

Adjournment

A. GENERALLY; ADJOURNMENTS OF THREE DAYS OR LESS

- § 1. In General
- § 2. Adjournment Motions and Requests; Forms
- § 3. When in Order; Precedence and Privilege of Motion
- § 4. In Committee of the Whole
- § 5. Who May Offer Motion; Recognition
- § 6. Debate on Motion; Amendments
- § 7. Voting
- § 8. Quorum Requirements
- § 9. Dilatory Motions; Repetition of Motion

B. ADJOURNMENTS FOR MORE THAN THREE DAYS

- § 10. In General; Resolutions
- § 11. Privilege of Resolution
- § 12. August Recess

C. ADJOURNMENT SINE DIE

- § 13. In General; Resolutions
- § 14. Procedure at Adjournment; Motions

Research References

5 Hinds §§ 5359–5388
8 Cannon §§ 2641–2648
Manual §§ 82–84, 782–784
U.S. Const. art. I § 5

A. Generally; Adjournments of Three Days or Less

§ 1. In General

Adjournment procedures in the House are governed by the House rules and by the U.S. 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 is to be distinguished from recess; a recess is taken pursuant to authority granted by the House (Rule XVI clause 4) or, when no other business is pending, at the discretion of the Speaker (Rule I clause 12). During a period of recess, the House remains open for certain business: the mace remains in place on its pedestal and bills and reports may still be placed in the hopper. See RECESS.

§ 2. Adjournment Motions and Requests; Forms

Motions

The motion to adjourn is authorized by Rule XVI clause 4 and is in order in simple form only (5 Hinds §§ 5371, 5372), 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.

THE SPEAKER: The Clerk will report the motion.

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

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. And 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 motion that when the House adjourns, it stand adjourned to a day and time certain. Rule XVI clause 4. *Manual* § 782. This motion is used when the House wishes to make some change in the day or hour of its next regularly scheduled meeting. (The hour of daily meeting of the House is scheduled in each Congress by standing order, *e.g.*, that it meet at 12 noon on Mondays and Tuesdays, 2 p.m. on Wednesdays, etc.) The House retains the right to vary from this schedule by use of the motion to adjourn to a day or time certain as provided in clause 4 of Rule XVI. See *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 10 a.m. on Friday, January 20, 19____ (or other 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. 97–1, Nov. 17, 1981, p 27771; 100–1, Oct. 29, 1987, p 29933. 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 (see 5 Hinds § 5359; *Manual* § 783) and is in order whenever the floor can be secured. See 5 Hinds § 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* § 782. 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* § 782); 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. But 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.

§ 3

HOUSE PRACTICE

- 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. 97–1, Nov. 17, 1981, p 27770.

The motion to adjourn permitted by Rule XVI clause 4 applies when a question is “under debate” (*Manual* § 782), and is in order when other business is before the House as well. 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. 100–1, Nov. 2, 1987, p 30386.
- A motion for a call of the House. 8 Cannon § 2642.
- Questions of privilege. 3 Hinds § 2521.
- Resolutions offered as a question of the privileges of the House. *Manual* § 661a.
- The consideration of an impeachment proceeding. 91–2, Apr. 15, 1970, p 11940.
- A motion to suspend the rules. 8 Cannon § 2823; 102–2, Aug. 11, 1992, p ____.
- A motion to reconsider. 5 Hinds § 5605; 96–1, Sept. 20, 1979, p 25512.
- A motion to instruct conferees. 96–2, May 29, 1980, p 12717–19.
- The filing of a privileged report from a committee. 99–1, Apr. 29, 1985, p 9699.
- 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 be ruled out:

- When another Member holds the floor in debate. 5 Hinds § 5360; *Manual* § 783.
- During time yielded for a parliamentary inquiry. 88–2, June 3, 1964, p 12522.
- When the House is voting (5 Hinds § 5360), 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 negatived. See § 9, *infra*. Repetition is not permitted:

- Pending consideration of a report from the Committee on Rules, after one motion to adjourn has been negatived. Rule XI clause 4(b). 8 Cannon § 2260.
- Pending consideration of a motion to suspend the rules, after one such motion has been acted on. Rule XVI clause 8.

§ 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 Committee of the Whole (4 Hinds § 4716), and 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. But 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 is generally offered by the Majority Leader or his designee, but the motion can be made by any Member (91–1, Oct. 14, 1969, pp 30054–56) including a minority member. 98–1, Nov. 4, 1983, p 30946; 98–2, May 23, 1984, p 13960. 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 (*Manual* § 782). 5 Hinds § 5359. The same rule precludes debate on the motion to fix the day to which the House shall adjourn. *Manual* § 782. 5 Hinds §§ 5379, 5380. Debate on resolutions providing for an adjournment, see § 10, *infra*.

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* § 783. Nor may the motion 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* § 783. However, the rules permit a separate motion at the Speaker's discretion that when the House adjourns it stand adjourned to a day and time certain (§ 2, *supra*), and this motion is subject to amendment. 5 Hinds § 5754.

§ 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 (99-1, Dec. 20, 1985, p 38733) or a vote by the yeas and nays. 86-2, June 3, 1960, p 11828; 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. 91-1, Oct. 14, 1969, pp 30054-56; 94-1, June 19, 1975, pp 19789, 19790; 94-2, June 22, 1976, p 19755.

The simple motion to adjourn may be agreed to notwithstanding the absence of a quorum. See *Manual* §§ 52, 773. 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.

Since the motion to adjourn takes precedence of a motion for a call of the House (§ 3, *supra*), where a point of order is made that a quorum is not present and a call of the House is then moved, a Member may immediately move to adjourn, and the Chair may recognize for the higher privileged motion. 88-1, June 12, 1963, p 10739.

It is not in order to demand an "automatic" roll call under Rule XV clause 4 on an affirmative vote on a simple motion to adjourn, since that motion may be agreed to by less than a quorum. 98-1, Nov. 4, 1983, p 30946. But 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 "auto-

matic” roll call on the motion then occurs under Rule XV clause 4. 100–1, Nov. 2, 1987, pp 30386–90. See also *Manual* § 773.

MEMBER: I move that the House do now adjourn.

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

MEMBER: I make a point of order that a quorum is not present and (pursuant to clause 4 of Rule XV) I object to the vote on that ground.

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

While 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 commenced to call the roll. 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

The House rule that requires the Speaker to refuse to entertain dilatory motions (Rule XVI clause 10) is applicable to motions to adjourn. *Manual* § 803. 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 (5 Hinds § 5373; 8 Cannon § 2814), debate (5 Hinds § 5374), a decision of the Chair on a question of order (5 Hinds § 5378), or the ordering of the yeas and nays (5 Hinds §§ 5376, 5377). *Manual* § 783.

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 Rules Committee (*Manual* § 729a) and during the consideration of motions to suspend the rules (*Manual* § 801). 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 the Constitution, neither House can adjourn for more than three days without the consent of the other. U.S. Const. art. I § 5. The consent of both Houses is required even though the adjournment is sought by only one of them. See 91-1, Nov. 6, 1969, pp 33345 *et seq.*; 94-2, Sept. 1, 1976, p 28860. 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 (since Sunday is a *dies non*); but it cannot adjourn from Monday to Friday without the Senate's assent.

Adjournments for more than three days are provided for by concurrent resolution. 88-2, Aug. 21, 1964, p 20813; 90-2, Apr. 10, 1968, p 9621; 101-2, May 24, 1990, p _____. The resolution may provide for the adjournment of one House (100-1, Aug. 7, 1987, p 23072) or for the adjournment of both Houses (100-1, Apr. 9, 1987, p 8567). 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. 100-2, July 13, 1988, p 18069; 101-2, May 24, 1990, p _____. 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. 95-2, Mar. 22, 1978, p 7942. As to the authority of the President to determine the period

of adjournment when the two Houses are unable to agree with respect thereto, see U.S. Const. art. II § 3. 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. 95–2, June 29, 1978, p 19466.

A concurrent resolution adjourning both Houses for more than three days may include a proviso that the House is subject to recall by the Speaker if legislative expediency so warrants. 91–2, July 20, 1970, p 24978. More frequently, recall authority is given to the Speaker and to the Majority Leader of the Senate, acting jointly, to reassemble the Members whenever the public interest warrants. See 101–1, June 23, 1989, p 13271; 101–2, Apr. 4, 1990, p _____. The authority may be vested in other members of the leadership in the two bodies.

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 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 I clause 5 or by the Constitution (art. I § 5).

§ 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. 5 Hinds § 6701; 92–1, Oct. 18, 1971, p 36492; 93–1, Oct. 2, 1973, p 32371; 93–2, June 27, 1974, p 21632. The resolution is privileged even though it provides for an adjournment of the two Houses to different days certain. 93–1, Feb. 8, 1973, p 3908; 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 (*e.g.*, 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). 101–1, Nov. 21, 1989, p _____. An adjournment resolution also establishing an order of business for the following session of the Congress was not considered privileged. 102–1, Nov. 26, 1991, p _____.

Amendments to adjournment resolutions are called up as privileged. 97–2, Feb. 10, 1982, p 1471.

§ 12

HOUSE PRACTICE

A House concurrent resolution providing for an adjournment may lose its privileged status if the House is not in compliance with those provisions of the Congressional Budget Act [§§ 309, 310(f)] precluding such resolutions until the House has approved its regular appropriations bills and completed action on any required reconciliation legislation. See 100–1, July 9, 1987, p 19131. However, these provisions of the Act may be waived by unanimous consent. 99–2, June 19, 1986, p 14644; 101–1, June 23, 1989, p 13271.

§ 12. August Recess

The Legislative Reorganization Act of 1970 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. 98–2, July 26, 1984, p 21339. See also 97–2, July 29, 1982, p 18563. 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* § 948.

The House and Senate may adopt a concurrent resolution adjourning in August in an odd-numbered year as specified by the Act. 92–1, July 30, 1971, p 28332. Such a resolution is called up as privileged, requires a yeay and nay vote for adoption, and is not debatable. 102–1, July 31, 1991, p _____. 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.

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 termination of 96–1, Jan. 3, 1980, p 37774. 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; 100–1, Dec. 21, 1987, p 37618; 100–2, Oct. 21, 1988, p 33319. A Member, usually the Majority Leader, rises:

Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. ____) and ask for its immediate consideration.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on (the legislative day of) Tuesday, Dec. ____, 19 ____, and that when they adjourn on said day, they stand adjourned *sine die*.

The resolution is not debatable (8 Cannon §§ 3371–3374), though a Member may be recognized during its consideration under a reservation of objection to a unanimous-consent request. 101–2, Oct. 27, 1990, p ____ . It requires a quorum for adoption. 92–2, Oct. 18, 1972, p 37061.

A *sine die* resolution normally specifies the particular day of adjournment, but may specify two or more optional dates (98–1, Nov. 16, 1983, p 33123), or a legislative day if the final day is expected to last beyond midnight. *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 U.S. Constitution (*Manual* § 242), a regular session of a Congress automatically begins at noon on January 3 of every year unless Congress sets a different date by law. 96–2, Jan. 3, 1980, p 3.

The Committee on Rules has jurisdiction of matters relative to final adjournment of Congress [clause 1(a)(3) of Rule X]. *Manual* § 948.

The time of adjournment *sine die* having been fixed by concurrent resolution, the House may not finally adjourn before that time. 5 Hinds § 6714. But *sine die* resolutions may be recalled prior to action thereon by the other House (5 Hinds § 6699) and are 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 usually contain House-Senate leadership recall authority. 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; 92–2, Oct. 18, 1972, p 37051. This committee is usually composed of the Majority and Mi-

§ 14

HOUSE PRACTICE

nority Leaders of the House, and joins a similar committee appointed by the Senate. 93-2, Dec. 20, 1974, p 41855.

§ 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. 5 Hinds § 6721; *Manual* § 55.

The time for adjournment specified in the resolution having arrived, the motion to adjourn is made by the Majority Leader or his designee (101-1, Nov. 21, 1989, p ____):

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 [Legislative Day, Sept. 25], 1961, p 21528.