

to agree to an adjournment resolution and the House needs to conduct a meeting pursuant to the constitutional requirement of convening every third day.⁽⁷⁾

The House also (though rarely) conducts *secret* sessions pursuant to clause 10 of rule XVII.⁽⁸⁾ These special meetings of the House are closed to the public, and only Members who have signed an oath of secrecy may attend.⁽⁹⁾

§ 2. The Date of Convening

As noted above, the 20th amendment to the U.S. Constitution requires Congress to assemble at least once a year and provides that such assembly take place at noon on January 3 unless Congress has, by law, appointed a different day.⁽¹⁾ Since the ratification of the 20th amendment in 1933, Congress has traditionally conducted one session each year. The only exceptions occurred in the 75th and 76th Congresses,⁽²⁾ when President Franklin Roosevelt exercised his power under article II, section 3, of the Constitution, to convene two special sessions of Congress.⁽³⁾

Congress has frequently changed the date of convening by joint resolution enacted into law.⁽⁴⁾ In most cases, this action was simply a matter of convenience—for example, the desire of Members to avoid conducting an opening-day session on a weekend or other inconvenient time. Because of the relatively uncontroversial nature of such laws, the House has typically considered joint resolutions to change the convening date by unanimous consent⁽⁵⁾ or suspension of the rules⁽⁶⁾ (though special orders of business have

7. U.S. Const. art. I, § 5, cl. 4; *House Rules and Manual* § 84 (2017).

8. *House Rules and Manual* § 969 (2017).

9. For more on secret sessions of the House, see Deschler's Precedents Ch. 29 § 85 and Precedents (Wickham) Ch. 29.

1. For the first assembly of Congress pursuant to the 20th amendment, see Deschler's Precedents Ch. 1 § 3.5.

2. See Deschler's Precedents Ch. 1 §§ 2.1–2.3.

3. *Parliamentarian's Note*: President Franklin Roosevelt's exercise of these convening authorities occurred after *sine die* adjournment of the first session of the 75th and 76th Congresses in 1937 and 1939 respectively. Thus, upon reconvening pursuant to the presidential proclamation, the House and Senate met in a second session of each respective Congress (with the subsequent regular session constituting a third session of those Congresses). By contrast, President Harry Truman convened Congress on two occasions (in 1947 and 1948) during a regular adjournment period (not *sine die*). Thus, those meetings of Congress constituted extensions of the first and second sessions of the 80th Congress.

4. A complete list of all public laws since the 74th Congress in 1937 changing the date of convening for a session of Congress can be found at: *House Rules and Manual* § 243 (2017). For an example of "precall" authority provided in a joint resolution changing the date of convening, see § 11.9, *infra*.

5. See § 2.4, *infra*.

6. See § 2.2, *infra*.

also been used).⁽⁷⁾ Though rare, amendments to such joint resolutions are in order.⁽⁸⁾ The Chair does not normally interpret constitutional provisions in response to parliamentary inquiries, but the Chair has provided to Members a constitutional citation for the authority of Congress to change the date of convening.⁽⁹⁾

Expiration of a Session

A session of Congress formally ends or expires when both Houses agree to a concurrent resolution providing for adjournment *sine die* (literally “without day”).⁽¹⁰⁾ An adjournment *sine die* takes the House into a period of adjournment until the next session, which will either occur at noon on January 3 or on a different date should Congress enact a law changing the date of convening. In the absence of a concurrent resolution providing for *sine die* adjournment, a session of Congress will “naturally” expire at noon on January 3, as that is the constitutionally-prescribed date on which the terms of Senators and Representatives begin.⁽¹¹⁾ Thomas Jefferson, in his *Manual of Parliamentary Practice*, describes this form of termination as the “dissolution of the efflux of their time.”⁽¹²⁾ If the House is still in session on January 3, the Chair will typically declare the House adjourned *sine die* a few moments prior to noon. Alternatively, the Chair may await a motion to adjourn from the floor.⁽¹³⁾

Pursuant to section 132(a) of the Legislative Reorganization Act of 1946,⁽¹⁴⁾ Congress is technically obligated to adjourn *sine die* by July 31 (in even-numbered years). However, while the term “shall” is used, the act specifically states that such provision is applicable “[u]nless otherwise provided

7. See § 2.3, *infra*.

8. See Deschler’s Precedents Ch. 1 § 3.8.

9. See § 2.1, *infra*.

10. For adjournments *sine die* generally, see Deschler’s Precedents Ch. 40 §§ 14–18 and Precedents (Wickham) Ch. 40.

11. For an example of the expiration of a first session on January 3, see § 2.5, *infra*. See also 125 CONG. REC. 37773, 37774, 96th Cong. 1st Sess. (Jan. 3, 1980); 137 CONG. REC. 36367, 102d Cong. 1st Sess. (Jan. 3, 1992); 141 CONG. REC. 38609, 38610, 104th Cong. 1st Sess. (Jan. 3, 1996); and 157 CONG. REC. 21498 112th Cong. 1st Sess. (Jan. 3, 2012). For an example of the expiration of a second session on January 3, see § 2.6, *infra*. See also 154 CONG. REC. 24811–13, 110th Cong. 2d Sess. (Jan. 3, 2009). For a similar expiration of the final session of the 76th Congress in the Senate, see Deschler’s Precedents Ch. 1 § 2.4.

12. *House Rules and Manual* § 590 (2017).

13. See 137 CONG. REC. 36367, 102d Cong. 1st Sess. (Jan. 3, 1992).

14. P.L. 79–601, 60 Stat. 812 (as amended by the Legislative Reorganization Act of 1970, P.L. 91–510, § 461, 84 Stat. 1140).

by the Congress.” This language has been interpreted to authorize a waiver of this law via concurrent resolution (which may provide for an alternate adjournment schedule), and such resolutions have used the phrase “in consonance with section 132(a)” to formally indicate a waiver of that provision.⁽¹⁵⁾ This provision of law is inapplicable in cases of national emergency.⁽¹⁶⁾

Pro Forma Sessions

As noted above, a pro forma session of the House is a regular legislative session of the House at which no substantive business is expected to occur. Under the Constitution, neither House of Congress may adjourn for more than three days without the consent of the other body. In cases where an adjournment for a longer period is desired—but the two Houses are unable to agree on a concurrent resolution of adjournment—the House may provide for one or more pro forma sessions to bridge the gap between the date of adjournment and the date of next convening.⁽¹⁷⁾

It is not uncommon for the House to provide for one or more pro forma sessions to begin a second session of Congress. At such sessions, an order of the House provides that no organizational business occurs, and the initial quorum call to begin the second session will be delayed until the date when regular legislative activities are scheduled to commence.⁽¹⁸⁾

In the event that a concurrent resolution providing for *sine die* adjournment of both Houses is unable to be adopted, the House may (by simple resolution) provide for a series of pro forma sessions to end the legislative session instead.⁽¹⁹⁾ The House may also authorize a series of recesses of the House that continue a single legislative day through a number of calendar days, but which do not violate the three-day limit imposed by the Constitution.⁽²⁰⁾

Date of Convening

§ 2.1 While the Chair does not construe the constitutionality of a proposed action of the House, the Chair may cite for the information of Members the provision of the Constitution pursuant to which a joint resolution setting a convening day for the next Congress will be considered.

15. See Deschler’s Precedents Ch. 40 § 16.

16. See Deschler’s Precedents Ch. 1 § 3.7.

17. See § 2.11, *infra*. See also Deschler’s Precedents Ch. 1 § 3.9.

18. See §§ 2.8, 2.9, *infra*.

19. See § 2.12, *infra*.

20. See § 2.9, *infra*.

On November 26, 1974,⁽²¹⁾ Members of the House debated the ability of the House and Senate to set the date of convening for the following Congress:

Mr. [Garry] BROWN of Michigan. Mr. Speaker, if this Congress can set a different date than January 3 for the convening of the new Congress why cannot this Congress set a convening day of August 15, or even December 31 of 1975, since the Constitution stipulates that the Congress meet once each year?

Mr. [Thomas] O'NEILL [of Massachusetts]. I suppose we could do that if we wanted to do it. I know that the 90th Congress convened on January 19. So we are following the will of the House and the Senate.

Mr. BROWN of Michigan. I know that there has been a precedent established by the Congress of passing a bill and being signed by the President, so, in the terms of the Constitution a new date for convening has been set by the Congress, but, may I ask, has that issue ever been contested, and judicially determined, so that the procedure can properly be called a precedent?

Mr. O'NEILL. I would have to say to the gentleman from Michigan that the gentleman would have to ask the Speaker that question as a parliamentary inquiry, or perhaps the Parliamentarian.

Mr. BROWN of Michigan. If the gentleman will yield still further, and I do not intend to be difficult on this issue, because I recognize that that could make me persona non grata, but I have pursued this subject and raised this issue before. I frankly do not believe that this Congress can set a different date for the convening of the House and the Senate other than the day set by the Constitution, and that is January 3.

The SPEAKER.⁽²²⁾ The gentleman is not stating a parliamentary inquiry, but if he wants the constitutional citation, the Chair is prepared to give it.

Mr. BROWN of Michigan. I would appreciate if the Chair would.

The SPEAKER. Clause 2, section II of the 20th amendment:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Mr. BROWN of Michigan. Mr. Speaker, that language appertains to that Congress. The logic is there and clear. This Congress, accordingly, can say to the next Congress, "You cannot meet until December 31, 1975." Obviously, that is not a logical objective of Congress.

The SPEAKER. This has been the congressional interpretation of that provision of the Constitution. The Chair does not want to get involved in this, but the Chair thinks if the Constitution meant something else, it would state "meet every other year."

Mr. BROWN of Michigan. Mr. Speaker, I wish the Speaker would cite other precedents than his own precedents.

I thank the Speaker.

§ 2.2 A joint resolution providing for the convening of the second session of the 93d Congress on January 21, 1974, was considered and passed under suspension of the rules.

21. 120 CONG. REC. 37407-408, 93d Cong. 2d Sess.

22. Carl Albert (OK).

On December 17, 1973,⁽²³⁾ the following occurred:

Mr. [Thomas] O'NEILL [of Massachusetts]. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 180) relative to the convening of the second session of the 93d Congress.

The Clerk read as follows:

S.J. RES. 180

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Ninety-third Congress shall begin at noon on Monday, January 21, 1974, or at noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate, or the Majority Leader of the Senate and the Majority Leader of the House of Representatives, or the Minority Leader of the Senate and the Minority Leader of the House of Representatives, shall notify the Members of the Senate and the House of Representatives, respectively, to reassemble whenever in their opinion the public interest shall warrant it.

§ 2.3 A joint resolution providing for the convening of the second session of the 107th Congress on January 23, 2002, was considered and passed pursuant to a special order of business resolution reported by the Committee on Rules.

On December 20, 2001,⁽²⁴⁾ the following occurred:

PROVIDING FOR CONSIDERATION OF H. RES. 322, APPOINTING DAY FOR THE CONVENING OF THE SECOND SESSION OF THE 107TH CONGRESS

The Clerk read the resolution, as follows:

H. RES. 322

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House a joint resolution appointing the day for the convening of the second session of the One Hundred Seventh Congress. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

The SPEAKER pro tempore.⁽²⁵⁾ The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. [Richard (Doc)] HASTINGS of Washington. . . .

Mr. Speaker, House Resolution 322 is a closed rule providing for consideration of a joint resolution appointing the day for the convening of the second session of the 107th Congress. The joint resolution shall be considered as read for amendment.

The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) 1 hour of debate, equally divided and controlled by the Majority Leader and the Minority Leader or their designees; and (2) one motion to recommit.

Mr. Speaker, we had hoped to bring this resolution to the floor under unanimous consent agreement, but were unable to secure such an agreement. Accordingly, in the interest of completing the work of the House as expeditiously as possible, I encourage my colleagues to support both this rule and the resolution that it makes in order.

23. 119 CONG. REC. 42059, 93d Cong. 1st Sess.

24. 147 CONG. REC. 27578, 107th Cong. 1st Sess.

25. David Camp (MI).

Mr. Speaker, I reserve the balance of my time.

Mr. [Jonas] FROST [of Texas]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule makes in order a joint resolution which sets the date for convening of the second session of the 107th Congress as January 23, 2002. This is a totally noncontroversial rule and joint resolution, and I urge adoption of both.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

§ 2.4 A joint resolution providing for the convening of the first session of the 114th Congress on January 6, 2015, was considered and passed by unanimous consent.

On November 14, 2014,⁽²⁶⁾ the following occurred:

APPOINTING THE DAY FOR THE CONVENING OF THE FIRST SESSION OF THE ONE HUNDRED FOURTEENTH CONGRESS

Mr. [Kevin] MCCARTHY of California. Mr. Speaker, I send to the desk a joint resolution (H.J. Res. 129) appointing the day for the convening of the first session of the One Hundred Fourteenth Congress, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore.⁽²⁷⁾ Is there objection to the request of the gentleman from California?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 129

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Fourteenth Congress shall begin at noon on Tuesday, January 6, 2015.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

Expiration of Sessions

§ 2.5 The House convened for the final meeting of the first session of the 113th Congress on January 3, 2014, at which (following a brief recess) the Chair declared the House adjourned *sine die* pursuant to the 20th amendment to the Constitution.

On January 3, 2014,⁽²⁸⁾ the House convened at 11:00 a.m., approved the Journal, recessed until 11:55 a.m., and then adjourned *sine die* as follows:

26. 160 CONG. REC. H7985 [Daily Ed.], 113th Cong. 2d Sess.

27. Steve Womack (AR).

28. 159 CONG. REC. H8137 [Daily Ed.], 113th Cong. 1st Sess. For similar *sine die* adjournment of the Senate, see 159 CONG. REC. S9121 [Daily Ed.], 113th Cong. 1st Sess. (Jan. 3, 2014).

THE JOURNAL

The SPEAKER pro tempore.⁽²⁹⁾ Pursuant to section 6(a) of House Resolution 438, the Journal of the last day's proceedings is approved. . . .

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MESSER) at 11 o'clock and 55 minutes a.m. . . .

SINE DIE ADJOURNMENT

The SPEAKER pro tempore.⁽³⁰⁾ Pursuant to the 20th amendment to the Constitution, the Chair declares the first session of the 113th Congress adjourned sine die. Accordingly (at 11 o'clock and 56 minutes a.m.), the House adjourned.

§ 2.6 The House convened for the final meeting of the second session of the 112th Congress on January 3, 2013, at which the Chair declared the House adjourned *sine die* pursuant to the 20th Amendment to the Constitution.

On January 3, 2013,⁽³¹⁾ the House convened at 11:00 a.m., approved the Journal, recessed until 11:55 a.m., and then adjourned *sine die* as follows:

THE JOURNAL

The SPEAKER.⁽³²⁾ The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

The House met at 11 a.m. and was called to order by the Speaker. . . .

RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. [Robert] DOLD [of Illinois]) at 11 o'clock and 55 minutes a.m. . . .

29. Thomas Petri (WI)

30. Luke Messer (IN)

31. 158 CONG. REC. H7587, H7588, H7589 [Daily Ed.], 112th Cong. 2d Sess.

32. John Boehner (OH).

SINE DIE ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the 20th amendment to the Constitution of the United States, the Chair declares the 112th Congress adjourned sine die.

Thereupon (at 11 o'clock and 56 minutes a.m.), the House adjourned.

Pro Forma Sessions

§ 2.7 The House by unanimous consent vacated a previous order providing that the House meet in pro forma sessions on certain days for the remainder of the session until otherwise ordered by the House, and instead agreed to meet on the following day.

On November 2, 1977,⁽³³⁾ the House agreed to the following unanimous-consent request regarding meeting dates for the remainder of the session:

PERMISSION FOR THE HOUSE TO MEET ON TUESDAYS AND FRIDAYS UNTIL
FURTHER ORDER

Mr. [James] WRIGHT [of Texas]. Mr. Speaker, I ask unanimous consent that from and after November 4, 1977, during the remainder of this session, the House shall meet only on Tuesdays and Fridays of each week until the further order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. [Robert] BAUMAN [of Maryland]. Reserving the right to object, from the date that the gentleman uses, does he contemplate a session this Friday?

Mr. WRIGHT. If the gentleman will yield, there will be a pro forma session the day after tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

However, on November 29, 1977,⁽³⁴⁾ the House agreed by unanimous consent to vacate the previous order so that the House could meet the next day (a Wednesday):

VACATING ORDER OF THE HOUSE OF WEDNESDAY, NOVEMBER 2, 1977,
PROVIDING FOR THE HOUSE TO MEET ONLY ON TUESDAYS AND FRIDAYS

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I ask unanimous consent that the order of the House of Wednesday, November 2, 1977, providing for the House to meet only on Tuesdays and Fridays, be vacated and that when the House adjourns today, it adjourn to meet at noon on Wednesday, November 30, 1977. . . .

The SPEAKER pro tempore.⁽³⁵⁾ Is there objection to the request of the gentleman from Washington?

33. 123 CONG. REC. 36659, 95th Cong. 1st Sess.

34. 123 CONG. REC. 38003, 95th Cong. 1st Sess.

35. James Wright (TX).

There was no objection.

§ 2.8 Pursuant to a concurrent resolution agreed to in the first session of the 102d Congress, the Speaker announced on January 3, 1992, that no organizational or legislative business would be conducted in the House until January 22, 1992 (unless the two Houses were recalled by the joint leaderships).

On January 3, 1992,⁽³⁶⁾ the House convened to begin the second session of the 102d Congress, but, pursuant to a previously-adopted concurrent resolution, organizational business was postponed and the House conducted a pro forma session only:

This being the date fixed by the 20th amendment of the Constitution of the United States for the annual meeting of the Congress of the United States, the Members of the 102d Congress met in their Hall and, at 12 noon, were called to order by the Speaker of the House of Representatives, Hon. THOMAS S. FOLEY.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

At the beginning of this new day, we are grateful as individuals and as a nation, O God, for all the blessings we have been given. As we anticipate the opportunities and difficulties that are . . .

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽³⁷⁾ Pursuant to the provisions of House Concurrent Resolution 260, 102d Congress, the House shall conduct no organizational or legislative business until January 22, 1992, or until the House is notified of legislative business pursuant to section 3 of that concurrent resolution.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Mississippi (Mr. [Gillespie V. (Sonny)] MONTGOMERY) please come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A PROPOSAL TO REINVIGORATE THE ECONOMY

(Mr. [Bill] RICHARDSON [of New Mexico] asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.) . . .

36. 138 CONG. REC. 2, 9, 25, 102d Cong. 2d Sess.

37. Thomas Foley (WA).

FROM CAPE HOPE TO CAPE FEAR AND BACK AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. [Richard] GEPHARDT [of Missouri]. Mr. Speaker, when the House last met, shortly before Thanksgiving, the President was unable to settle on a plan for ending the recession. There was confusion over whether he wanted the Congress to stay in session during December, or to wait for his economic proposals in the State of the Union Address.

Members of the White House staff and the Cabinet communicated directly to our leadership that the President would not be submitting a recovery plan in December, and that he wanted Congress to go into recess. . . .

ADJOURNMENT TO WEDNESDAY, JANUARY 22, 1992

Mr. [Robert] WALKER [of Pennsylvania]. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 260 of the 102d Congress, the House stands adjourned until 12 noon Wednesday, January 22, 1992.

Thereupon (at 2 o'clock and 50 minutes p.m.), pursuant to House Concurrent Resolution 260, the House adjourned until Wednesday, January 22, 1992, at 12 noon.

§ 2.9 The House agreed to a privileged resolution reported by the Committee on Rules authorizing the Speaker to declare the House in recesses subject to calls of the Chair during three discrete periods, each consistent with the constitutional constraint that neither House recess or adjourn for more than three days without the consent of the other House.

On December 21, 1995,⁽³⁸⁾ the following occurred:

RESOLUTION AUTHORIZING THE SPEAKER TO DECLARE RECESSES SUBJECT TO THE CALL OF THE CHAIR FROM DECEMBER 23, 1995, THROUGH DECEMBER 27, 1995

Ms. [Deborah] PRYCE [of Ohio]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 320 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 320

Resolved, That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. A recess declared pursuant to this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

The SPEAKER pro tempore.⁽³⁹⁾ The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

38. 141 CONG. REC. 38141, 38149, 38150, 104th Cong. 1st Sess.

39. William Barrett (NE).

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 320 is a simple, straightforward resolution that allows the Speaker of the House to declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995. The resolution further provides that any such recess may not extend beyond the calendar day of Wednesday, December 27, 1995. . . .

Mr. [John] MOAKLEY [of Massachusetts]. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment so that this House does not recess until we adopt a clean continuing resolution keeping the Government running until January 26.

I include for the RECORD my proposed amendment.

PREVIOUS QUESTION AMENDMENT TO RECESS RESOLUTION

At the end of the resolution, add the following:

"SEC. . Immediately upon the adoption of this resolution the House shall without intervention of any point of order consider in the House the joint resolution (H.J. Res. 131) making further continuing appropriations for the fiscal year 1996, and for other purposes. The joint resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . The recess authority provided in the previous sections of this resolution shall be effective only on or after the date on which H.J. Res. 131 is presented to the President for approval."

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, House Resolution 320 was reported by the Committee on Rules last night by voice vote authorizing the Speaker to declare recesses subject to the call of the Chair.

The amendment I will offer would authorize the Speaker to declare recesses subject to the call of the Chair on calendar day Thursday, December 28, through Saturday, December 30.

The amendment would further provide that after the House has been in session on calendar day Saturday, December 30, the Speaker may declare recesses subject to the call of the Chair on calendar day Saturday, December 30, through Wednesday, January 3.

Mr. Speaker, the Speaker needs this authority to keep the House in recess next week subject to the call of the Chair, pending the ongoing negotiations over the budget.

Members should be aware that the House will not be adjourned, but rather in recess on standby, should budget negotiations prove successful.

AMENDMENT OFFERED BY MS. PRYCE

Ms. PRYCE. Mr. Speaker, I offer an amendment authorized by the Committee on Rules.

The Clerk read as follows:

Amendment offered by Ms. PRYCE of Ohio: Strike all after the Resolved clause and insert:

That the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 23, 1995, through Wednesday, December 27, 1995.

SEC. 2. The Speaker may declare recesses subject to the call of the Chair on the calendar days of Thursday, December 28, 1995, through Saturday, December 30, 1995.

SEC. 3. After the House has been in session on the calendar day of Saturday, December 30, 1995, the Speaker may declare recesses subject to the call of the Chair on the calendar days of Saturday, December 30, 1995, through Wednesday, January 3, 1996.

SEC. 4.(a) A recess declared pursuant to the first section of this resolution may not extend beyond the calendar day of Wednesday, December 27, 1995.

(b) A recess declared pursuant to section 2 of this resolution may not extend beyond the calendar day of Saturday, December 30, 1995.

(c) A recess declared pursuant to section 3 of this resolution may not extend beyond 11:55 a.m. on the calendar day of Wednesday, January 3, 1996.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. PRYCE. 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 pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 179, not voting 26, as follows:

[Roll No. 878] . . .

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the amendment offered by the gentlewoman from Ohio [Ms. PRYCE].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. PRYCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 186, not voting 24, as follows:

[Roll No. 879]

§ 2.10 The House agreed to a special order of business resolution reported by the Committee on Rules authorizing for a pro forma session to begin the second session of the Congress by providing that no organizational or legislative business be conducted on the first day of such session.

On December 16, 2005,⁽⁴⁰⁾ the House adopted a resolution providing, *inter alia*, that no organizational or legislative business be conducted on the first day of the next session of Congress, as follows:

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ
RESOLUTION

Mr. [David] DREIER [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore.⁽⁴¹⁾ The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only. . . .

Mr. [James] MCGOVERN [of Massachusetts]. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT) for a unanimous consent request.

Mr. [Lloyd] DOGGETT [of Texas]. Mr. Speaker, given the stated interest in democracy here in the House, I would ask unanimous consent to amend the rule to permit for division of the question so that we could express our unanimous support for the various provisions of this resolution, except for that on which we have disagreement as to the best way to achieve success in Iraq. At this point, so that we can have the kind of democracy that occurred this week in Iraq, of which the majority seems so proud, and actually have it right here on the floor of the House, I ask unanimous consent for a division of the question on the provisions of this resolution.

The SPEAKER pro tempore. The majority manager of the resolution has not yielded for the purpose of such a request.

Mr. DOGGETT. Given his professed interest in democracy, I am sure he will yield for that unanimous consent.

The SPEAKER pro tempore. Does the gentleman from California yield? The gentleman from California is indicating that he does not yield for that purpose.

On December 18, 2005,⁽⁴²⁾ the order of the House regarding pro forma sessions to begin the second session of the 108th Congress was expanded

40. 151 CONG. REC. 29054–55, 29061, 109th Cong. 1st Sess.

41. Lee Terry (NE).

42. 151 CONG. REC. 30378, 109th Cong. 1st Sess.

(by a subsequent special order of business resolution) to authorize the Speaker to dispense with organizational and legislative business on any day over a set period:

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1932,
DEFICIT REDUCTION ACT OF 2005

Mr. [Adam] PUTNAM [of Florida], from the Committee on Rules, submitted a privileged report (Rept. No. 109–363) on the resolution (H. Res. 640) waiving points of order against the conference report to accompany the Senate bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006, which was referred to the House Calendar and ordered to be printed.

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 640 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 1932) to provide for reconciliation pursuant to section 201(a) of the concurrent resolution on the budget for fiscal year 2006. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

Sec. 2. Section 2 of House Resolution 619 is amended to read as follows: “On any legislative day of the second session of the One Hundred Ninth Congress from January 3, 2006, through January 30, 2006, the Speaker may dispense with organizational and legislative business.”

The SPEAKER pro tempore.⁽⁴³⁾ The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour. . . .

§ 2.11 The House agreed to a special order of business resolution reported by the Committee on Rules providing, *inter alia*, for an August recess period by: (1) fixing the dates to which the House would adjourn during a discrete period (to a time designated by the Speaker in declaring the adjournment) as the third constitutionally-permitted day hence; (2) providing for pro forma sessions at which the Chair would be authorized to dispense with legislative business; (3) providing for automatic approval of the Journal for each pro forma session; (4) providing for automatic adjournment after the third order of business on each pro forma day (without motion or unanimous consent); and (5) authorizing the Speaker, in his discretion, to conduct legislative business on any day during the recess period should circumstances warrant.

On July 28, 2011,⁽⁴⁴⁾ the House adopted the following resolution:

PROVIDING FOR CONSIDERATION OF S. 627, BUDGET CONTROL ACT OF 2011

Mr. [David] DREIER [of California]. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 375 and ask for its immediate consideration.

43. Ray H. LaHood (IL).

44. 157 CONG. REC. 12338, 112th Cong. 1st Sess.

The Clerk read the resolution, as follows:

H. RES. 375

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 627) to establish the Commission on Freedom of Information Act Processing Delays. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendments printed in part B of that report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) two hours of debate, with one hour equally divided and controlled by the chair and ranking minority member of the Committee on Rules, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget; and (2) one motion to recommit with or without instructions.

SEC. 2. (a) It shall be in order at any time through the calendar day of July 31, 2011, for the Speaker to entertain motions that the House suspend the rules if the legislative text that is the object of the motion was available to Members, Delegates, and the Resident Commissioner on the legislative day before consideration, except that a motion described in subsection (b) may not be entertained until the third legislative day on which the legislative text that is the object of the motion is available to Members, Delegates, and the Resident Commissioner.

(b) If the Speaker entertains a motion to suspend the rules relating to a measure proposing a balanced budget amendment to the Constitution under subsection (a) debate under clause 1(c) of rule XV shall be extended to two hours.

SEC. 3. When the House adjourns by operation of section 4 of this resolution on any legislative day during the period from August 1, 2011, through September 6, 2011, it shall stand adjourned until the third constitutional day thereafter at a time to be announced by the Speaker in declaring the adjournment (except that when the House adjourns on September 6, 2011, it shall stand adjourned until 2 p.m. on September 7, 2011).

SEC. 4. On each legislative day during the period addressed by section 3 of this resolution:

(a) the Speaker may dispense with legislative business, in which case the House shall stand adjourned pursuant to section 3 of this resolution after the third daily order of business under clause 1 of rule XIV; and

(b) if the Speaker does not dispense with legislative business, the Speaker may at any time declare the House adjourned pursuant to section 3 of this resolution.

SEC. 5. On each legislative day during the period addressed by section 3 of this resolution (except a day before August 8, 2011, on which the Speaker does not dispense with legislative business pursuant to section 4), the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 6. Each day during the period addressed by section 3 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Bills and resolutions introduced during the period addressed by section 3 of this resolution shall be numbered, included in the Congressional Record, and printed with the date of introduction, but may be referred by the Speaker at a later time.

The SPEAKER pro tempore.⁽⁴⁵⁾ The gentleman from California is recognized for 1 hour. . . .

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. [Louise] SLAUGHTER [of New York]. 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 238, nays 186, not voting 8, as follows: . . .

45. Daniel Webster (FL).

§ 2.12 The House agreed to a special order of business resolution reported by the Committee on Rules providing, *inter alia*, for two discrete periods of adjournment spanning the first and second sessions of the 112th Congress by: (1) authorizing the Speaker to fix the date (and time) to which the House would adjourn during such periods within the three-day limit imposed by the Constitution; (2) providing for pro forma sessions at which the Chair would be authorized to dispense with legislative business; and (3) providing for automatic approval of the Journal for each pro forma session.

On December 14, 2011,⁽⁴⁶⁾ the House adopted the following resolution:

CONFERENCE REPORT ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 2012

Mr. [Robert] BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 493 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 493

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 2. It shall be in order at any time through the remainder of the first session of the One Hundred Twelfth Congress for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, if the text of the measure proposed in a motion is made available to Members, Delegates, and the Resident Commissioner (including pursuant to clause 3 of rule XXIX) on the calendar day before consideration.

SEC. 3. On any legislative day of the first session of the One Hundred Twelfth Congress after December 16, 2011—

(a) the Journal of the proceedings of the previous day shall be considered as approved; (b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and

(c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 4. On any legislative day of the second session of the One Hundred Twelfth Congress before January 17, 2012—

(a) the Speaker may dispense with organizational and legislative business; (b) the Journal of the proceedings of the previous day shall be considered as approved if applicable; and

(c) the Chair at any time may declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by sections 3 and 4 as though under clause 8(a) of rule I.

The SPEAKER pro tempore (Mr. [Kevin] YODER [of Kansas]). The gentleman from Utah is recognized for 1 hour. . . .

⁴⁶ 157 CONG. REC. 20039, 20040, 112th Cong. 1st Sess.

Mr. BISHOP of Utah. Mr. Speaker, this resolution provides a standard conference report rule and other end-of-the-year housekeeping provisions.

B. Meeting and Organization

§ 3. Clerk as Presiding Officer

When a new Congress first convenes, the House does not yet have officers (including a Speaker), who must first be elected by the membership of the House. By statute as well as tradition, the Clerk of the House from the prior Congress presides over the House at the organization of a first session. At a second session, the officers of the House are already in place, and the House is called to order by the Speaker or a Speaker pro tempore.

In the absence of the Clerk on opening day of a new Congress, other officers preside over the House at organization.⁽¹⁾ If the Clerk is absent, the Sergeant-at-Arms from the prior Congress presides, and such officer has done so on several occasions.⁽²⁾ Under a prior form of the statute, in the absence of both the Clerk and the Sergeant-at-Arms, the Doorkeeper of the House would preside.⁽³⁾ However, the position of Doorkeeper was abolished in the 104th Congress⁽⁴⁾ in 1995 and the statute amended to remove the reference to that officer.⁽⁵⁾ A Clerk from a prior Congress who was not elected, but instead appointed by the Speaker⁽⁶⁾ to temporarily fill a vacancy in the office of Clerk, has presided over organization of the House at the next Congress.⁽⁷⁾

1. 2 U.S.C. § 26.

2. For instances of the Sergeant-at-Arms presiding on opening day, see 127 CONG. REC. 93–96, 97th Cong. 1st Sess. (Jan. 5, 1981) and 129 CONG. REC. 29–33, 98th Cong. 1st Sess. (Jan. 3, 1983).

3. See Deschler's Precedents Ch. 1 § 5.2.

4. For more on the former position of Doorkeeper of the House, see Deschler's Precedents Ch. 6 § 20 and Precedents (Wickham) Ch. 6.

5. P.L. 104–186, 110 Stat. 1718.

6. *Parliamentarian's Note*: An appointed Clerk is treated the same as an elected Clerk, and exercises all of the authorities of that office until a new Clerk is elected. By contrast, a Clerk pro tempore, designated under clause 2(g) of rule II (*House Rules and Manual* § 651 (2017)) may only exercise certain limited authorities, and may not exercise any authorities provided by statute. Such an individual would therefore be precluded from presiding over the House at organization.

7. See 145 CONG. REC. 42–45, 106th Cong. 1st Sess. (Jan. 6, 1999).