

# Chapter 45

## Recess

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### Research References

5 Hinds §§ 6663-6671  
8 Cannon §§ 3354-3362  
Deschler-Brown-Johnson Ch 39  
*Manual* §§ 586, 638, 639, 911, 913

### § 1. In General

Under clause 12(a) of rule I, the Speaker may declare a recess “for a short time” when no question is pending before the House. Under clause 12(b) of rule I, the Speaker or chair of the Committee of the Whole may declare an emergency recess when notified of an imminent threat to the safety of the House. Recesses also may be declared by the Speaker pursuant to authority granted by the House by privileged motion. § 2, *infra*. Except in case of emergency under clause 12(b) of rule I, recesses are not permitted in the Committee of the Whole except with the permission of the House. 5 Hinds §§ 6669-6671; 8 Cannon § 3357.

Clause 12 of rule I uses the term “recess” in its technical sense, which should be distinguished from adjournment. Recesses are taken during a legislative day, whereas adjournments terminate a legislative day. Another distinguishing feature is that, during a recess, the mace remains in place on the rostrum, indicating that the House continues in session. Bills may be introduced and reports may be filed through the hopper. Although the term “recess” may be used more colloquially to describe periods of adjournment (*e.g.*, “August recess”), such periods do not technically constitute a recess of the House.

Except for an emergency recess under clause 12(b) of rule I, a recess may not interrupt a call of the roll or a recorded vote, even though the House has previously given authority to declare a recess at any time. 5 Hinds §§ 6054, 6055. However, when the hour previously fixed for a recess arrived, the Chair declared the House in recess during a division vote. 5 Hinds § 6665.

## § 2. House Authorization; Motions

The House may specifically authorize the Speaker to declare a recess, but in modern practice, the standing authority in clause 12(a) of rule I (to declare a recess when no question is pending) has made such specific authorizations infrequent. The House may, by motion, by unanimous consent, by suspension of the rules, or by special order of business, authorize the Speaker to declare a recess. Clause 4 of rule XVI; *Manual* §§ 83, 586, 911, 913; Deschler Ch 21 § 11.8. The authority may be for a single recess on a given day, for several recesses subject to the call of the Chair, or for more than one day. 104-1, Dec. 15, 1995, p 37107 (motion); 104-1, Dec. 21, 1995, p 38475 (special order of business). However, no recess declared by the Speaker or authorized by the House alone can exceed three days (not including Sundays) because that would violate the constitutional requirement for Senate consent. U.S. Const. art. I, § 5; see also § 3, *infra*.

The Speaker also may be authorized to declare a recess:

- At any time during the remainder of the day. 87-2, Sept. 12, 1962, p 19258.
- On the following day. 86-1, May 26, 1959, p 9155.
- During the remainder of the week. 90-1, Dec. 15, 1967, p 37126.
- At any time on certain days of the week. 88-2, Apr. 7, 1964, p 7119.
- At any time on the legislative days of Friday and Saturday and if necessary on Sunday. 97-1, Nov. 19, 1981, p 28211.
- At any time during the remainder of the session. Deschler Ch 21 § 11.8.
- On a specific day to accommodate a joint meeting. 110-1, Nov. 1, 2007, p 29042.

### Motions to Authorize a Recess

Clause 4(c) of rule XVI permits the Speaker to entertain “at any time” a motion authorizing the Chair to declare a recess. The motion may be adopted by simple majority vote. This motion is rarely offered given the Speaker’s authority to declare a recess under clause 12 of rule I.

Rule XVI gives the motion for a recess a privileged status equal to that of the motion to adjourn, which is a motion of the highest precedence and privilege. *Manual* §§ 911, 912; see ADJOURNMENT. Before the adoption of this rule in 1991, the motion to authorize a recess was not privileged in the House and could be entertained only by unanimous consent (8 Cannon § 3354), although a privileged motion to recess was permitted by rule from 1880 to 1890 (8 Cannon § 3356).

A motion to authorize the Speaker to declare a recess is not debatable or amendable. *Manual* §§ 911, 913.

### Quorum Requirements

A vote by the House to authorize the Speaker to declare a recess requires a quorum. 4 Hinds §§ 2955-2960. A motion for a recess cannot be entertained if the absence of a quorum has been declared. 4 Hinds § 2958-2960. However, when the hour previously fixed for a recess arrives, the Chair declares the House in recess, even if a quorum is not present. 5 Hinds §§ 6665, 6666.

### § 3. Duration of Recess

#### Generally

The Speaker may be authorized by the House to declare a recess to a time certain on that day (92-2, Oct. 14, 1972, p 36474), or to declare a recess until a time certain on the following calendar day (97-1, Nov. 20, 1981, p 28628). Overnight recess may be authorized, in which event the same legislative day is retained. 98-1, Nov. 10, 1983, p 32200. A recess does not terminate a legislative day, and a legislative day cannot be terminated during recess. 8 Cannon § 3356. In rare circumstances, upon the expiration of an overnight recess, the House is called to order and the Chaplain offers the prayer. 104-1, Dec. 18, 1995, p 37310; 107-1, Sept. 12, 2001, pp 16752, 16753.

When a recess is declared, the bell and light system will so indicate with six bells and six lights. Termination of a recess is indicated by three bells and three lights.

The Speaker has been authorized to declare recesses at any time during a Thursday-evening-to-Monday-noon period subject to the call of the Chair. 98-1, Nov. 10, 1983, p 32197. However, a recess cannot extend longer than three days by House order alone, because of the constitutional requirement that neither House may adjourn for more than three days without the consent of the other. See ADJOURNMENT.

#### Recess for a Short Time; Emergency Recess

The Speaker is permitted by clause 12(a) of rule I to declare a recess for “a short time . . . subject to the call of the Chair,” when no question is pending before the House. The Speaker has used this authority to recess the House overnight. See, *e.g.*, 106-2, Dec. 14, 2000, p 26657; 107-1, May 3, 2001, pp 7134-37; 110-1, July 25, 2007, p 20762.

In the aftermath of terrorist attacks, the House stood in recess on the legislative day of September 11, 2001, from 9:52 a.m. on September 11 until 10:03 a.m. on September 12. 107-1, Sept. 11, 2001, pp 16750-52; Deschler-Brown-Johnson Ch 39 § 2.17. As a result of the events of Sep-

tember 11, the House adopted clause 12(b) of rule I in the 108th Congress. Clause 12(b) authorizes the Speaker, even when business is pending, to declare an emergency recess when notified of an imminent threat to the safety of the House. This clause was amended in the 110th Congress to provide the same authority to the chair of the Committee of the Whole.

The Speaker's declaration of a recess for a "short time" under clause 12(a) of rule I may follow the postponement of a question under clause 8 of rule XX because, after postponement, a question is no longer pending before the House. The Speaker also has the authority to postpone consideration of certain measures under clause 1(c) of rule XIX. These authorities have become familiar scheduling techniques of the majority leadership in the modern practice of the House.

The customary inquiry by the Chair, "For what purpose does the gentle \_\_\_\_\_ seek recognition?" does not immediately confer recognition, such that a Member's mere revelation that such Member seeks to offer a motion to adjourn does not suffice to make that motion "pending" so as to prevent a declaration of a short recess. Deschler-Brown-Johnson Ch 39 §§ 2.22, 2.24; 111-1, July 13, 2009, p 17493. The Chair may withdraw recognition for special order speeches in order to declare a recess. 114-1, Jan. 6, 2015, p \_\_\_\_; 111-1, Nov. 4, 2009, p 26795.

#### **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 the Speaker 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. Clause 12(c) of rule I.

In the 114th Congress, the House amended clause 12 of rule I to authorize the Speaker or a designee, during any recess or adjournment of not more than three days, to reconvene the House at a time other than that previously appointed, within the three-day limit prescribed by the Constitution, based on a determination that the public interest so warrants and after consultation with the Minority Leader. 114-1, Jan. 6, 2015, p \_\_\_\_.

#### **§ 4. Purpose of Recess**

Where the Speaker is given authority to declare a recess by unanimous consent or a special order of business, the specific purpose of the recess

may be stipulated. The Speaker may be authorized to declare the House in recess in order to:

- Attend to a Member who has suddenly taken ill on the floor of the House. 91-1, July 8, 1969, p 18614.
- Await the receipt of a message from the President. 91-1, Jan. 17, 1969, pp 1188-92.
- Await a message from the Senate. 91-1, Feb. 7, 1969, p 3268.
- Await a report from a committee on certain emergency legislation. 91-2, Mar. 4, 1970, p 5867.
- Await a conference report. 92-1, Dec. 14, 1971, pp 46884-88.
- Await a report from the Committee on Rules. 91-2, Mar. 4, 1970, p 5867.
- Await Senate action on a House joint resolution continuing appropriations for several departments of the government that are without funds. 95-1, Nov. 4, 1977, p 37066.
- Await or attend a joint meeting to receive certain dignitaries. 92-1, Sept. 8, 1971, p 30845.
- Receive former Members of the House in the Chamber. 95-2, May 19, 1978, p 14660.
- Permit Members to attend certain ceremonies. 93-2, Dec. 19, 1974, p 41604.
- Make preparations for a secret session of the House. 96-1, June 20, 1979, p 15711.

Recesses for many of the purposes outlined above, as well as for unannounced purposes, are now accomplished under the Speaker's authority to declare a short recess under clause 12(a) of rule I.

