

Chapter 1

Adjournment

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- 8 Cannon §§ 2641–2648
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A. Generally; Adjournments of Three Days or Less

§ 1. In General

Types of Adjournments

Adjournment procedures in the House are governed by the House rules and by the Constitution. There are: (1) adjournments of three days or less, which are taken pursuant to motion; (2) adjournments of more than three days, which require the consent of the Senate (§ 10, *infra*); and (3) adjournments *sine die*, which end each session of a Congress and which require the consent of both Houses. Adjournments of more than three days or *sine die* are taken pursuant to concurrent resolutions. §§ 10, 13, *infra*.

Adjournment Versus Recess

Adjournment is to be distinguished from recess. The House may authorize a recess under a motion provided in rule XVI clause 4. The Speaker also may declare a recess when no other business is pending (rule I clause 12(a)) or when notified of an imminent threat to the safety of the House (rule I clause 12(b)). Having postponed proceedings on a pending question, the Speaker may declare a recess for a short time under rule I clause 12(a) (there being no question then pending before the House). *Manual* § 638. During a period of recess, the House remains open for certain business. The mace remains in place on its pedestal, reports may be filed, and bills may be placed in the hopper. See RECESS.

Emergency Convening Authority

During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening, then he may, in consultation with the Minority Leader, postpone the time for reconvening within the three-day limit prescribed by the Constitution. In the alternative, the Speaker, under the same conditions, may reconvene the House before the time previously appointed solely to declare the House in recess within that three-day limit. Rule I clause 12(c); § 10, *infra*.

Under rule I clause 12(d), the Speaker may convene the House in a place *within* the District of Columbia, other than the Hall of the House, whenever, in his opinion, the public interest shall warrant it. In the 108th Congress, the two Houses granted blanket joint leadership authority to assemble the 108th Congress at a place *outside* the District of Columbia whenever the public interest shall warrant it. 108–1, H. Con. Res. 1, Jan. 7, 2003, p ____; see ADJOURNMENT.

The President may convene Congress at places outside the seat of government during hazardous circumstances. 2 USC § 27; Deschler Ch 1 § 4.

§ 2. Adjournment Motions and Requests; Forms

Motions

The motion to adjourn authorized by rule XVI clause 4(a) is in order in simple form only, as follows:

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

Note: The motion must be in writing if demanded.

MEMBER: Mr. Speaker, I offer a privileged motion.

SPEAKER: The Clerk will report the motion.

CLERK: Mr. _____ moves that the House do now adjourn.

5 Hinds §§ 5371, 5372.

The proponent of the motion may not include argument in favor of the adjournment or impose conditions under which it is to be taken. 5 Hinds § 5371; 8 Cannon § 2647. The motion may not be amended to set forth the day on which the House is to reconvene. § 6, *infra*. However, the simple motion to adjourn may be preceded at the Speaker's discretion by a non-debatable and unamendable motion provided by rule XVI clause 4(c) that, when the House adjourns, it stand adjourned to a day and time certain. *Manual* § 911. This motion is used when the House wishes to make some change in the day or hour of its next regularly scheduled meeting, which is set at the beginning of each session of Congress by standing order. *Manual* § 621.

MEMBER: Mr. Speaker, I move that when the House adjourns today it stand adjourned to meet at _____ (time) on _____ (date).

The motion cannot be used to circumvent the constitutional restriction against adjournments for more than three days without the consent of the Senate.

Unanimous-Consent Requests

Adjournments of three days or less may be sought pursuant to a unanimous-consent request:

MEMBER: Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at _____ on _____, _____ (any time on a day within three calendar days not including Sundays). Adjournments of more than three days, see §§ 10–12, *infra*.

Legislative Days and Calendar Days Distinguished

The duration of a legislative day does not conform to the 24 hours of a calendar day, nor does a legislative day automatically terminate by reason

of the arrival of the time for a regularly scheduled meeting of the House. The legislative day continues until terminated by an adjournment, irrespective of the passage of calendar days. 5 Hinds §§ 6738, 6739. The House has convened and adjourned twice on the same calendar day pursuant to a motion to fix the day to which the House shall adjourn, thereby meeting for two legislative days on the same calendar day. *Manual* § 913. However, a legislative day cannot extend into a new Congress or a new session. 96-1, Jan. 3, 1980, p 37774.

§ 3. When in Order; Precedence and Privilege of Motion

The motion to adjourn is a motion of highest privilege and is in order whenever the floor can be secured. See *Manual* § 912; 5 Hinds §§ 5359, 5360. Other motions may not intervene between the motion to adjourn and the vote thereon. 5 Hinds § 5361. The motion to adjourn is specifically given precedence over all other secondary motions permitted by rule XVI clause 4, including the motions to lay on the table, for the previous question, to amend, to refer, or to postpone. *Manual* § 911. The motion to adjourn takes precedence over all other motions because, as Jefferson noted, the House might otherwise be kept sitting against its will and indefinitely. *Manual* § 439.

The motion to fix the day and time to which the House shall adjourn is of equal privilege to the simple motion to adjourn but is entertained only at the Speaker's discretion. *Manual* §§ 911, 912. The motion to fix the day, if made first, need not give way to the simple motion. 5 Hinds § 5381.

The motion to adjourn may not interrupt a vote being taken in the House. 5 Hinds § 5360. However, the motion to adjourn is in order:

- Between the putting of the question on a proposition and the ensuing vote. *Manual* § 439.
- Between the different methods of voting, as between a vote by division and a vote by yeas and nays. *Manual* § 439.
- After a recorded vote is ordered and before the vote begins. 5 Hinds § 5366.
- After a vote has been objected to for lack of a quorum. *Manual* § 913.
- Only one motion pending a motion to suspend the rules. Rule XV clause 1(b).
- Only one motion pending a privileged report from the Committee on Rules. Rule XIII clause 6(b).

The motion to adjourn permitted by rule XVI clause 4 applies when a question is “under debate,” and is in order when other business is before

the House as well. *Manual* §§ 911, 912. The motion is in order and takes precedence over the motions delineated in rule XVI clause 4 and:

- The reading of the Journal. 4 Hinds § 2757.
- The Speaker’s approval of the Journal. *Manual* § 621.
- A motion for a call of the House. 8 Cannon § 2642.
- A resolution offered as a question of the privileges of the House. *Manual* § 699.
- The consideration of an impeachment proceeding. 91–2, Apr. 15, 1970, p 11940.
- A motion to reconsider. 5 Hinds § 5605.
- A motion to instruct conferees. *Manual* § 912.
- The filing of a privileged report from a committee. *Manual* § 912.
- The consideration of conference reports. 5 Hinds §§ 6451, 6453.
- A report from the Committee of the Whole. 8 Cannon § 2645.
- The consideration of a veto message from the President. 4 Hinds § 3523.

When Not in Order

The motion to adjourn does not take precedence and may not be entertained:

- When another Member holds the floor in debate. *Manual* § 912; 5 Hinds § 5360.
- During time yielded for a parliamentary inquiry. 88–2, June 3, 1964, p 12522.
- When the House is voting, such as by the yeas and nays or other recorded vote. 5 Hinds § 6053.
- Pending a vote pursuant to a special order providing for such vote “without intervening motion.” 4 Hinds §§ 3211, 3212.
- During the presentation of a conference report. 5 Hinds § 6452.
- Pending or during the administration of the oath to a Member. 1 Hinds § 622.

In certain situations, the motion cannot be repeated after one such motion has been defeated. See § 9, *infra*. Repetition is not permitted:

- Pending consideration of a report from the Committee on Rules, after one motion to adjourn has been defeated. Rule XIII clause 6(b); 8 Cannon § 2260.
- Pending consideration of a motion to suspend the rules, after one such motion has been defeated. Rule XV clause 1(b).

§ 4. In Committee of the Whole

The motion to adjourn is not in order after the House has voted to go into the Committee of the Whole. 4 Hinds § 4728; 5 Hinds § 5367. The motion is not in order in the Committee of the Whole. 4 Hinds § 4716. It also

is not entertained when the Committee of the Whole rises to report proceedings incident to securing a quorum (8 Cannon § 2436) or when it rises “informally” to receive a message. However, the motion to adjourn is permitted when the House is meeting as in the Committee of the Whole. 4 Hinds § 4923.

§ 5. Who May Offer Motion; Recognition

The motion to adjourn may be made by any Member (91–1, Oct. 14, 1969, pp 30054–56), including a minority member (98–2, May 23, 1984, p 13960.) The Chair even may declare the House adjourned by unanimous consent when no Member is available. See, *e.g.*, 106–2, Feb. 3, 2000, p _____. A Member may move to adjourn whenever he can secure the floor, but he may not move to adjourn while another Member has been recognized for debate. 5 Hinds §§ 5369, 5370. The motion is not in order where the Member has been yielded to or recognized for a parliamentary inquiry. 8 Cannon § 2646.

§ 6. Debate on Motion; Amendments

Debate on the simple motion to adjourn is precluded by rule XVI clause 4(b). *Manual* § 911; 5 Hinds § 5359. Clause 4(c) precludes debate on the motion to fix the day to which the House shall adjourn. *Manual* § 911; 5 Hinds §§ 5379, 5380. For a discussion of debate on resolutions providing for an adjournment, see § 10, *infra*. The stricture against debate on a motion to adjourn includes a prefatory statement leading up to the motion. Such statement, if made, is not carried in the *Congressional Record*. 107–2, Feb. 13, 2002, p _____.

The simple motion to adjourn is not subject to amendment. *Manual* § 585. Thus, the motion may not be amended by language alluding to the purpose of the adjournment. *Manual* § 912. The motion also may not be amended by language specifying the day (5 Hinds § 5360) or hour (5 Hinds § 5364) to which adjournment is to be taken. Such amendments are ruled out whenever the House is operating under its customary standing order that fixes the daily hour of meeting for each day of the week. *Manual* § 912. Similarly, the separate motion under rule XVI clause 4(c) that when the House adjourns it stand adjourned to a day and time certain also is not subject to amendment. An older precedent (5 Hinds § 5754) indicating otherwise predates the 1973 change in rule XVI clause 4(c), which enabled the motion at the Speaker’s discretion. See, *Manual* § 911.

§ 7. Voting

The vote on a motion to adjourn may be taken by any of the voting methods authorized by the House rules, including a division vote or a vote by the yeas and nays. 99–1, Dec. 20, 1985, p 38733; 88–2, Feb. 8, 1964, pp 2616, 2639. The adoption of a resolution providing for adjournment *sine die* on a day certain does not preclude a demand for the yeas and nays on the motion to adjourn on that day. 87–1, Sept. 27, 1961, p 21528. A negative vote on a motion to adjourn is not subject to the motion to reconsider. 5 Hinds §§ 5620, 5622; see also RECONSIDERATION.

§ 8. Quorum Requirements

A quorum is required for a motion to fix the time of adjournment to a day and time certain. *Manual* § 913.

The simple motion to adjourn may be agreed to notwithstanding the absence of a quorum. See *Manual* §§ 52, 1025. Indeed, no motion is in order in the absence of a quorum except to adjourn or for a call of the House. 4 Hinds §§ 2950, 2951, 2988; 6 Cannon §§ 680, 682. The motion to adjourn is in order on failure of a quorum, even where the House is operating under a special order requiring the consideration of the pending business. 5 Hinds § 5365.

The motion to adjourn takes precedence over a motion for a call of the House. § 3, *supra*. In one instance, following a point of order that a quorum was not present, and before the Chair so ascertained, a Member moved a call of the House while another Member immediately moved to adjourn. The Chair recognized for the more privileged motion. 88–1, June 12, 1963, p 10739.

It is not in order to demand an “automatic” roll call under rule XX clause 6 on an affirmative vote on a simple motion to adjourn because that motion may be agreed to by less than a quorum. *Manual* § 1025. However, a vote by the yeas and nays in such a case would be in order, if demanded by one-fifth of those present, no quorum being required. *Manual* §§ 75, 76. Where the vote on an adjournment is decided in the negative, and a point of order that a quorum is not present is sustained, an “automatic” roll call on the motion then occurs under rule XX clause 6. 100–1, Nov. 2, 1987, pp 30386–90.

MEMBER: I move that the House do now adjourn.

SPEAKER: On this vote (by division, or by voice) the yeas have it.

MEMBER: I make a point of order that a quorum is not present and (pursuant to clause 6 of rule XX) I object to the vote on that ground.

§ 9

HOUSE PRACTICE

SPEAKER: A quorum is not present, and the yeas and nays are ordered. Members will record their votes by electronic device.

Although a motion to adjourn is in order pending a point of order that a quorum is not present, it is not entertained after the Clerk has begun to call the roll. 5 Hinds § 5366; 86–2, June 3, 1960, p 11828. After the call has been completed, the motion to adjourn is again in order; and it is not necessary that the Chair announce that a quorum has failed to respond before entertaining the motion. 91–1, Oct. 14, 1969, pp 30054–56.

§ 9. Dilatory Motions; Repetition of Motion

Rule XVI clause 1, which precludes the Speaker from entertaining dilatory motions, is applicable to motions to adjourn. *Manual* § 903. Although of the highest privilege, the motion to adjourn is not in order when offered for purposes of delay or obstruction. 5 Hinds §§ 5721, 5731; 8 Cannon §§ 2796, 2813. On one occasion, a point of order was sustained against the motion where a House rule gave the Speaker the discretion to recognize for a motion to adjourn. 8 Cannon § 2822.

The motion to adjourn, once offered, may ordinarily be repeated, but not until after intervening business, debate, a decision of the Chair on a question of order, or the ordering of the yeas and nays. *Manual* § 912; 5 Hinds §§ 5373, 5374, 5376–5378; 8 Cannon § 2814.

In some cases the rules specifically provide that only one motion to adjourn is to be permitted. This restriction applies during the consideration of reports from the Committee on Rules and during the consideration of motions to suspend the rules. *Manual* §§ 857, 890. In such cases the motion to adjourn—once having been rejected—may not again be entertained until the pending matter has been fully disposed of. 5 Hinds §§ 5740, 5741. However, if a motion to adjourn is made and rejected, and a quorum then fails, a second motion to adjourn is admitted. 5 Hinds §§ 5744–5746.

B. Adjournments for More Than Three Days

§ 10. In General; Resolutions

House-Senate Action

Under article I, section 5, clause 4 of the Constitution, neither House can adjourn (or recess) for more than three days without the consent of the other. The consent of both Houses is required even though the adjournment is sought by only one of them. *Manual* § 84. In calculating the three days, either the day of adjourning or the day of meeting (excluding Sundays) must

be taken into the count. *Manual* § 83; 5 Hinds § 6673. The House can adjourn by motion from Thursday to Monday, or from Friday to Tuesday, because Sunday is a *dies non*. However, it cannot adjourn from Monday to Friday without the Senate's assent. Consistent with this requirement, the House has authorized the Speaker to declare the House in recesses subject to calls of the Chair during discrete periods, each not more than three days. *Manual* § 83.

Adjournments for more than three days are provided for by concurrent resolution. The resolution may provide for the adjournment of one House or for the adjournment of both Houses. *Manual* § 84. Senate concurrent resolutions for adjournment are laid before the House by the Speaker as privileged. 101–1, Mar. 16, 1989, p 4480. Such resolutions, whether originating in the House or Senate, are not debatable. *Manual* § 84. They require a quorum for adoption.

The concurrent resolution is generally offered by the Majority Leader or his designee:

MEMBER: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. ____) providing for an adjournment of the House from _____ to _____ and a recess or adjournment of the Senate from _____ to _____, and ask for its immediate consideration.

The 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 adjournment. *Manual* § 84. Sometimes the resolution has provided for a certain period of adjournment of the House and a different period for the Senate. Thus, the resolution may provide for an adjournment of the House for more than three days to a day certain, and a recess of the Senate for more than three days to a day certain as subsequently determined by the Senate before recessing. *Manual* § 84. 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 *Manual* § 171; for convening, see ASSEMBLY OF CONGRESS.

Conditional Adjournments; Recall Provisos

An adjournment resolution may include various conditions or provisos, such as that the Senate shall adjourn pursuant to the resolution after it has disposed of a certain bill. *Manual* § 84; 95–2, June 29, 1978, p 19466.

A concurrent resolution adjourning both Houses for more than three days, or *sine die*, normally includes authority for the Speaker and the Majority Leader of the Senate, acting jointly, to reassemble the Members when-

ever the public interest shall warrant it. *Manual* § 84. Recently, such recall authority has allowed the respective designees of the Majority Leader and the Speaker to so reassemble. It has also allowed reassembly at such place as may be designated. *E.g.*, 107–2, Nov. 22, 2002, p _____. In the 108th Congress, the two Houses granted blanket joint leadership authority to assemble the 108th Congress at a place outside the District of Columbia whenever the public interest shall warrant it. 108–1, H. Con. Res. 1, Jan. 7, 2003, p _____. A concurrent resolution also may provide for the *sine die* adjournment of one House following a single House recall. *Manual* § 84.

Amendments; Voting

Adjournment resolutions originating in one House are subject to amendment by the other. 95–2, June 29, 1978, p 19466; 95–2, Aug. 17, 1978, p 26794. Such an amendment is not in order after the previous question is ordered (except pursuant to a motion to commit with proper instructions). 96–2, Oct. 1, 1980, p 28576. Voting on the motion may be by voice, division, or any of the methods of voting established by rule XX or by article I, section 5 of the Constitution.

§ 11. Privilege of Resolution

A concurrent resolution providing for an adjournment of the House or of the Senate (or of both Houses) is called up as privileged. *Manual* § 84; 5 Hinds § 6701. The resolution is privileged even though it provides for an adjournment of the two Houses to different days certain. 93–2, Apr. 11, 1974, p 10775. An adjournment resolution remains privileged, despite its inclusion of additional matter, so long as such additional matter would be privileged in its own right. For example, an adjournment resolution including 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 retains its privilege. 101–1, Nov. 21, 1989, p 31156. An adjournment resolution including a provision establishing an order of business for the following session of the Congress was not considered privileged. 102–1, Nov. 26, 1991, p 35840.

Amendments of the Senate to adjournment resolutions are called up in the House as privileged. 97–2, Feb. 10, 1982, p 1471.

A House concurrent resolution providing for an adjournment may lose its privileged status if the House is not in compliance with sections 309 and 310(f) of the Congressional Budget Act, which preclude such resolutions until the House has approved its regular appropriations bills and completed action on any required reconciliation legislation. *Manual* § 1127. However, these provisions of the Act may be waived by unanimous consent or by res-

olution reported by the Committee on Rules. *E.g.*, 101–1, June 23, 1989, p 13271.

A concurrent resolution granting the two Houses blanket joint leadership authority to assemble a Congress at a place outside the District of Columbia whenever the public interest shall warrant it was offered as privileged. 108–1, H. Con. Res. 1, Jan. 7, 2003, p ____.

§ 12. August Recess

The Legislative Reorganization Act of 1946 provides 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 in August (for a specified period) pursuant to a concurrent resolution adopted by roll call vote in each House. 2 USC § 198. The House has not adjourned *sine die* by July 31 under this Act for many years, and the provisions in the Act to that effect have been routinely waived by concurrent resolution, thereby permitting the two Houses to continue in session. *Manual* §§ 1105, 1106. In the absence of such a resolution, a simple motion to adjourn, made at the conclusion of business on July 31, is in order and would permit the House to meet on the following day. *Manual* § 1106.

The House and Senate may adopt a concurrent resolution adjourning in August in an odd-numbered year as specified by the Act. Such a resolution is called up as privileged, requires a ye and nay vote for adoption, and is not debatable. *Manual* § 1106. Concurrent resolutions waiving the provisions of the Act are not privileged and are called up by unanimous consent (100–1, July 29, 1987, p 21459) or by resolution reported by the Committee on Rules (105–1, July 31, 1997, p ____).

C. Adjournment Sine Die

§ 13. In General; Resolutions

Adjournments *sine die* (literally, without day) are used to terminate the sessions of a Congress, and are provided for by concurrent resolution. A session terminates automatically at the end of the constitutional term. See 96–1, Jan. 3, 1980, p 37774; 104–1, Jan. 3, 1996, p 38609. Such adjournments are generally taken in October in even-numbered years (election years) and usually somewhat later in odd-numbered years. Adjournment resolutions may be called up from the floor as privileged. 5 Hinds § 6698.

The resolution is not debatable. 8 Cannon §§ 3371–3374. However, a Member may be recognized during its consideration under a reservation of

objection to a unanimous-consent request. *Manual* § 84. It requires a quorum for adoption. 92–2, Oct. 18, 1972, p 37061.

A *sine die* resolution may specify the particular legislative or calendar day of adjournment or may specify two or more optional dates. *Sine die* adjournment in the latter case is effected by a motion of the Majority Leader or his designee. *Manual* § 84. *Sine die* resolutions may be amended to provide for an adjournment on a date other than that specified. 98–2, Oct. 11, 1984, p 32314. The resolution need not specify the date of convening because, under section 2 of the 20th amendment to the Constitution, a regular session of a Congress automatically begins at noon on January 3 of every year unless Congress sets a different date by law. *Manual* § 242; 96–2, Jan. 3, 1980, p 3.

Under rule X clause 1(m), the Committee on Rules has jurisdiction of matters relative to final adjournment of Congress. *Manual* § 733.

The time of adjournment *sine die* having been fixed by concurrent resolution, the House may not finally adjourn before that time. 5 Hinds § 6714. However, a *sine die* resolution may be recalled prior to action thereon by the other House. 5 Hinds § 6699. Also, it is subject to rescission by a subsequent concurrent resolution. 5 Hinds § 6700. A resolution rescinding an order for adjournment *sine die* is open to amendment, and an amendment assigning a new date is germane. 5 Hinds § 5920. Waiver of statutory provision as to adjournment *sine die* on July 31, see § 12, *supra*.

Under the current practice, *sine die* adjournment resolutions normally contain House-Senate leadership recall authority. For a discussion of recall authority generally, see § 10, *supra*.

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. 100–1, Dec. 21, 1987, p 37618. This committee is usually composed of the Majority and Minority Leaders of the House, and joins a similar committee appointed by the Senate. 106–1, Nov. 18, 1999, p ____.

§ 14. Procedure at Adjournment; Motions

The House may adjourn at the time specified in the adjournment resolution even though other business, such as a roll call, may be pending. 5 Hinds §§ 6325, 6719, 6720. Adjournment *sine die* is in order notwithstanding the absence of a quorum if both Houses have adopted a concurrent resolution providing for *sine die* adjournment on that day. *Manual* § 55; 5 Hinds § 6721.

The time for adjournment specified in the resolution having arrived, the motion to adjourn is made by the Majority Leader or his designee:

Mr. Speaker, in accordance with House Concurrent Resolution ____, I move that the House do now adjourn.

The yeas and nays may be ordered on this motion. The adoption of a concurrent resolution providing for adjournment *sine die* on a day certain does not preclude a demand for the yeas and nays on the motion to adjourn on that day. 87-1, Sept. 27, 1961, p 21528.