

Recess

§ 1. In General

Thomas Jefferson wrote in *Jefferson's Manual* “[w]here it is convenient that the business of the House be suspended for a short time . . . it adjourns during pleasure . . . or for a quarter of an hour.”⁽¹⁾ Yet, during most of the history of the House of Representatives, no authority existed beyond unanimous consent to either declare a recess or to offer a motion for a recess.⁽²⁾

Beginning in the 102d Congress, a motion to authorize the Speaker to declare a recess was given a privilege equal to that of the motion to adjourn (clause 4 of Rule XVI);⁽³⁾ and, beginning in the 103d Congress, the Speaker was authorized to declare a recess “for a short time when no question is pending before the House” (clause 12(a) of Rule I).⁽⁴⁾

Beginning in the 108th Congress, the Speaker was authorized

to suspend business and declare an emergency recess subject to the call of the Chair when notified of an imminent threat to the safety of the House,⁽⁵⁾ and, *inter alia*, “to reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5 article I of the Constitution” upon notification to Members.⁽⁶⁾

The Committee of the Whole cannot take a recess except with the permission of the House.⁽⁷⁾ Pursuant to clause 8(a) of Rule I, Speakers *pro tempore* occupying the Chair temporarily possess full authority under that rule to declare recesses.⁽⁸⁾

Except for an emergency recess under clause 12(b)(1) of Rule I,⁽⁹⁾ a recess cannot be taken during a recorded vote or a call of the roll.⁽¹⁰⁾ A roll call cannot be interrupted by the arrival of an hour fixed for a recess by rule or prior

1. *House Rules and Manual* § 586 (2007). See 5 Hinds' Precedents §§ 6663–6671 and 8 Cannon's Precedents §§ 3354–3362 for other precedents involving recess.

2. See, § 2.1, *infra*.

3. *House Rules and Manual* § 911 (2007). See also Ch. 40, *infra*.

4. *House Rules and Manual* § 638 (2007).

5. Rule I clause 12(b)(1), *House Rules and Manual* § 639 (2007).

6. *Id.* at clause 12(c)(2).

7. See 5 Hinds' Precedents §§ 6669–6671; and 8 Cannon's Precedents § 3362.

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

9. *Id.* at § 639.

10. 5 Hinds' Precedents §§ 6054, 6055.

vote of the House.⁽¹¹⁾ However, when the hour previously fixed for a recess arrives, the Chair has declared the House in recess during a division vote.⁽¹²⁾

A recess may not be voted by less than a quorum, and consequently the motion for recess is not in order in absence of a quorum.⁽¹³⁾

All recesses, when declared, are indicated with six bells and six lights. If a recess is declared subject to the call of the Chair, three bells and three lights indicate the resumption of the session in 15 minutes, while a recess that is declared to a time certain for less than 15 minutes is shown to have terminated merely by one long bell showing that the House is back in session.

§ 2. Recess Authority

Before the 102d Congress, recesses in the House were taken by unanimous consent and not by motion, no motion to that effect being privileged.⁽¹⁾ The Speaker may initiate unanimous consent without request from the floor to declare the House in recess sub-

ject to the call of the Chair,⁽²⁾ or for a five-minute period.⁽³⁾ Authority to recess may be requested from the floor and be approved by unanimous consent on days set aside to receive a message in person from the President.⁽⁴⁾ The unanimous-consent request may specify the authority for the remainder of the current day;⁽⁵⁾ on a subsequent day in preparation for the counting of the electoral vote;⁽⁶⁾ at any time during a day or during an afternoon of that day;⁽⁷⁾ during the afternoon of a subsequent day;⁽⁸⁾ at any time on two or three days during the week,⁽⁹⁾ which has been interpreted as giving authority for more than one recess, one on each of the two designated days;⁽¹⁰⁾ to declare multiple recesses during the remainder of the week or session;⁽¹¹⁾ to declare a recess when the Committee of the Whole rises on that day;⁽¹²⁾ and to extend not later than a time certain on that day.⁽¹³⁾

2. See § 2.2, *infra*.

3. See § 2.3, *infra*.

4. See § 2.4, *infra*.

5. See § 2.5, *infra*.

6. See § 2.6, *infra*.

7. See § 2.7, *infra*.

8. See § 2.8, *infra*.

9. See § 2.9, *infra*.

10. See § 2.10, *infra*.

11. See §§ 2.11, 2.12, *infra*.

12. See § 2.13, *infra*.

13. See § 2.14, *infra*.

11. *Id.* at § 6054.

12. 4 Hinds' Precedents §§ 2955–2960.

13. *Id.* at §§ 2958–2960.

1. See § 2.1, *infra*.