. 568).
4. See § 16.1, *infra*. See also § 12.1, *supra*.

The 1970 Act superseded the provisions of the Legislative Reorganization Act of 1946 which required that Congress adjourn *sine die* by the end of July each year unless there existed a state of war or national emergency declared by the President. Presidentially declared national emergencies of Sept. 8, 1939,⁽⁵⁾ May 27, 1941,⁽⁶⁾ and Dec 16, 1950,⁽⁷⁾ made the July 31 adjournment provision moot.⁽⁸⁾

The requirement in former § 310(f) of the Congressional Budget Act of 1974 that *sine die* adjournment resolutions cannot be considered until Congress has completed action on the second concurrent resolution on the budget and on any required reconciliation legislation was repealed by the Balanced Budget and Emergency Deficit Control Act of 1985.⁽⁹⁾

Legislative Reorganization Act of 1970

§ 16.1 The House by unanimous consent considered a

5. Presidential Proclamation 2352 (54 Stat. 2643).
6. Presidential Proclamation 2487 (55 Stat. 1647).
7. Presidential Proclamation 2914 (64 Stat. A454).
8. See, *e.g.*, § 16.3, *infra*.
9. See *House Rules and Manual* § 1127 (2007); 2 USC §§ 601 *et seq.*

concurrent resolution of adjournment for its “August” recess rendered unprivileged by § 309 and § 310 of the Budget Act.

On July 27, 2000,⁽¹⁾ the Speaker pro tempore laid before the House a Senate concurrent resolution providing for adjournment (or recess) of each House for more than three days, from separate alternate departure dates, to separate dates certain, subject to joint leadership recall. The proceedings were as follows:

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore.⁽²⁾ Without objection, the Chair lays before the House the following Senate concurrent resolution (S. Con. Res. 132), providing for a conditional adjournment or recess of the Senate and conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on

1. 146 CONG. REC. 16620, 16621, 106th Cong. 2d Sess.
2. Edward A. Pease (IN).

Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after 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, 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 House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1815

The SPEAKER pro tempore (Mr. PEASE). Without objection, the concurrent resolution is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, House Resolution 567 is laid on the table.

There was no objection.

§ 16.2 By unanimous consent, the House considered and then agreed to a concurrent resolution providing that notwithstanding the requirement of the Legislative Reorganization Act of 1970 (2 USC § 198) that the two Houses adjourn *sine die* by July 31 in an even-numbered year, the House and Senate not adjourn for more than three days or *sine die* until they had adopted a concurrent resolution to that effect.

On July 25, 1972,⁽¹⁾ the House, by unanimous consent, took up a concurrent resolution providing that the two Houses would remain in session beyond the day specified by the Legislative Reorganization Act of 1970. The relevant section of the Legislative Reorganization Act of 1970 (2 USC § 198) to which the concurrent resolution addressed itself states that unless otherwise provided by Congress, the two Houses shall either (a) adjourn *sine die* by July 31 of each year; or (b) in odd-numbered years, adjourn from the first Friday in August until the second day after Labor Day pursuant to a concurrent resolution adopted by roll call vote in each House. The

1. 118 CONG. REC. 25145, 25146, 92d Cong. 2d Sess.

following proceedings then occurred:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 648) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 648

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the provisions of Sec. 132(a) of the Legislative Reorganization Act of 1946 (2 USC 198), as amended by Section 461 of the Legislative Reorganization Act of 1970 [Pub. Law 91-510; 84 Stat. 1193], the House of Representatives and the Senate shall not adjourn for a period in excess of three days, or adjourn *sine die*, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment *sine die*.

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

Mr. [Durward G.] HALL [of Missouri]. Mr. Speaker, reserving the right to object—as I understand the Clerk's reading of this resolution, and from contact with the distinguished majority leader just prior to its presentation, this requested approval will for all intents and purposes obviate the intent of the Joint Commission on the Reorganization of Congress and indeed the statute evolving from the Reorganization Act of 1970.

It was the hope of that Commission, which held 3 years of hearings, and of

2. Carl Albert (OK).

the Committee on Rules, which later submitted the bill that became the Reorganization Act of 1970, that the Congress could obviate the impasse between the legislative and/or authorizing committees vis-a-vis the operating or appropriations committees to the place where we could accomplish our work in a so-called constitutionally defined short session of any given Congress, and be out of here at least by the end of July.

I understand the need and the necessity for the House-Senate concurrent resolution as submitted by the gentleman from Louisiana. I do not understand why it needs to be open ended as to date.

I wonder if the distinguished majority leader can explain, Mr. Speaker, why it is until such time as subsequent concurrent action or joint action sets a date certain, or adjourns for over 3 days.

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

Mr. HALL. I am glad to yield to my friend from Louisiana.

Mr. BOGGS. The gentleman is, of course, correct in his principal statement that under the terms of the so-called Reorganization Act passed several years ago, unless some action is taken, the Congress would be forced to adjourn by July 31. The gentleman, of course, is well aware of the fact that there are a number of very important authorization bills, and still a series of appropriation bills that have not cleared one body or the other.

The idea at this time of attempting to set a date certain for adjournment is something that is just without the knowledge either of the Speaker or of

the majority leader. We just do not know.

As the gentleman has been informed heretofore, we do not expect to complete the work of this session prior to the Friday before the Republican National Convention, which convenes, I believe, on August 21.

So the best answer I can give the gentleman is we just do not have a date certain. Until such time as we were in a position to write a date certain, it would be a vain and useless thing to do so now.

Mr. HALL. Mr. Speaker, further reserving the right to object, I appreciate the gentleman's efforts, and those of the leadership[.] . . .

Mr. Speaker, I withdraw my reservation.

The SPEAKER. 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, could the House have any assurance, the slightest assurance, that having returned after Labor Day, following the Republican Convention, there will be a sine die adjournment of Congress sometime in September?

Mr. BOGGS. Will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. BOGGS. The gentleman knows that the leadership prepared a schedule of days off for this session and, if the gentleman will refer to this, he will note that we expressed the hope then that we would have completed the business of this session by August 18, which is the Friday before the Republican National Convention.

Now, in truth and in fact, the House has done, in my judgment, quite well. But we still have the foreign aid bills, the foreign aid authorization and the foreign aid appropriation, the military construction appropriation bill, and the defense appropriation. These are very important matters, particularly the defense appropriation bill. There is also the Water Quality Act which is still in conference and there is the debt limit extension and a housing bill.

I will not seek to enumerate all of them, but there are matters of importance pending before this body. . . .

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

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

Mr. [Joe D.] WAGGONNER [Jr., of Louisiana]. Mr. Speaker, reserving the right to object, I want to ask my distinguished colleague from Louisiana if he meant he was taking the position that as majority leader he was not going to allow this House to adjourn or this Congress to adjourn sine die until all of the legislative proposals he recommended had been signed into law.

Mr. BOGGS. No. Not at all. . . .

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

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

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Legislative Reorganization Act of 1946

§ 16.3 The Speaker responded to parliamentary inquiries as

to whether it was necessary for the Congress to provide for the continuance of its session beyond July 1949, and whether committees may sit and act in view of the provisions of § 132 of the Legislative Reorganization Act of 1946, requiring that adjournment take place the last of July unless otherwise provided by the Congress.

The Speaker stated that a concurrent resolution to continue the session beyond July 1949 was not necessary inasmuch as the United States was still at war and that the national emergencies proclaimed by the President in 1939 and in 1941 were still in effect.

There was inserted in the *Congressional Record* opinion and supporting evidence of the Legislative Reference Service of the Library of Congress to the effect that a concurrent resolution to continue the session beyond July 1949 was not necessary because of the current state of war and the national emergencies proclaimed by the President in 1939 and in 1941.

On July 27, 1949,⁽¹⁾ the Minority Leader posed the following parliamentary inquiry:

1. 95 CONG. REC. 10290-93, 81st Cong. 1st Sess.

CONTINUATION OF SESSIONS BEYOND
JULY 31, 1949

Mr. [Joseph W.] Martin, [Jr., of Massachusetts]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER.⁽²⁾ The gentleman will state it.

Mr. MARTIN of Massachusetts. Mr. Speaker, I rise to propound an inquiry to the Speaker and the majority leader.

Three years ago in response to a wide public demand the then Democratic Congress passed what was known as the reorganization bill. The purpose of the legislation was to initiate legislative reforms. The bill was warmly supported by the press, magazines, labor leaders, business executives, eminent educators, and students of public affairs. One of the reforms particularly stressed was the establishment of a fixed date for the adjournment of Congress.

In that bill was a paragraph, which I read:

SEC. 132. Except in time of war in a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

You will note that this is mandatory language, subject only to emergencies. Unless the House is ready to accept the flimsy excuse that 4 years after the ending of a shooting war we are still at war, there are only two other ways we can continue legally to legislate after August 1. One is through the passage of a concurrent resolution, and the other the proclaiming by the President

of an emergency. There may be emergencies at this time, and if so, I would like to have them specified.

As I stated, there has been talk of keeping the Congress in session on the pretext we are in war. Technically that, of course, is true, but I submit, Mr. Speaker, that will not ring true with the American people. It is doubtful from the progress we are making toward the ending of the war that we will ever reach the time when the war shall be officially ended. Certainly there will never be peace if we are obliged to get the consent of Russia.

I further submit that to continue without a resolution will place in jeopardy legislation which we pass after August 1. The Supreme Court only the other day in the Christoffel case said a tribunal that is not competent is no tribunal. It might say in this instance that a Congress sitting without a legal right to sit is not qualified to enact legislation. Surely we are playing risky and throwing a "cloud" over our work.

Now, as to the war-emergency excuse. The President and the Congress have both given adequate evidence that they do not believe there is now an emergency. This has been indicated through the frequent relaxation of emergency controls.

President Truman, in his message to Congress on February 19, 1947, said:

To the Congress of the United States:

During the year and a half that have elapsed since the defeat of our last enemy in battle we have progressively eliminated the great majority of emergency controls over the Nation's economy. The progress of reconversion now makes it possible to take an additional step toward freeing our economy of wartime controls.

2. Sam Rayburn (TX).

Accordingly I am recommending that the Congress repeal certain temporary statutes still in effect by virtue of the emergencies proclaimed by the President in 1939 and 1941, and I have requested the executive departments and agencies to cease operations under powers derived from certain permanent statutes that are effective only during emergencies, to the extent that such operations are related to the 1939 and 1941 emergencies.

Note that he ordered those powers should be suspended which were effective only during emergencies.

The recommendations I have present for the consideration of the Congress will, if accepted materially assist in further freeing the country of war controls and will help make possible an early ending of the emergencies. I have under continuing study the question of terminating the emergencies proclaimed in 1939 and 1941, and intend to take action as soon as circumstances permit.

In my recent message to the Congress on the state of the Union I outlined the following program with respect to the termination of emergency and wartime powers:

“Two groups of temporary laws still remain: The first are those which by congressional mandate are to last during the ‘emergency’; the second are those which are to continue until the ‘termination of the war.’

“I shall submit to the Congress recommendations for the repeal of certain of the statutes which by their terms continue for the duration of the ‘emergency.’ I shall at the same time recommend that others within this classification be extended until the state of war has been ended by treaty or by legislative action. As to those statutes which continue until the state of war has been terminated, I urge that the Congress

promptly consider each statute individually, and repeal such emergency legislation where advisable.”

Accordingly, I now submit recommendations with respect to more than 100 laws which are affected by the limited emergency declared September 8, 1939, or the unlimited emergency declared May 27, 1941.

In the case of those statutes that remain in force until termination of the war, I have directed the executive departments and agencies to assist the Congress in its consideration of these statutes, individually, by making available full information concerning them to the appropriate congressional committees. The work done on this subject in the Seventy-ninth Congress by the Committee on the Judiciary of both Houses, with the assistance of the Office of War Mobilization and Reconversion, the Department of Justice, and other Government agencies, should offer valuable aid to the Congress in accomplishing the task which remains. At a later date it may prove desirable to send a further communication to the Congress concerning these statutes.

Emergency laws dealt with in this message fall into five broad classes: (a) Temporary statutes which are no longer needed, and which consequently should be repealed forthwith; (b) permanent statutes under which operations related to the 1939 or 1941 emergencies have been or are being discontinued, but which should remain for possible use during future emergencies; (c) statutes appropriating funds, which should, when the funds are no longer required be handled by rescission of funds rather than by repeal of the statutes; (d) statutes which should be temporarily extended by the Congress pending consideration of permanent legislation or other disposition as indicated below; (e) statutes which should continue in force for the period or purpose stipulated.

In appendixes to this message the statutes under reference are enumerated according to the above classifications.

It will be observed there is no mention of this particular restriction in Congress adjournment. Furthermore, I am informed that the committee which framed this resolution in 1946 came very nearly omitting the reference to emergencies. It was only included by the House as an extreme precautionary measure. At the time the reorganization bill was adopted there was no emergency in their minds, and we are now 3 years later.

On January 1, 1947, the President said:

Although a state of war still exists, it is at this time possible to declare, and I find it to be in the public interest to declare, that hostilities are terminated.

Then he went on to talk about the controls that should be eliminated.

The President on February 19, 1947, sent another message to the Congress, and he said:

During the year and a half that have elapsed since the defeat of our last enemy in battle, we have progressively eliminated the great majority of emergency controls over the Nation's economy. The progress of reconversion now makes it possible to take an additional step toward freeing our economy of wartime controls.

Accordingly, I am recommending that the Congress repeal certain temporary statutes still in effect by virtue of the emergencies proclaimed by the President in 1939 and 1941, and I have requested the executive departments and agencies to cease operations under powers derived from certain permanent statutes

that are effective only during emergencies, to the extent that such operations are related to the 1939 and 1941 emergencies.

The recommendations I here present for the consideration of the Congress will, if accepted, materially assist in further freeing the country of war controls and will help make possible an early ending of the emergencies. I have under continuing study the question of terminating the emergencies proclaimed in 1939 and 1941, and intend to take action as soon as circumstances permit.

In my recent message to the Congress on the state of the Union I outlined the following program with respect to the termination of emergency and wartime powers:

"Two groups of temporary laws still remain: The first are those which by Congressional mandate are to last during the 'emergency'; the second are those which are to continue until the 'termination of the war'.

"Accordingly, I now submit these recommendations."

You will note from that the President had progressively ended war controls because the emergencies were over.

Mr. Speaker, I bring this up, I assure you, not in any partisan manner; not in any manner except to clarify the situation, that we may know properly where we stand. I want to remove if possible the cloud over our legislative acts. I believe that this can only legally be assured through the adoption of a resolution by both branches of the Congress. The fact it is so easy for Congress to continue its session by resolution is sufficient reason that emergency wartime proposals should not be utilized to keep Congress in session. If the Congress by any chance was in such a position that it could not help

itself, there might be some reason to defend the restriction. Congress is here. Congress could simply pass a resolution extending it indefinitely or to a given date. But I submit, Mr. Speaker, that not only for today but for the years to come, unless we exercise common sense and reason we will go on indefinitely being deprived of one of the essential reforms of the reorganization act because we are at war.

Mr. Speaker, I submit this question to you with confidence in your integrity. I do it as a contribution to orderly procedure and in an effort to clarify a grave doubt.

The SPEAKER. The Chair is prepared to answer the parliamentary inquiry of the gentleman from Massachusetts. The gentleman from Massachusetts was kind enough to advise the Chair on last Monday that he intended to raise this question so that the House might have an interpretation for its guidance.

Section 132 of the Legislative Reorganization Act of 1946 provides:

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by the Congress.

It is indisputable that we were on August 2, 1946, the time the Legislative Reorganization Act was passed, in a state of war, and that the national emergencies declared by the President on September 8, 1939, and May 27, 1941, were still in effect. That same state of affairs continues today. The state of war still exists, and the national emergencies declared by the President still exist.

That fact—that the state of war and national emergencies have continued to exist—has been recognized on numerous occasions. Following the passage of the Legislative Reorganization Act the President on December 31, 1946, issued his proclamation declaring the cessation of hostilities of World War II. At that time the President stated that his proclamation did not effect the termination of the national emergencies or of the state of war.

The Supreme Court on at least two occasions since the passage of the Legislative Reorganization Act, and as recently as February 1948, recognized the distinction between the termination of hostilities and the termination of the war itself.

In *Fleming v. Mohawk Wrecking & Lumber Co.* (331 U. S. 111), decided in 1947, the Supreme Court unanimously upholding the exercise of authority by the President under title I of the First War Powers Act of 1941, which the President was authorized to use only in matters relating to the conduct of the present war, said:

The cessation of hostilities does not necessarily end the war power.

In *Woods v. Miller Co.* (333 U. S. 138), decided in 1948, the Supreme Court again, and once more unanimously, upheld the constitutionality of the Housing and Rent Act of 1947 as a valid exercise by the Congress of its war powers, saying:

Whatever may be the consequences when war is officially terminated, the war power does not necessarily end with the cessation of hostilities.

The Congress itself in enacting Senate Joint Resolution 123, Eightieth

Congress, a year after the passage of the Legislative Reorganization Act, recognized the continued existence of the state of war and of the emergencies.

It will be recalled that Senate Joint Resolution 123, which became Public Law 239 of the Eightieth Congress, provided that with respect to a number of specified statutory provisions the war and the emergencies should be considered terminated. But the central principle—that the state of war and the national emergencies continued to exist—was clearly recognized and reinforced.

The Chair is not aware that either the Congress or the President has taken any step whatever which would have the effect of terminating World War II as such or the national emergencies as such. For the foregoing reasons it is clear that section 132 of the Legislative Reorganization Act has no effect at this time because in its own words it is not effective “in time of war or during a national emergency proclaimed by the President.”

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

The SPEAKER. The gentleman will state it.

Mr. HALLECK. I assume, of course, from the response of the Speaker that we are to continue with the session after August 1, with no further action in the way of a resolution by the Congress.

The SPEAKER. That would be the interpretation of the Chair, that it would not be necessary to pass a concurrent resolution for the continuance of the Congress beyond the 1st of August.

Mr. HALLECK. Then, Mr. Speaker, since it is apparent that we are going to go beyond the 1st of August, I wonder if the Speaker can give us any information as to when we may reasonably expect that the work of the House of Representatives may be concluded in order that we may be in a little better position to make our plans for the rest of the year and, I believe, to make some determinations as to the legislative program. I understand, that it may well be that the Speaker is not in any position at this time to say anything to us about this matter about which I am inquiring, but I can see around me what I am sure is a lot of interest in the matter about which I have inquired. I am quite sure that my colleagues will join with me in expressing the hope that very shortly we can come to the end of the labors of this session and get back home.

The SPEAKER. The Chair may say, in response to the inquiry of the gentleman from Indiana, that anything he may say about the length of this session would be only the expression of a hope.

Mr. [John E.] RANKIN [of Mississippi]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, if the Supreme Court should decide that the war has terminated, would that not vitiate every law that we would pass from now on without passing a resolution?

May I say to the Speaker that I am somewhat alarmed at a recent decision of the Supreme Court setting aside the conviction of a man for committing perjury before a committee of the House

on the ground there was not a quorum present. Suppose the Supreme Court should go off on a similar tangent and decide that the war has been terminated, would that not vitiate any legislation we might pass unless we passed a resolution to continue the session, as the law provides, and would it not be a simple matter to bring in a resolution extending the regular session as provided by law and thus eliminate that danger?

The SPEAKER. Of course, the Chair is not in position or not of a disposition to guess or prognosticate on what the Supreme Court of the United States will do.

Mr. RANKIN. I would not impose that burden on the Chair, of course.

The SPEAKER. But if and when that time comes the Congress could by its own action clear up those things.

Mr. RANKIN. The trouble is, Mr. Speaker, that after we have legislated for 6 weeks more, and I think we will be here until the middle of September, if the Supreme Court were to hold that the war had terminated and that we were sitting without authority, it might affect every law that we would pass in the next 6 weeks.

The SPEAKER. The Chair would think that the Supreme Court of the United States reads the CONGRESSIONAL RECORD.

Mr. [Earl C.] MICHENER [of Michigan]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. Mr. Speaker, we all appreciate that this is a very vital question, that it is a question of law and in the final analysis has to be de-

ecided by the Supreme Court of the United States.

The Chair has made his ruling and that ruling is binding upon the House and can only be challenged in the courts.

This question gave me some concern and on yesterday I asked the American Law Division of the Legislative Reference Service to prepare a brief for me on the questions involved. That brief was delivered to me a few minutes ago. I have not had time to thoroughly digest it. Some of the brief is not in keeping with what my views were; however, I may possibly be wrong.

Inasmuch as this is a legal proposition to be decided by the law and the precedents, I think the entire membership of the House is entitled to the conclusion of this agency which the Congress has set up in the Library of Congress for the express purpose of advising the Congress as to what the decisions indicate, as well as its conclusions.

I therefore ask unanimous consent, Mr. Speaker, that the opinion rendered by Mr. Frank B. Horne, American Law Section, of July 26, be included at this point in the RECORD.

The SPEAKER. Would the gentleman be willing to have that inserted in the Appendix of the RECORD?

Mr. MICHENER. If the Speaker desires, I would be willing, but inasmuch as this whole question is so vital and should all be considered together, I believe it should be inserted at this point. I may say to the Chair that the opinion is not at variance with the ruling which the Speaker has made, even though it is not in keeping with my preconceived views.

The cases to which the Speaker has referred are cited as well as many others. I think it would be for the benefit of all those interested to have these views at one spot in the CONGRESSSIONAL RECORD. Of course, I shall be pleased to abide by whatever the Speaker says.

Mr. RANKIN. Mr. Speaker, reserving the right to object, and I shall not object, I would like to say to the gentleman from Michigan, and to the House, that it seems to me that the wise thing to do is to pass a continuing resolution immediately. I do not think there would be any particular objection to it, and it would eliminate the danger of having the laws we pass during the rest of the session set aside by the Supreme Court.

Mr. MICHENER. There is no question about that. I was on the Reorganization Committee, and the intent and the purpose was to fix a final and a definite date which would control the annual sine die adjournment unless the Congress, in its wisdom, decided otherwise before the date specified, on the 31st day of July in each year, arrived. The Speakers ruling holds that we are still at war technically, that an emergency declared by the President in 1937 and another one declared in 1941 still exists. Therefore, the only solution, if we want to adjourn, is to pass a resolution of adjournment, fixing the date. That will remove all doubt.

The SPEAKER. As to the request of the gentleman from Michigan, of course, the gentleman from Michigan knows that the Chair has no more respect for any other Member of the House than he has for him, but the Chair would prefer, if the gentleman does not object, that the matter he

speaks of be extended in the Appendix of the RECORD.

Mr. MICHENER. Mr. Speaker, may I suggest, in view of what I said, that if it is not objectionable, that the decision be inserted immediately preceding the ruling of the Chair? It is not at variance with the ruling; it is amplifying.

The SPEAKER. The Chair, of course, would not object to that himself.

Mr. [Clare E.] HOFFMAN of Michigan. I object, Mr. Speaker.

The SPEAKER. But the Chair thinks that that would hardly be the place for it to go.

Mr. [John M.] VORYS [of Ohio]. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VORYS. The Chair has given an expression of his views, but is this not the case, that the only way in which the Chair could rule on the point would be if a point of order were made after July 31 to some action of the House on the ground that the House is not in session? The Chair cannot rule in advance.

The SPEAKER. The Chair assumes that the gentleman from Massachusetts [Mr. MARTIN] made his parliamentary inquiry today in order to obviate a thing like that.

The proceedings continued in the House on Aug. 1, 1949:⁽³⁾

The House met at 12 o'clock noon.

The Acting Chaplain, Rev. James P. Wesberry, LL. D., offered the . . . prayer[. . .]

3. 95 CONG. REC. 10486, 81st Cong. 1st Sess.

Mr. HALLECK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Mr. Speaker, I make the point of order that the House is not legally in session. I make it at this time because I am quite sure that the point should be made before the Journal is read.

I make the point of order for the reason that under the Reorganization Act recently passed by the Congress which is now the law of the land, it is provided that Congress shall adjourn on the last day of July unless the Nation is at war, or there is a national emergency proclaimed by the President, or unless the Congress determines otherwise.

The Congress has not determined otherwise. No action has been taken by the Congress in line with the provisions of the Reorganization Act. I insist, Mr. Speaker, that there is no such state of war existing, and there is no such national emergency declared by the President existing as contemplated by the Reorganization Act, which would avoid the necessity of the Congress acting affirmatively as provided in the act if we are to be legally in session.

Mr. Speaker, I am, of course, familiar with the Speaker's response of last week to the inquiry addressed to the Chair by the minority leader, the gentleman from Massachusetts [Mr. MARTIN]. Being so convinced, however, that there should be no cloud whatever upon the legality of the action of the Congress that may hereafter be taken, and because I am convinced that the only way to remove any threat to such

legality is for the Congress to act affirmatively, I am constrained at this time to raise the point of order.

The SPEAKER. The Chair is prepared to rule.

In response to the parliamentary inquiry propounded by the gentleman from Massachusetts [Mr. MARTIN] on last July 27, the Chair stated what the Chair thought and still thinks is the law: that the Congress is legally in session. The Chair therefore overrules the point of order made by the gentleman from Indiana.

Mr. [Ralph E.] CHURCH [of Illinois]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Mr. Speaker, I make a further point of order. This goes beyond what the Speaker has ruled with reference to the point of order just made by the gentleman from Indiana [Mr. HALLECK]. First, let me say that there is nothing to prevent the President from calling a special session today, or any day, to begin immediately.

Mr. Speaker, I make the point of order that the House is not legally in session, that when the House adjourned last Thursday and the Senate adjourned last Friday the adjournment constituted a sine die adjournment pursuant to section 132 of the Legislative Reorganization Act of 1946.

Mr. Speaker, in view of the fact, not merely that Congress has not by concurrent resolution adjourned, but in addition thereto, that the President has not yet called us today or on tomorrow into special session, I raise this further point of order and insist on my objection with respect to every measure before the Congress.

While the Speaker has ruled that no formal action is necessary to prevent a sine die adjournment as provided by section 132 of the Legislative Reorganization Act of 1946, there is nonetheless some doubt as to the validity of our proceedings. The ruling of the Speaker can be challenged in the courts should occasion arise where any of the measures we pass should be challenged.

In order to remove all possible doubt as to the validity of our proceedings after the last day of July, I had hoped that the leadership would bring in a formal resolution. Such action not having been taken, I believe that the President should call a special session. He should do this in order to give formal legal status to our proceedings. He should do this in order that the question may never arise at some future date as to the validity under our Constitution of what we may attempt to do in the coming days that it is proposed we continue in session.

I repeat that there is nothing to prevent the President from calling a special session today to begin immediately.

Mr. Speaker, I do this with a view to certainty and for the dignity of this Congress. The people who sent us here, expect the Congress to legislate, and not a President and not a Speaker. I do this in all seriousness in order that the President may, before the day is over, instantaneously, now, call us in special session.

I make that point of order.

The SPEAKER. In response to the point of order, the Chair has already held that the Congress is legally assembled and in session; therefore,

there is no reason for the President to call a special session of the Congress at this time.

The Chair overrules the point of order.

On Aug. 2, 1949,⁽⁴⁾ Rep. Church raised the following point of order:

LEGALITY OF SESSION OF CONGRESS

Mr. CHURCH. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. CHURCH. Mr. Speaker, I make the point of order that the House is not legally in session, and again cite section 132 of the Reorganization Act passed by the Congress. Today, Mr. Speaker, the situation is different in one particular from the situation on yesterday, when the two points of order were raised by the gentleman from Indiana [Mr. HALLECK] and myself.

Mr. Speaker, section 132 reads as follows:

CONGRESSIONAL ADJOURNMENT

SEC. 132. Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day (Sundays excepted) in the month of July in each year unless otherwise provided by Congress.

Mr. Speaker, I emphasize the words in parenthesis "Sundays excepted." If through any interpretation the words "Sundays excepted" give legality to the session of yesterday, then, Mr. Speaker, that interpretation could not carry

4. *Id.* at p. 10591.

that legality to include today. Therefore, I renew my point of order that the House is not legally in session, for the reasons stated by the gentleman from Massachusetts last July 27 and by the gentleman from Indiana and me on yesterday, and in addition for the reason that I have just stated, namely, that the words "Sundays excepted" cannot carry a legal session into today. Mr. Speaker, the President can instantler call a "special session" to meet immediately, and thereby remove the doubt as to the legality of the future proceedings of the Congress.

The SPEAKER. The Chair is ready to rule.

The Chair makes the statement again that on July 27, in response to the parliamentary inquiry propounded by the gentleman from Massachusetts [Mr. MARTIN], the Chair held, and he so holds today, that the Congress is in session.

The point of order is overruled.

On Aug. 4, 1949,⁽⁵⁾ Mr. John E. Lyle, Jr., of Texas, called up, by direction of the Committee on Rules, House Resolution 310, providing for the consideration of H. R. 1758, a bill to amend the Natural Gas Act approved June 21, 1938, as amended, and asked for its immediate consideration. The following point of order was then made:

Mr. [John W.] HESELTON [of Massachusetts]. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HESELTON. Mr. Speaker, I make the point of order that the House is not legally in session.

I recognize that this matter has been raised in a general sense on at least two occasions. I do not wish to burden the Speaker, the membership or the record with repetition. Therefore, I would like to recognize and incorporate by references the parliamentary inquiry of the gentleman from Massachusetts [Mr. MARTIN] on July 27, the further parliamentary inquiries of the gentlemen from Indiana [Mr. HALLECK], from Mississippi [Mr. RANKIN], from Michigan [Mr. MICHENER], and from Ohio [Mr. VORYS], as well as the several rulings of the Speaker; also the points of order of August 1 by the gentleman from Indiana [Mr. HALLECK], and the gentleman from Illinois [Mr. CHURCH], as well as the rulings of the Speaker on those occasions.

My reason for making this point of order at this time is more specific. I have been advised upon what I believe to be reliable authority that if H. R. 1758, the resolution we will now consider, is enacted into law, with or without the proposed amendments, its legality will be challenged. Obviously, this might have a far-reaching effect not only upon the industry concerned but upon the entire problem of developing an effective fuel policy involving our energy resources.

In view of this possibility, it would seem to me that I would be derelict in my obligations as a Member of this body if I did not raise the point of order in terms of the consideration of this specific legislation.

Moreover, another problem is involved by reason of the recent decision

5. *Id.* at pp. 10777, 10778.

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,⁽⁶⁾ 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.⁽⁷⁾ 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.⁽¹⁾ 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.⁽²⁾ Unanimous-consent requests or resolutions for printing the *House Rules and Manual* for the next Congress,⁽³⁾ for the acceptance of resignations and for appointments to commissions and committees,⁽⁴⁾ and for insertions in the *Congressional Record* by chairmen and ranking minority Members of standing committees⁽⁵⁾ 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.⁽⁶⁾ The yeas and nays may be ordered on this motion.⁽⁷⁾

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,⁽¹⁾ a committee was appointed to notify the President of an impending adjournment, as follows:

The SPEAKER.⁽²⁾ 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.⁽³⁾

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,⁽¹⁾ 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.⁽²⁾

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,⁽¹⁾ 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.⁽²⁾ 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,⁽¹⁾ 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.⁽²⁾ 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⁽¹⁾ 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,⁽²⁾ 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).

constitutional end of term at noon on Jan. 3 of an odd-numbered year. Proceedings of the House subsequent to *sine die* adjournment of a Congress, including signing of enrollments and receipt of messages, are printed in a separate portion of the *Congressional Record* during the *sine die* period, or if there is no separate edition, in a separate portion of the next printed *Congressional Record*.⁽³⁾ Of course, business conducted during adjournments to a day certain, including the receipt of messages, signing of enrollments, and appointments is shown in the *Congressional Record* of the day the House reconvenes.⁽⁴⁾

Making Appointments and Accepting Resignations

§ 18.1 The House by unanimous consent authorized the Speaker and Minority Leader to accept resignations and make appointments to commissions, boards, and committees following adjournment *sine die* as authorized by law or by the House.

3. See, e.g., 148 CONG. REC. 23555–59, 107th Cong. 2d Sess., Dec. 16, 2002.
4. For a discussion of the effect of a *sine die* adjournment or an adjournment to a day certain on the authority of the President to “pocket veto” a measure, see Ch. 24, § 18, *supra*.

On Nov. 14, 2002,⁽¹⁾ the House by unanimous consent also provided that the chairman and ranking minority Member of each standing committee and subcommittee may extend remarks in the *Congressional Record* and include summary of work of committee or subcommittee. The House by unanimous consent authorized all Members until the publication of the last edition of the *Congressional Record* to revise and extend their remarks and include brief extraneous material on any matter occurring before adjournment *sine die*.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE NOT WITHSTANDING SINE DIE ADJOURNMENT

Mr. [Richard] ARMEY [of Texas]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the second session of the 107th Congress, the Speaker, the majority leader, and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

1. 148 CONG. REC. 22600 107th Cong. 2d Sess.
2. Michael Simpson (ID).

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD'S last publication, and to include a summary of the work of that committee or subcommittee.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session of the 107th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session *sine die*.

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

There was no objection.

§ 18.2 By unanimous consent, the Speaker was authorized

to accept resignations and to appoint commissions, boards, and committees authorized by law, notwithstanding adjournment *sine die*.

On Dec. 17, 1971,⁽¹⁾ the following transpired in the House:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the first session of the 92d Congress, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.⁽³⁾

Signing Bills and Resolutions

§ 18.3 Prior to standing rules changes in 1981 authorizing such procedure considered by unanimous consent, the Speaker of the House and the President of the Senate were authorized by unanimous consent to sign enrolled bills and joint resolutions, notwithstanding adjournment *sine die*.

1. 117 CONG. REC. 47676, 92d Cong. 1st Sess.
2. Carl Albert (OK).
3. See also 119 CONG. REC. 43292, 43293, 93d Cong. 1st Sess., Dec. 21, 1973; and 118 CONG. REC. 37062, 92d Cong. 2d Sess., Oct. 18, 1972.

On Sept. 12, 1959,⁽¹⁾ preceding the *sine die* adjournment of Congress, a concurrent resolution was worded so as to include both the Speaker of the House and the President of the Senate in the authorization to sign enrolled bills and joint resolutions:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I offer a House concurrent resolution and ask unanimous consent for its immediate consideration.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION
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Resolved by the House of Representatives (the Senate concurring), That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

The House concurrent resolution was agreed to, and a motion to reconsider was laid on the table.⁽³⁾

Similarly, on Aug. 30, 1957,⁽⁴⁾ the following transpired in the House:

1. 105 CONG. REC. 19365, 86th Cong. 1st Sess.
2. Sam Rayburn (TX).
3. See also 106 CONG. REC. 19132, 86th Cong. 2d Sess., Sept. 1, 1960 (calendar day).
4. 103 CONG. REC. 16759, 85th Cong. 1st Sess.

Mr. McCORMACK. Mr. Speaker, I offer a House concurrent resolution (H. Con. Res. 230) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Parliamentarian's Note: Standing rules were amended in the 97th Congress to obviate the need for these unanimous-consent requests.⁽⁵⁾

§ 18.4 By unanimous consent, the Clerk may be authorized to receive messages from the Senate, and the Speaker authorized to sign enrollments notwithstanding an adjournment *sine die*.

On Dec. 17, 1971,⁽¹⁾ the following authorizations were made in the House:

Mr. [Hale] BOGGS [of Louisiana]. Mr. Speaker, I ask unanimous consent

5. Rule I clause 4, *House Rules and Manual* § 624 (2007); Rule II clause 2, *House Rules and Manual* § 652 (2007).
1. 117 CONG. REC. 47676, 92d Cong. 1st Sess.

that notwithstanding the sine die adjournment of the House, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

Receiving Messages From the Senate

§ 18.5 The Clerk of the House may be authorized by unanimous consent to receive messages from the Senate during an adjournment from Friday to Monday, but such authorization does not mandate that the House adjourn during that period.

On Dec. 13, 1963,⁽¹⁾ as the House prepared to adjourn from Friday to Monday, unanimous consent was granted for the Clerk to receive messages from the Senate and for the Speaker to sign enrolled bills and joint resolutions.

Mr. (Carl) ALBERT (of Oklahoma). Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday next the

2. Carl Albert (OK).

1. 109 CONG. REC. 24553, 88th Cong. 1st Sess.

Clerk may be authorized to receive messages from the Senate and the Speaker may be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

Mr. (Durward G.) HALL (of Missouri). Reserving the right to object, Mr. Speaker, may I ask the distinguished majority leader if this request implies that the House is going to adjourn over until Monday next, thereby missing tomorrow, Saturday?

Mr. ALBERT. It implies that a request will be made later for that purpose.

Mr. HALL. But it is not inherent in this request?

Mr. ALBERT. This does not bind the House not to meet tomorrow, no.

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

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

There was no objection.

Comptroller General Reports

§ 18.6 A resolution authorized the printing of reports of the Comptroller General to be received following the adjournment sine die as documents of the second session of the 90th Congress.

On Oct. 14, 1968,⁽¹⁾ the authorization for printing Comptroller

2. John W. McCormack (MA).

1. 114 CONG. REC. 31313, 90th Cong. 2d Sess.

General reports during adjournment was provided by resolution:

Mr. (Carl) ALBERT (of Oklahoma). Mr. Speaker, I offer a resolution (H. Res. 1323) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1323

Resolved, That notwithstanding the sine die adjournment of the House, reports of the Comptroller General of the United States made to the Congress pursuant to the Government Corporation Control Act (31 U.S.C. 841 et seq.) shall be printed during such adjournment as House documents of the second session of the Ninetieth Congress.

The resolution was agreed.

The motion to reconsider was laid on the table.

At the close of the second session of the 80th Congress,⁽²⁾ a resolution authorized the Comptroller General reports to be printed during adjournment *sine die*, as follows:

Mr. (Charles A.) HALLECK (of Indiana). Mr. Speaker, I offer a resolution (H. Res. 700) and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That the reports (if the Comptroller General of the United States made to Congress, pursuant to section 5 of the act of February 24, 1945 (56 Stat. 6), and the Government Corporation Control Act (59

2. 94 CONG. REC. 9348, 80th Cong. 2d Sess., June 19, 1948.

Stat. 597), after the adjournment of the House until December 31, 1948, shall be printed as House documents of the second session of the Eightieth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: This permission for printing of Comptroller General reports is no longer necessary, as such reports are processed as executive communications.

Investigative Reports

§ 18.7 Committees authorized to conduct investigations were permitted by unanimous consent to file investigative reports with the Clerk and have them printed, notwithstanding adjournment *sine die*.

On the legislative day of Aug. 31, 1960,⁽¹⁾ the following took place in the House:

Mr. [John W.] McCORMACK [of Massachusetts]. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the sine die adjournment by committees authorized by the House to conduct investigations may be printed by the Clerk as reports of the 86th Congress.

1. 106 CONG. REC. 19132, 86th Cong. 2d Sess., Sept. 1, 1960 (calendar day). See also 88 CONG. REC. 9602, 77th Cong. 24 Sess.

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

There was no objection.⁽³⁾

2. Sam Rayburn (TX).

3. See also 109 CONG. REC. 25555, 88th Cong. 1st Sess., Dec. 24, 1963; and 107 CONG. REC. 21529, 87th Cong. 1st Sess., Sept. 27, 1961 (calendar day).

Parliamentarian's Note: Beginning with the 105th Congress, the standing rules were amended to give all committees authority to file investigative reports with the Clerk following *sine die* adjournment. See Rule XI clause 1(b)(4), *House Rules and Manual* § 788 (2007).

On Aug. 30, 1957,⁽⁴⁾ permission was granted for certain investigative reports to be filed during an adjournment period.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the *sine die* adjournment by committees authorized by the House to conduct investigations, may be printed by the Clerk as reports of the 85th Congress.

The SPEAKER. Is there objection?

There was no objection.

4. 103 CONG. REC. 16759, 85th Cong. 1st Sess. See also 104 CONG. REC. 19699, 85th Cong. 2d Sess., Aug. 23, 1958.

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business, authorization to transact, following adjournment, see **Business during adjournment, authorization to transact, under current and former practice**

declaration by Speaker that House is adjourned *sine die* is made upon constitutional expiration of session, §§ 14.11, 14.12

expiration of session under constitutional provision, declaration by Speaker upon, §§ 14.11, 14.12

Legislative Reorganization Act, provisions of, see **Legislative Reorganization Act, provisions of, relating to adjournment or August recess**

Special rule, ordering previous question on bill to final passage without intervening motion, effect of, on motion to adjourn, see Motion for adjournment of three days or less**Sunday, session permitted on**

“dies non,” Sunday is normally considered, §§ 9.8–9.10

midnight Saturday, House has continued in session beyond, § 9.10

unanimous consent, by, §§ 9.7–9.10

Televised Presidential debates, debate in House about failure to complete action on bill permitting, § 14.10**Unanimous consent**

Budget Act provisions requiring passage of general appropriations bills prior to adjournment, waiver of, by unanimous-consent agreement to consider concurrent resolution, § 11.1

Unanimous consent—Cont.

Chair may declare House adjourned by, §§ 3.28–3.29

concurrent resolution, quorum requirements affecting proceedings relating to, see, *e.g.*, **Concurrent resolution providing for adjournment for more than three days to date certain**

concurrent resolution, where nonprivileged was called up by, § 14.13

conditional adjournment by, effective unless Senate adopted concurrent resolution and a specified conference report, § 10.8

debate during consideration of concurrent resolution was allowed to proceed under one-minute rule by, §§ 11.8, 11.9

pro forma days, adjournment on, § 3.28

Senate action on House concurrent resolution, contingent adjournment to subsequent day by unanimous consent where House is awaiting, § 10.8

Veto, pocket

declaration of position of Congress regarding exercise of, was included in concurrent resolution, §§ 15.4, 15.8

intrasession assertion of, discussion of precedents relating to, § 14.16

laid before House, veto message was, accompanied by announcement as to prior correspondence with President, § 14.15

letters to President from Speaker and minority leader expressing views on limits of pocket veto authority were inserted in Record, § 14.16

Voting on motion to adjourn

division vote in order, § 6.3

quorum, rejection of motion by less than a, see **Quorum, lack of, as affecting motion to adjourn**

record vote, motion as subject to, §§ 6.1, 8.1

Voting on motion to adjourn—Cont.

regular order, Chair put question on motion after demand for, § 6.4

teller vote on motion demanded after insufficient, number seconded demand for yeas and nays, § 6.4

yeas and nays, demand for, allowed on motion on day set by concurrent resolution for *sine die* adjournment, § 6.2

yeas and nays, demand for, not seconded by sufficient number, § 6.4

yeas and nays, recount of those rising to second demand for, declined where insufficient number had risen, § 6.4

Voting on motion to adjourn—Cont.

yeas and nays, teller vote was demanded on motion to adjourn after insufficient number stood to second demand for, § 6.2

Withdrawal of motion, see, *e.g.*, **Motion for adjournment of three days or less**

Yea and nay vote, motion pending result of, see **Motion for adjournment of three days or less**