

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,<sup>(1)</sup> even though it provides for an adjournment of the two Houses to different days certain.<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup> 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.<sup>(5)</sup>

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.<sup>(6)</sup> The Balanced Budget and Emergency Deficit Control Act repealed § 310(f) of the Congressional Budget Act of 1974 which had prevented consideration of *sine die* adjournment resolutions until Congress had completed action on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.<sup>(7)</sup>

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)<sup>(8)</sup> and is not amendable if the previous question is ordered thereon.<sup>(9)</sup>

**§ 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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.<sup>(3)</sup>

**§ 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.**<sup>(1)</sup>

On Oct. 1, 1980,<sup>(2)</sup> 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.<sup>(3)</sup> 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.<sup>(4)</sup>

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,<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(1)</sup> 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,<sup>(1)</sup> 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,<sup>(1)</sup> 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,<sup>(1)</sup> 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,<sup>(1)</sup> 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,<sup>(2)</sup> 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.<sup>(3)</sup> 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,<sup>(1)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(1)</sup> 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.<sup>(2)</sup> 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,<sup>(1)</sup> the House considered a Senate amendment to a House concurrent resolution adjourning Congress until Apr. 12, 1944:

The SPEAKER pro tempore.<sup>(2)</sup> 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.<sup>(1)</sup> 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.<sup>(2)</sup>

Congress may waive the current requirement and make other determinations regarding its August adjournment.<sup>(3)</sup> 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).