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ADJOURNMENT

An adjournment of the Senate concludes 1 legislative day, and when the Senate reconvenes thereafter on the day to which it adjourned, a new legislative day is begun. The rules and precedents of the Senate provide for the general order of business to be utilized at the beginning of each new legislative day, as set forth in Rules IV (Commencement of Daily Sessions), VII (Morning Business), and VIII (Order of Business). For example, on each new legislative day under the rule, there is a Morning Hour which endures for 2 hours and during each Morning Hour there is a period for the transaction of routine morning business which runs for at least 1 hour, if there is enough morning business to consume that much time, since with a few exceptions, morning business cannot be suspended, except by unanimous consent, until after the expiration of 1 hour.

Various other rules indirectly touch upon the daily order of business of each new legislative day, but they are not as definitive in spelling out the procedure as the three rules mentioned above.

Set forth below are any rules of the Senate and provisions of Legislative Reorganization Acts relative to the above title of this section of *Senate Procedure,* which are followed by a breakdown of the practices and precedents of the Senate thereon pursuant to its rules which define the daily procedure of the Senate in much more detail.

Rule XXII, Paragraph 1

[Precedence of Motions]

When a question is pending, no motion shall be received but—

To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

CONGRESSIONAL ADJOURNMENT

(2 U.S.C. 198)

(a) Unless otherwise provided by the Congress, the two Houses shall—

(1) adjourn sine die not later than July 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 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 September (Labor Day) of such year to the second day after Labor Day.

(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.

Adjourn

[Form of Motion]

Majority Leader: Mr. President, I move that the Senate adjourn.

Adjournment, Absence of Quorum:

See "Quorum, Absence of" pp. 5–7; "Adjournment in the Absence of a Quorum," pp. 1040–1041; "Absence of Quorum," p. 1081.

Adjournment Is Unconditional:

Once the Chair has announced that the Senate stands in adjournment, there is no recourse available to a Senator seeking recognition until the Senate reconvenes.[1]

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[1] July 15 and 16, 1965, 89–1, *Record*, pp. 17000, 17102–05. On July 15, the Presiding Officer (Mr. Brewster of Maryland) adjourned the Senate while the Senator from Oregon (Mr. Morse) was speaking. *Note further* that on Mar. 6, 1984, 98–2, the Presiding Officer (Mr. Mattingly of Georgia) announced that the Senate was in recess before the Senator from Nebraska (Mr. Exon) sought recognition. However, no notice was taken of this by either the *Congressional Record* or the *Senate Journal*, since Mr. Exon sought recognition after the Senate had recessed.

Adjourn, Motion To

Amendments Out of Order:

A simple motion to adjourn is not amendable;[2] it cannot be amended by a motion to adjourn to a day certain.[3]

Business Must Intervene:

Business must intervene between motions to adjourn when a quorum is present;[4] likewise in the absence of a quorum, a motion to adjourn is not in order where no business relating to the obtainment of a quorum has been transacted since a previous motion to adjourn was defeated,[5] unless a reasonable length of time has elapsed.[6]

Debate of, Out of Order:

See also "Adjourn . . .," pp. 722-723; "Debate Not in Order," p. 14.

A motion to adjourn is not debatable,[7] nor are any questions pertaining to adjournment,[8] including appeals from the decision of the Chair relative to adjournment.[9]

A motion that when the Senate completes its business today it stand in adjournment until an hour certain is not debatable.[10]

Motions in Order:

A motion that when the Senate concludes its business today, it adjourn until a time certain is in order.[11]

A motion to adjourn is in order after a motion to table has been made, under Rule XXII, and a quorum call is in order after the motion to adjourn is made, but before the vote starts, or even after a motion to table is made and before a motion to adjourn is made; debate, however, would not be in order.[12]

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[2] Mar. 2, 1929, 70-2, *Journal*, pp. 270-71, *Record*, pp. 5062-64; Dec. 22, 1914. 63-3, *Record*, p. 493.

[3] Dec. 22, 1914, 63-3, *Record*, p. 493.

[4] Aug. 3, 1888, 50-1, *Record*, p. 7212.

[5] July 2, 1930, 71-2, *Journal*, p. 532, *Record*, p. 12303.

[6] *See* Feb. 28, 1889, 50-2, *Record*, p. 2444.

[7] Apr. 26, 1935, 74-1, *Journal*, p. 299, *Record*, p. 6468; *see* Feb. 28, 1889, 50-2, *Record*, pp. 2444-46; Oct. 12, 1965, 89-1, *Record*, pp. 26717-18; Sept. 19, 1966, 89-2, *Record*, pp. 23047-48.

[8] Dec. 22, 1914, 63-3, *Record*, p. 493.

[9] Aug. 24, 1949, 81-1, *Record*, pp. 12137-39, 12147; Jan. 29, 1915, 63-3, *Record*. pp. 2576-77; Jan. 16, 1891, 51-2, *Journal*, p. 80, *Record*, pp. 1432-33.

[10] Dec. 20, 1969, 91-1, *Record*, p. 40432.

[11] Oct. 12, 1965, 89-1, *Record*, pp. 26717-18.

[12] *See* Mar. 14, 1972, 92-2, *Record*, pp. 8304-10.

Precedence of Motions:

A motion to adjourn takes precedence over all other motions,[13] including a motion to adjourn sine die.[14]

A motion to adjourn takes precedence over a motion to adjourn to a day certain, even when motion to adjourn to a day certain is the pending question,[15] but such a motion is in order at the proper time as set forth in Rule XXII, paragraph 1.

A motion that when the Senate completes its business on Saturday, it stand in adjournment until 10:00 o'clock on Sunday morning is in order.[16]

A motion to adjourn is in order at almost any time,[17] even in the absence of a quorum,[18] and has precedence over a call of the absentees after a rollcall to which less than a quorum responded; [19] but a motion to adjourn would not be in order during a quorum call until the absence of a quorum has been established.[20]

A motion to adjourn after the Chair had announced that a quorum was not present would take precedence over the call of names of the absentees.[21]

However, after a quorum call is in progress, a motion to adjourn is not in order until the quorum is called off or concluded, or the Chair announces that a quorum is not present.[22]

A motion to adjourn has precedence over a call of the absentees; [23] over a motion to adjourn to a day certain; [24] pending the election of a President pro tempore of the Senate; [25] over a motion to recess; [26] or a motion to direct

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[13] Aug. 5, 1966, 89-2, *Record*, p. 18388.

[14] Mar. 27, 1861, 36-2, *Journal*, p. 431.

[15] Rule XXII; May 21, 1909, 61-1, *Journal*, p. 81.

[16] Nov. 30, 1973, 93-1, *Record*, p. 38901.

[17] Dec. 7, 1942. 77-2. *Record*, p. 9352; *see* July 15, 1942, 77-2, *Record*, p. 6191.

[18] May 29, 1928, 70-1, *Journal*, p. 565; Aug. 1, 1888, 50-1, *Record*, p. 7126; Nov. 20, 1942, 77-2, *Record*, p. 9014; Dec. 21, 1945, 79-1, *Record*, p. 12522; Nov. 14, 1942, 77-2, *Record*, p. 8838; Dec. 7, 1942, 77-2, *Record*, p. 9352; June 9, 1950, 81-2, *Record*, pp. 8407-08; Feb. 3, 1897, 54-2, *Record*, p. 1481; Feb. 20, 1950, 81-2, *Record*, p. 1964; Feb. 28, 1889, 59-2, *Record*, p. 2444; Jan. 26, 1921, 66-3, *Record*, p. 2070; *see also* June 6, 1950, 81-2, *Record*, p. 8169.

[19] Dec. 22, 1916, 64-2, *Record*, p. 676; Jan. 27, 1917, 64-2, *Record*, p. 2118.

[20] *See* June 4, 1976, 94-2, *Record*, pp. 16705-07.

[21] Mar. 14, 1972, 92-2, *Record*, p. 8305.

[22] Sept. 30, 1971, 92-1, *Record*, pp. 34260, 34265.

[23] June 27, 1918, 65-2, *Record*, p. 7896; Dec. 22, 1916, 64-2, *Record*, pp. 676-78; July 2, 1930, 71-2, *Journal*, p. 532, *Record*, p. 12303.

[24] May 21, 1909, 61-1, *Journal*, p. 81, *Record*, p. 2275; Mar. 2, 1929, 70-2, *Journal*, pp. 270-71, *Record*, pp. 5062-64.

[25] May 11, 1911, 62-1, *Journal*, p. 62.

[26] Apr. 27, 1935, 74-1, *Record*, p. 6504; June 8, 1976, 94-2, *Record*, pp. 17040-41.

the Sergeant at Arms to request the attendance of absent Senators.[27]

If a motion to recess has been made and the yeas and nays ordered, a motion to adjourn would be in order and would supersede the motion to recess; if agreed to, it would in effect vitiate the motion to recess.[28]

"Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is voting or ascertaining the presence of a quorum, or while the *Journal* is being read, or while a question of order or a motion to adjourn is pending.[29]

A unanimous consent request to adjourn may he entertained even though a motion to recess has been made and the yeas and nays ordered thereon, and even if a Senator has yielded by unanimous consent to another Senator for a parliamentary inquiry, since the Senator yielding could object to such a request.[30]

Previous Order:

See also "Unanimous Consent Order To Adjourn," pp. 8–9.

The Presiding Officer should, under no circumstances, adjourn the Senate under a previous order when any Senator is seeking recognition,[31] unless the order includes a proviso to adjourn at a time certain.[32]

Quorum, Absence of:

See also "Call of Quorum May Not Be Interrupted," pp. 1050–1051; "Adjournment in the Absence of a Quorum," pp. 1040–1041; "Quorum Call, Debate Out of Order Until Quorum Present," p. 767; "Business or Debate Out of Order in the Absence of a Quorum . . .," pp. 1046–1049.

The absence of a quorum having been announced by the Chair, a motion to adjourn is in order, and only a motion to adjourn is in order, except for motions to bring absent Senators to the Chamber.[33]

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[27] July 2, 1930, 71–2, *Journal*, p. 532, *Record*, p. 12303; May 28, 1890, 51–1, *Record*, p. 5392.

[28] Jan. 29, 1966, 89–2, *Record*, pp. 1482–83.

[29] Rule IX, paragraph 1.

[30] *See* Jan. 29, 1966, 89–2, *Record*, pp. 1482–83.

[31] *See* July 15, 1965, 89–1, *Record*, pp. 17000, 17103–05.

[32] July 15, 1918, 65–2, *Record*, p. 9135.

[33] Sept. 28, 1977, 95–1, *Record*, pp. 31256–57; Sept. 30, 1971, 92–1, *Record*, pp. 34260–61, 34265; Feb. 4, 1919, 65–3, *Record*, p. 2671.

Less than a quorum may adjourn or refuse to adjourn,[34] even if no business has intervened [35] after it has been established that a quorum is not present, but the Senate, in the absence of a quorum, may not adjourn to an hour different from that fixed as the regular hour of meeting of the Senate.[36]

A motion to adjourn to a time certain requires that a quorum be present [37] unless a previous order was made prior to the time the Senate found itself without a quorum.[38]

When the Senate has a unanimous consent order to adjourn over until Monday from Friday, the Senate will adjourn over pursuant to the order, even when it adjourns without a quorum.[39] On Tuesday, June 29, 1971, when a quorum failed to show on a roll call, the Senate, under a previous order, in the absence of a quorum, adjourned until 11 a.m. the next day.[40]

Should the last action by the Senate be a vote on a motion to adjourn, which should fail to carry, and that should be followed by a quorum call which discloses the absence of a quorum, it would then be in order to move to adjourn as soon as the Chair announced that a quorum was not present, and a majority of those present would make the decision whether or not that number constituted a quorum.[41]

During the absence of a quorum, the yeas and nays may be demanded on a motion to adjourn,[42] and less than a quorum by that method may refuse to adjourn, but no business, except relating to obtaining a quorum, may be transacted until a quorum has appeared.[43]

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[34] May 29, 1928, 70-1, *Journal*, p. 565, *Record*, p. 10463; July 21, 1914, 63-2, *Record*, p. 12424; Feb. 28, 1889, 50-2, *Record*, pp. 2444-46; Nov. 20, 1942, 77-2, *Record*, p. 9014; Jan. 29, 1951, 82-1, *Record*, p. 726; July 24, 1939, 76-1, *Record*, p. 9846; Dec. 7, 1942, 77-2, *Record*, p. 9352; Feb. 20, 1950, 81-2, *Record*, pp. 1963-64; Feb. 3, 1897, 54-2, *Record*, p. 1481; Aug. 3, 1888, 50-1, *Record*, p. 7212; July 13, 1914, 63-2, *Record*, p. 12026; Jan. 26, 1921, 66-3, *Record*, p. 2070; Nov. 11, 1975, 94-1, *Record*, pp. 35922-23.

[35] Dec. 22, 1916, 64-2, *Record*, p. 676.

[36] May 29, 1928, 70-1, *Journal*, p. 565, *Record*, p. 10463; Jan. 27, 1917, 64-2, *Record*, p. 2123; Nov. 11, 1975, 94-1, *Record*, pp. 35922-23.

[37] Feb. 4, 1919, 65-3, *Record*, p. 2671.

[38] Apr. 29 and 30, 1971, 92-1, *Journal*, pp. 314, 317, *Record*, pp. 12780, 12855-61.

[39] *Ibid*; Sept. 11, 1970, 91-2, *Record*, pp. 31394-95; Aug. 21, 1970, 91-2, *Record*, p. 29753.

[40] June 29, 1971, 92-1, *Record*, p. 22854.

[41] Mar. 14, 1972, 92-2, *Record*, p. 8305.

[42] July 9, 1914, 63-2, *Record*, p. 11843.

[43] *See* Feb. 3, 1885, 48-2, *Record*, p. 1217; Jan. 29, 1951, 82-1, *Record*, p. 726.

When a yea and nay vote discloses the absence of a quorum, no motion is in order except a call of the Senate or to adjourn.[44]

A quorum having rejected a motion to adjourn, the suggestion of the absence of a quorum immediately thereafter, no business having intervened, was ruled out of order.[45]

Quorum Call Before Voting on:

When a motion to adjourn has been made, it is in order to suggest the absence of a quorum before starting to vote on the former.[46]

Recognition Before Moving To Adjourn:

A Senator should be in possession of the floor to make a motion to adjourn,[47] and one Senator may not take another off the floor to offer such a motion.[48]

A motion to adjourn is not in order when made by a Senator who has not been recognized.[49]

A Senator loses his right to the floor when he yields for another to make a motion to adjourn.[50]

When Motion Not in Order:

While the *Journal* is being read a motion to adjourn is not in order.[51]

A motion to adjourn may not interrupt a roll call vote,[52] or a quorum call until the absence of a quorum has been established.[53]

A unanimous consent order to take a recess at the conclusion of the day's proceedings precludes a motion to adjourn; [54] even if the motion to adjourn is made in the absence of a quorum.[55]

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[44] Dec. 20, 1884, 48-2, *Record*, p. 397.
[45] Feb. 21, 1895, 53-3. *Record*, p. 2508.
[46] Dec. 12, 1917, 65-2, *Record*, p. 179; May 29, 1926, 69-1, *Record*, p. 10367; *see* Mar. 14, 1972, 92-2, *Record*, pp. 8304-10.
[47] May 24, 1929, 71-1, *Journal*, p. 78, *Record*, p. 1864.
[48] *Ibid.*
[49] May 24, 1929, 71-1, *Journal*, p. 78, *Record*, p. 1864; Mar. 8, 1916, 64-1, *Record*, pp. 3759-60.
[50] May 24, 1928, 70-1, *Journal*, p. 537, *Record*, p. 9724.
[51] Nov. 29, 1922, 67-3, *Record*, pp. 388-92.
[52] *See* Sept. 25, 1951, 82-1, *Record*, p. 12037.
[53] Dec. 22, 1916, 64-2, *Record*, pp. 676-78; July 2, 1930, 71-2, *Journal*, p. 532, *Record*, p. 12303; Feb. 21, 1927, 69-2, *Journal*, p. 197; Sept. 26, 1945, 79-1, *Record*, p. 9011.
[54] June 3, 1920, 66-2, *Record*, p. 8363; Feb. 25, 1929, 70-2, *Record*, pp. 4241-43; June 1, 1922, 67-2, *Record*, p. 7967.
[55] Feb. 25, 1929, 70-2, *Journal*, p. 211.

Consider, Motion To, Dies With Adjournment:

See "Adjournment Kills Motion To Consider," p. 657.

Senate Adjournment After a Joint Session:

See also "Joint Sessions," p. 892.

The Senate by previous order may stand in adjournment (or recess) after a joint session without returning to the Senate Chamber.[56]

Table:

A motion to adjourn is in order after a motion to table has been made but before a vote thereon begins.[57]

Time to Which Senate Adjourned:

The official reporters in 1886 were directed to insert at the close of the daily proceedings of the Senate the time to which it had adjourned.[58]

Unanimous Consent Order for Adjournment:

In 1918, it was held on one occasion that a Senator was not entitled to recognition after the announcement of the close of morning business, under a unanimous consent agreement providing for adjournment at the close of the morning business.[59]

If the Senate adopts an order that when it adjourns on that day it be to meet at an hour certain the next day, and it is still in session when that hour arrives, the order is thereby annulled, and the legislative day would remain the same until adjournment.[60]

Unanimous Consent Order To Adjourn:

See also "Previous Order," p. 5; "When Motion Not in Order," p. 7.

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[56] May 20, 1934, 73-2, *Journal*, p. 430; May 31, 1972, 92-2, *Record*, p. 19340; Jan. 4, 1939, 76-1, *Journal*, p. 16; Feb. 22, 1932, 72-1. *Journal*, pp. 255, 258, *Record*, p. 4448; Jan. 20, 1937, 75-1, *Journal*, p. 58; July 27, 1948, 80-2, *Record*, p. 9440; Jan. 20, 1949, 81-1, *Record*, p. 479.

[57] Rule XXII, *see also* Mar. 14, 1972, 92-2, *Record*, pp. 8304-10.

[58] Apr. 29, 1886, 49-1, *Record*, p. 3957.

[59] July 15, 1918, 65-2, *Record*, p. 9135.

[60] *See* Aug. 8, 1961, 87-1, *Record*. pp. 15176, 15182.

Under the authority of an order of the Senate, the Presiding Officer may and has declared an adjournment of the Senate at the conclusion of the day's business.[61]

Withdrawal of Motion:

A motion to adjourn upon which the yeas and nays have been ordered cannot be withdrawn except by unanimous consent.[62]

Adjourn to Day (Hour) Certain

[Form of Motion]

Majority Leader: Mr. President, I move that the Senate do now adjourn until _____ next (or _____ a.m. tomorrow).

or in the case of more than 3 days

Majority Leader: Mr. President, I send to the desk a concurrent resolution, providing for an adjournment of the two Houses of Congress for _____ days (or until _____) and I ask for its immediate consideration.

Amendments to:

A motion [63] or resolution that when the Senate adjourn it shall be to a day and hour certain is subject to amendment.[64]

August Adjournment:

See "Congressional Adjournment," pp. 21–23.

Conditional Adjournment:

The Congress on various occasions, by concurrent resolution, has adjourned the two Houses for a period of more than 3 days until a date definite with a proviso that both bodies may be reconvened at an earlier date if an emer-

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[61] Apr. 2, 1953, 83–1, *Record*, p. 2716.

[62] July 18, 1892, 52–1, *Record*, p. 6338.

[63] June 6, 1913, 63–1, *Record*, p. 1910; Mar. 2, 1929, 70–2, *Journal*, pp. 270–71, *Record*, pp. 5062–64; Mar. 1, 1917, 64–2, *Journal*, p. 212.

[64] Dec. 22, 1931, 72–1, *Journal*, p. 111, *Record*, pp. 1129–30; Aug. 21, 1951, 82–1, *Record*, p. 10445; Nov. 18, 1954, 83–2. *Record*, pp. 16142–43; *see also* June 17, 1929, 71–1, *Record*, pp. 2975–76; Oct. 8, 1975, 94–1, *Record*, pp. 32686–87.

gency arose, and after a proper notice from specified officials of the two Houses.[65]

On other occasions, by concurrent resolution, the two Houses have adjourned for more than 3 days with each House adjourning for a different period of time with a proviso that both bodies may be reconvened at an earlier date if an emergency arose and after proper notice from specified officials of the two Houses.[66]

On one occasion, the two Houses adjourned pursuant to a concurrent resolution that authorized the Senate to recess or adjourn on either of two days until a date certain at a time to be specified in the motion to recess or adjourn.[67]

Note the following concurrent resolutions of conditional adjournments of Congress:

[Adopted by the Senate on]

July 8, 1943:

> *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.

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[65] July 8, 1943, 78-1, *Journal*, p. 388; July 21, 1945, 79-1, *Journal*, p. 339; July 26, 1947, 80-1, *Journal*, pp. 565-66; June 20, 1948, 80-2, *Journal*, p. 577; *see also* S. Con. Res. 54, June 27, 1985, 99-1, *Record*, p. 17596; and H. Con. Res. 272, Mar. 31, 1988, 100-2, *Record*, pp. 6020-21.

[66] July 21, 1945, 79-1, *Journal*, p. 339; Aug. 20, 1954, 83-2, *Record*, pp. 15414-15, 15486, 16132-33; *see also* S. Con. Res. 107, Feb. 5, 1986, 99-2, *Record*, p. 1704; H. Con. Res. 97, Apr. 18, 1989, 101-1, *Record*, p. H 1291 (as adopted by the House) and p. S 4213 (adopted by the Senate without amendment); H. Con. Res. 299, Apr. 4, 1990, 101-2, *Record*, p. H 1452 (as adopted by the House), and p. S 3991 (as adopted by the Senate without amendment); and H. Con. Res. 360, Aug. 4, 1990 (after midnight of the session that began on Aug. 3), 101-2, *Record*, p. S 12115.

[67] H. Con. Res. 299, Apr. 4, 1990, 101-2, *Record*, p. H 1452 (as adopted by the House), and p. S 3991 (as adopted by the Senate without amendment).

July 21, 1945:

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.

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.

July 26, 1947:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Saturday, July 26, 1947, they will stand adjourned until 12 o'clock meridian on Friday, January 2, 1948, 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 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 reassemble whenever in their opinion the public interest shall warrant it.

July 28, 1973:

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 noon on Wednesday, September 5, 1973, or until 12 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 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.

December 22, 1973:

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 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.

October 17, 1974:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, October 17, 1974, they stand adjourned until 12 o'clock noon on Monday, November 18, 1974, or until 12 o'clock 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 House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. Ordered, That during the adjournment of both Houses of Congress as provided in sec. 1, the Secretary of the Senate and

the Clerk of the House, respectively, be authorized to receive messages including veto messages from the President of the United States.

August 17, 1978:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, August 17, 1978, it stands adjourned until 12 o'clock meridian on Wednesday, September 6, 1978, 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, 1978.

December 20, 1979:

Resolved by the House of Representatives (the Senate concurring), That when the Senate completes action on the conference report on the Act providing loan guarantees for the benefit of the Chrysler Corporation, and any other matter the majority leader (after consultation with the minority leader) deems necessary, on Thursday, December 20, 1979, or Friday, December 21, 1979, or Saturday, December 22, 1979, or Thursday, December 27, 1979, or Friday, December 28, 1979, or Saturday, December 29, 1979, or Monday, December 31, 1979, or Wednesday, January 2, 1980, it stand in adjournment sine die.

SEC. 2. That when the Congress convenes on January 3, 1980, for the second session of the 96th Congress, neither the House nor the Senate shall conduct organizational or legislative business until Tuesday, January 22, 1980, except as provided in section 4 of this resolution.

SEC. 3. That when the House adjourns on January 3, 1980, it shall meet at 12 o'clock meridian only on Thursdays and Mondays, and that when the Senate recesses on January 3, 1980, it stand in recess until 12 o'clock meridian on January 10, 1980, followed by a recess until 12 o'clock meridian on Thursday, January 17, 1980, and that when the House adjourns on January 17, 1980, and when the Senate recesses on that date, they stand in adjournment and recess, respectively, until 12 o'clock meridian on January 22, 1980.

SEC. 4. Notwithstanding any other provision of this resolution, on any day before January 22, 1980, the two Houses, or either of them, shall convene upon twenty-four hours' notice to the Members of the Senate and the House, respectively, by the majority leader of the Senate (acting after consultation with the minority leader of the Senate), and by the Speaker of the House (acting after consultation with the minority leader of the House).

Debate Not in Order:

A motion [68] or resolution providing that when the Senate adjourn it shall be to a day certain is not debatable [69] except by unanimous consent; [70] nor is an amendment thereto debatable.[71] Likewise, an appeal from the decision of the Chair relative to an adjournment resolution has been held not debatable.[72]

New Legislative Day:

See also "Periods of Adjournment," below; and "Legislative Day," pp. 15–16, 712–715.

When the Senate adjourns for any period of time to a time certain on the same day when the legislative day and the calendar day are different, the legislative day automatically catches up with the calendar day and the Senate immediately proceeds with the morning business.[73] The Senate adjourned on one occasion when it had been recessing for several days in order to make a bill eligible for consideration, since reported bills must lie over one legislative day under the rules before they are eligible for consideration.[74] On various occasions when the Senate has been recessing from day to day it has adjourned for very short periods of time to get into a new legislative day in order that legislation which had been previously reported, perhaps for a number of days, would be in order for consideration. The Senate has adjourned to accomplish such ends for as short a time as 2 seconds.[75]

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[68] Rule XXII; Oct. 9, 1913, 63–1, *Record*, p. 5514; May 29, 1912, 62–2, *Record*, pp. 7386–87; Apr. 26, 1935, 74–1, *Journal*, p. 299; Dec. 27, 1920, 66–3, *Record*, p. 748; Nov. 17, 1913, 63–1, *Record*, p. 5937; *see also* May 2, 1951, 82–1, *Record*, pp. 4704–05.

[69] Aug. 16, 1921, 67–1, *Journal*, p. 235, *Record*, pp. 5041–46; Dec. 22, 1931, 72–1, *Journal*, p. 111, *Record*, pp. 1129–30; July 6, 1918, 65–2, *Record*, pp. 8774–76; *see also* June 17, 1929, 71–1, *Record*, pp. 2975–76; Aug. 7, 1948, 80–2. *Record*, p. 10185; Aug. 12, 1948, 80–2, *Record*, p. 9625; Aug. 12, 1969, 91–2. *Record*, p. 23508.

[70] June 30, 1960, 86–2, *Record*, pp. 15048–49.

[71] Aug. 21, 1951, 82–1, *Record*, p. 10445; *see also* July 26, 1947, 80–1, *Record*, pp. 10400–01,10407; Nov. 18, 1954, 82–2, *Record*, pp. 16142–43.

[72] Aug. 24, 1949, 81–1, *Record*, pp. 12137–38. A motion to recommit a resolution providing for an adjournment of the two Houses to a day certain on one occasion was held to be debatable (Dec. 22, 1931, 72–1, *Journal*, p. 111, *Record*, pp. 1129–30), and a motion to refer such a resolution to the Committee on Appropriations on another occasion was held debatable (July 24, 1897, 55–1, *Journal*, p. 176, *Record*, pp. 2940–47; Dec. 22, 1894, 53–3, *Record*, p. 552).

[73] Sept. 29, 1976, 94–2, *Record*, p. 33328.

[74] Aug. 16, 1978, 95–2, *Record*, pp. 26343–44.

[75] Sept. 26, 1978, 95–2, *Record*, pp. 31487–89; Oct. 5, 1977, 95–1, *Record*, pp. 32477–78; June 12, 1980, 96–2, *Record*, pp. S 6777–78; Sept. 28, 1978, 95–2, *Record*, pp. 32170–73; *see also* Sept. 23, 1978, 95–2, *Record*, pp. 31102–04.

Orders To Adjourn:

In one instance in 1888, when the Senate on motion agreed to an order for an adjournment from Friday to Monday, a subsequent motion to adjourn until 11 o'clock the next day was entertained; [76] under recent practice where the Senate has by unanimous consent adopted an order to recess at the close of the day's business until the succeeding day, a motion to adjourn to an hour certain is not then in order,[77] except by unanimous consent, and if such consent, notwithstanding the order previously entered, were given and the motion to adjourn were then rejected, the previous order for a recess would stand.[78]

Periods of Adjournment:

See also "Brief Sessions of the Senate," p. 251; "Legislative Day," pp. 712-715.

Under the Constitution, the Senate may not adjourn for more than 3 days without the consent of the House of Representatives,[79] but with its consent the Senate has adjourned for varying periods in excess of 3 days "to a day certain." [80] The Senate can always adjourn for varying periods, including a few minutes only, within the 3-day limitation without the consent of the House; [81] in one instance the Senate adjourned for more than 3 days from Saturday, June 3, 1916 until Thursday, June 8, by unanimous consent, without the concurrence of the House of Representatives, and it was called to the attention of the House membership but nothing further was ever done about it.[82]

The Senate on the legislative day of July 1 (Saturday), 1939, adjourned at 1:53 a.m. (calendar day July 2) until

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[76] Aug. 3, 1888, 50-1, *Record*, p. 7212.

[77] July 24, 1956, 84-2, *Record*, pp. 14171, 14228-30.

[78] July 24, 1956, 84-2, *Record*, pp. 14228-30.

[79] Article I, sec. 5, cl. 4.

[80] Illustrations will be found at the following citations: Nov. 18, 1954, 83-2, *Record*, pp. 16132-33; Aug. 20, 1954, 83-2, *Record*, pp. 15414-15; June 4, 1936, 74-2, *Journal*, p. 365; June 17, 1929, 71-1. *Journal*, pp. 119, 122; July 5, 1921, 67-1, *Journal*. p. 181; Nov. 19, 1919, 66-1, *Journal*, p. 281.

[81] Illustrations will be found at the following citations: Aug. 27, 1951, 82-1, *Record*, pp. 10678-79; May 2, 1951, 82-1, *Record*, pp. 4703-05; May 1, 1935, 74-1, *Journal*, p. 308, *Record*, p. 6686; June 14, 1933, 73-1, *Journal*, p. 294, *Record*, p. 5965; Mar. 2, 1921, 63-3. *Journal*, p. 159; June 1, 1920, 66-2, *Journal*, p. 330, *Record*, p. 8084; July 18, 1919, 65-2, *Record*, p. 9171; July 13, 1918, 65-2, *Record*, p. 9096: Feb. 28, 1917, 64-2, *Record*, pp. 4524-25; Mar. 1, 1917, 64-2, *Journal*, p. 212; May 29, 1916, 64-1. *Journal*, p. 412, *Record*, p. 8853; Mar. 3, 1915, 63-3. *Journal*, p. 197; Mar. 2. 1887, 49-2, *Record*, pp. 2547, 2552; Mar. 3, 1885, 48-2, *Record*, pp. 2385, 2389, 2397.

[82] May 29, 1916, 64-1, *Journal*, p. 412. *Record*, p. 8853.

noon Wednesday, July 5; on the legislative day of Wednesday, April 5, the Senate recessed at 2:06 a.m. (calendar day, April 6) until noon Monday, April 10, 1950.[83]

The Senate on various occasions has adjourned for very short periods of time. On October 5, 1977, and September 28, 1978, it adjourned for 10 seconds; on September 26, 1978, and June 12, 1980, the Senate adjourned for 2 seconds.[84]

Postpone Consideration:

A motion to postpone a concurrent resolution providing for adjournment over a holiday may be to a day certain or indefinitely.[85]

Precedence of:

A motion that when the Senate adjourn it be to an hour different from that fixed in the order for the hour of daily meeting is in order,[86] and has precedence over a motion for a recess; [87] such a motion is in order pending the election of a President pro tempore of the Senate.[88]

In the absence of a quorum a motion to adjourn to an hour different from that fixed as the regular hour of meeting is not in order; [89] as it is not in order under such circumstances to move to adjourn to any other hour.[90]

Privileged:

A concurrent resolution providing for the adjournment of the two Houses of Congress to a day certain is privileged; [91] and a House amendment to such a resolution is a privileged matter.[92]

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[83] June 30, 1939, 76-1, *Journal*, p. 431: Apr. 5, 1950, 81-2, *Journal*, p. 223.

[84] Oct. 5, 1977, 95-1, *Record*, pp. 32477-78: Sept. 26. 1978, 95-2. *Record*, pp. 31487-89; Sept. 28, 1978, 95-2. *Record*, pp. 32170-73; June 12, 1980, 96-2, *Record*, pp. S 6777-78; *see also* Sept. 23, 1978, 95-2, *Record*, pp. 31102-04.

[85] Dec. 20, 1884, 48-2, *Record*, p. 390; Dec. 23, 1884, 48-2, *Record*, p. 426; Oct. 22, 1914, 63-2, *Record*, pp. 16923-24.

[86] Feb. 10, 1923, 67-4, *Record*, p. 3384.

[87] Mar. 2, 1929, 70-2, *Journal*, pp. 270-71, *Record*, pp. 5062-64.

[88] May 11, 1911, 62-1, *Journal*, p. 62.

[89] Jan. 27, 1917, 64-2, *Record*, p. 2123.

[90] Aug. 1, 1888, 50-1, *Record*, p. 7126; Aug. 17, 1888, 50-1, *Record*, p. 7680; June 4, 1894, 53-2, *Record*, p. 5694; Feb. 19, 1917, 64-2, *Journal*, p. 168, *Record*, pp. 3616-17; May 29, 1928, 70-1, *Journal*, p. 565, *Record*, p. 10463.

[91] Dec. 22, 1931, 72-1, *Record*, pp. 1129-30; Aug. 12, 1969, 91-1, *Record*, p. 23508.

[92] June 17 and 18, 1929, 71-1, *Journal*, p. 122, *Record*, pp. 2975-76, 3045.

A concurrent resolution for an adjournment over a holiday is privileged and need not lie over 1 day.[93]

Reference of Adjournment Resolutions:

Under the practice of the Senate, concurrent resolutions providing for a holiday recess, if referred, are referred to the Committee on Appropriations.[94]

Rescind Action on Adjournment:

On July 28, 1919, both Houses adopted a concurrent resolution providing for a recess of the two Houses from August 2 to September 9, 1919; on August 2 this action was rescinded by the adoption of another concurrent resolution to that effect.[95]

Adjournment, Sine Die

[Form of Presenting Resolution in Senate]

Majority Leader: Mr. President, I send to the desk a concurrent resolution, providing for the sine die adjournment of the two Houses of Congress and I ask for its immediate consideration.

[Form of Concurrent Resolution]

"*Resolved by the Senate (the House of Representatives concurring),* That the two Houses of Congress shall adjourn on Tuesday, August 2, 1955, and that when they adjourn on said day they stand adjourned sine die."

Amendable:

A concurrent resolution providing for a final adjournment is amendable.[96] On one occasion such amendment prescribed a legislative program upon the reconvening of Congress.[97] However, such amendment is contrary to current practice as reflected in a related precedent where a motion to recess which provided for a vote on a particular

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[93] Dec. 18, 1873, 43-1, *Journal*, p. 88.
[94] Dec. 16, 1884, 48-2, *Record*, p. 272; Nov. 21, 1918, 65-2, *Record*, p. 11601.
[95] July 28 and Aug. 2, 1919, 66-1, *Journal*, pp. 144-45, 155.
[96] Oct. 22, 1914, 63-2, *Record*, pp. 16923-24; June 3, 1924, 68-1, *Journal*, p. 417, *Record*, pp. 10288-89; Dec. 22, 1931, 72-1, *Journal*, p. 111, *Record*, pp. 1129-30; June 10, 1896, 54-1, *Record*, p. 6389; *see* June 17, 1929, 71-1, *Record*, pp. 2975-76.
[97] June 3, 1924, 68-1, *Journal*, p. 417, *Record*, p. 10288.

matter upon reconvening was held out of order by the Chair on its own initiative.[98]

Committee To Wait Upon President:

A resolution for the appointment of a committee to wait upon the President of the United States to ascertain if he has any further communication to make to the Congress is not acted upon, under the universal practices of the Senate, until after the two Houses have adopted a concurrent resolution for final adjournment.[99]

Conditional Sine Die Adjournment:

The Congress has on several occasions adopted concurrent resolutions providing for a conditional adjournment *sine die.* In most of these cases, the adjournment was at the end of the first session of a Congress, [100] but on other occasions one or both Houses have adopted a concurrent resolution for a conditional *sine die* adjournment of the second session of a Congress.[101]

Congress has also adopted a concurrent resolution that provided for a *sine die* adjournment of the Senate after certain contingencies had been satisfied, that provided for recesses and adjournments of both Houses through a date in the second session of that Congress, and that provided that either House could be reassembled upon 24 hours notice by its Majority Leader (upon consultation with the Minority Leader) on any day before a specified date in the second session.[102] Congress has adopted a concurrent resolution providing for an adjournment of the House *sine die,* and consent of the House for an adjournment of the Senate *sine die* at any time before January 3, and pending

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[98] Apr. 30, 1985, 99-1, *Record,* p. 9850.

[99] Oct. 22, 1914, 63-2, *Journal,* p. 562.

[100] H. Con. Res. 412, as amended by the Senate (and concurred in by the House), Dec. 22, 1973, 93-1, *Record,* pp. 43329, 43327; H. Con. Res. 518, Dec. 19, 1975, 94-1, *Record,* p. 42255; H. Con. Res. 221, Nov. 18, 1983, 98-1, *Record,* p. 16858; H. Con. Res. 267, Dec. 20, 1985, 99-1, *Record,* p. 18302; and H. Con. Res. 239, Nov. 21, 1989, 101-1, *Record,* p. S 16934.

[101] H. Con. Res. 697, Dec. 20, 1974, 93-2, *Record,* p. 41659; S. Con. Res. 155, adopted by the Senate (but not acted on by the House), Oct. 12, 1984, 98-2, *Record,* p. 32428; and H. Con. Res. 399, Oct. 28, 1990 (after midnight of the session that began on Oct. 27), 101-2, *Record,* p. S 17732.

[102] H. Con. Res. 232, Dec. 21, 1979, (after midnight of the session that began on Dec. 20), 96-1, *Record,* p. 37601.

such adjournment consent for adjournments or recesses in excess of three days.[103]

Consideration Privileged:

A concurrent resolution providing for a final adjournment of a session of Congress on a specific day is a highly privileged matter,[104] and does not have to lie over for 1 day, since Rule XIV, paragraph 6 (requiring all resolutions to lie over 1 day on objection) is not applicable thereto; [105] it may be considered when submitted.

The consideration of a House amendment to a Senate concurrent resolution for a sine die adjournment is a privileged matter.[106]

Debate of, Not in Order:

A concurrent resolution providing for final adjournment, or adjournment for more than 3 days, is not debatable; [107] and appeals from the decision of the Chair relative to adjournment resolutions are not debatable.[108]

A motion to refer,[109] or a motion to recommit,[110] such a resolution has been held to be debatable.

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[103] H. Con. Res. 438, Dec. 21, 1982, (after midnight of the session that began on Dec. 20), 97-2, *Record*, p. 32697.

[104] Oct. 22, 1914, 63-2, *Record*, pp. 16923-24; Nov. 22, 1921, 67-1, *Journal*, p. 350, *Record*, p. 8121; June 3, 1920, 66-2, *Journal*, p. 345, *Record*, pp. 8308-12; Dec. 22, 1931, 72-1, *Journal*, p. 111, *Record*, pp. 1129-30.

[105] July 24, 1897, 55-1, *Journal*, p. 176, *Record*, pp. 2940-47; June 3, 1920, 66-2, *Record*, pp. 8308-12; Mar. 29, 1928, 70-1, *Record*, p. 10511; May 29, 1928, 70-1, *Journal*, p. 567.

[106] June 17 and 18, 1929, 71-1, *Record*, pp. 2975-76, 3045.

[107] July 1, 1902, 57-1, *Record*, p. 7743; Sept. 22, 1950, 81-2, *Record*, p. 15520; Oct. 19, 1949, 81-1, *Record*, p. 15017; Aug. 5, 1939, 76-1, *Record*, p. 11164; Aug. 26, 1935, 74-1, *Record*, p. 14697; Dec. 22, 1931, 72-1, *Journal*, p. 111, *Record*, pp. 1129-30; June 3, 1924, 68-1, *Journal*, pp. 417-18, *Record*, pp. 10288-89; Nov. 22, 1921, 67-1, *Journal*, p. 350, *Record*, p. 8121; July 6, 1918, 65-2, *Record*, pp. 8774-76; Nov. 21, 1918, 65-2, *Record*, p. 11601; Oct. 22, 1914, 63-2, *Record*, pp. 16923-24; *see also* June 17, 1929, 71-1, *Record*, pp. 2975-76, June 3, 1920, 66-2, *Journal*, p. 345, *Record*, pp. 8308-12; Aug. 16, 1921, 67-1, *Journal*, p. 235, *Record*, pp. 5041-46.

On certain occasions such resolutions have been briefly debated, no question being raised—*see* Dec. 20 and 23, 1884, 48-2, *Record*, p. 390; Aug. 3, 1886, 49-1, *Record*, p. 7880; Dec. 17, 1888, 50-2, *Record*, p. 372; Nov. 3, 1893, 53-1, *Record*, p. 3111; July 8, 1898, 55-2, *Record*, p. 6787. In 1918, after a ruling that such a resolution was not debatable, a proposed amendment to the rules was submitted to allow debate of such resolutions—*see* July 8, 1918, 65-2, *Journal*, p. 306, *Record*, p. 8843.

[108] Aug. 24, 1949, 81-1, *Record*, pp. 12137-39, 12147.

[109] July 24, 1897, 55-1, *Journal*, p. 176, *Record*, pp. 2940-47; Dec. 22, 1894, 53-3, *Record*, p. 552.

[110] Dec. 22, 1931, 72-1, *Journal*, p. 111, *Record*, pp. 1129-30.

Effect of, on Other House:

Where the two Houses have agreed to adjourn sine die on a day certain, and the House has adjourned, the Senate would be required to adjourn at not later than midnight of that day.[111]

Period of Adjournment:

Under provisions of a concurrent resolution for an adjournment of the two Houses, the House of Representatives and the Senate may adjourn to different dates or one House may adjourn sine die and the other to a day certain.[112]

In November 1919, the Senate and the House of Representatives, by separate resolutions, gave their respective consents to the sine die adjournment of the other body at any time prior to December 1.[113]

Postpone Consideration:

The consideration of a concurrent resolution providing for final adjournment may be postponed to a day certain or indefinitely.[114]

Privileged:

A concurrent resolution for final adjournment is privileged.[115]

Quorum Required:

A motion to adjourn to an hour certain in the absence of a quorum is not in order.[116]

Reconsideration of Resolution:

See "Adjournment Resolution," and "Adoption of Motion," pp. 1125-1126.

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[111] *See* Sept. 26, 1961, 87-1, *Record*, pp. 21392-95.

[112] July 3, 1926, 69-1, *Journal*, p. 569, *Record*, p. 12885; Aug. 20, 1954, 83-2, *Record*, pp. 15414-15, 15486.

[113] Nov. 18 and 19, 1919, 66-1, *Record*, pp. 8760, 8804.

[114] Oct. 22, 1914, 63-2, *Record*, pp. 16923-24; Dec. 20, 1884, 48-2, *Record*, p. 390.

[115] July 24, 1897, 55-1, *Record*, pp. 2940-47.

[116] Aug. 1, 1888, 50-1, *Record*, p. 7126; Aug. 17, 1888, 50-1, *Record*, p. 7680; June 4, 1894, 58-2, *Record*, p. 5694; Feb. 19, 1917, 64-2, *Journal*, p. 168, *Record*, pp. 3616-17; May 29, 1928, 70-1, *Journal*, p. 565, *Record*, p. 10463.

Reference of Resolutions:

Concurrent resolutions providing for final adjournment, if referred, are referred to the Committee on Appropriations.[117]

Rescind Action on:

Action on an adjournment resolution may be rescinded.[118]

Table:

A concurrent resolution providing for final adjournment may be laid on the table.[119]

Time of Adjournment:

In 1884, when the hour for final adjournment of the two Houses had been fixed, but the business had been concluded before that time, the Senate by unanimous consent regarded the time as having arrived and adjourned prior to the actual arrival of that hour.[120] In 1934, the final adjournment of a session of the two Houses was made applicable to legislative instead of calendar days.[121] In 1956, midnight on the day of adjournment having arrived with a Senator speaking, upon a point of order being made, the Vice President stated: "The point of order is well taken. The hour of 12 o'clock midnight having arrived, the Senate, in accordance with the terms of House Concurrent Resolution 277, stands adjourned sine die." [122]

Congressional Adjournment

Title 2 of the United States Code, section 198 provides that unless otherwise provided by the Congress, the two Houses shall: "(1) adjourn sine die not later than July 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 the

[117] Nov. 21, 1918, 65-2, *Record*, p. 11601; *see also* Dec. 16, 1884, 48-2, *Record*, p. 272.
[118] July 28, 1919, 66-1, *Journal*, pp. 144-45, 155.
[119] Oct. 22, 1914, 63-2, *Record*, p. 16923-24.
[120] July 7, 1884, 48-1, *Record*, p. 6170.
[121] June 18, 1934, 73-2, *Journal*, p. 622, *Record*, p. 12422.
[122] July 27, 1956, 84-2, *Record*, p. 15146.

adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day," but this section of the law "shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress."

The above section of the Code, embodied in the "Legislative Reorganization Act of 1970," was done in the "exercise of the rulemaking power of the Senate and the House of Representatives" with full "recognition of the constitutional right of either House to change such rules" in the "same manner, and to the same extent as in the case of any other rule of such House." [123]

Thus on July 30, 1971, the Senate adopted H. Con. Res. 384, pursuant to Sec. 198 of title II of the Code but without a roll call vote.[124]

Congress not having completed its workload in 1974 by the July 31 adjournment dateline, as established by the law set forth above, the following H. Con. Res. 568 was adopted by both Houses:

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 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 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.[125]

On July 25, 1978, the Senate adopted the following S. Con. Res. 98 in order to comply with the requirements of Sec. 198 of Title II of the Code:

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions 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 Senate and the House of Representatives 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 provid-

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[123] *See* July 31, 1979, 96-1. *Record* p. 21451.

[124] July 30, 1971, 92-1, *Journal*, p. 574; August 3, 1981, 97-1, *Journal* p. 429, *Record* p. 19401; July 29, 1983, 98-1, *Journal* p. 453, *Record* pp. S. 11196-97; July 31, 1985, 99-1, *Journal* p. 407, *Record*, p. 22194 (requirement for rollcall was waived by unanimous consent).

[125] July 25, 1974, 93-2, *Journal*, p. 809.

ing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.[126]

On July 31, 1989, the Congress not having completed its workload by the July 31 adjournment dateline, both the House and Senate adopted by voice vote H. Con. Res. 179 which was agreed to by the Senate on July 31, 1989, which reads as follows:

Resolved by House of Representatives (the Senate concurring), That notwithstanding the provisions 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 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.*[127]

Hour of Daily Meeting

A resolution fixing the hour of daily meeting of the Senate, not being a matter covered by the standing rules, is open to amendment fixing the hour of daily adjournment; [128] such a resolution is not subject to amendment by a provision fixing an hour for a final vote on a bill.[129]

ADVISORY OPINION

See "Appeals Not in Order," pp. 147-148.

[126] July 25, 1978, 95-2, *Journal*, p. 471; *see* also July 31, 1979, 96-1, *Journal*, pp. 477-78; July 31, 1979, 96-1, *Record*, p. 21451.
[127] July 31, 1989, 101-1, *Record,* pp. H. 4599 (as adopted by the House) and S 9175 (as adopted by the Senate without amendment).
[128] Aug. 3, 1888, 50-1, *Record*, p. 7210.
[129] Dec. 2, 1913, 63-2, *Record*, pp. 35-37.