

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the 15th day of November 1937, at 12 o'clock noon, of which all persons who shall at that time be entitled to act as Members thereof are hereby required to take notice. . . .

§ 2.3 When Congress is convened by the President for a special and additional session, it may provide appropriations, by joint resolution, for extra mileage expenses of Members and additional wages of House employees thereby incurred.

On Sept. 25, 1939,⁽²⁷⁾ the House agreed to a joint resolution appropriating payment for expenses incident to the second and extraordinary session of the 76th Congress, convened by Presidential proclamation. The appropriations covered mileage expenses incurred by the Members, Delegates, and Commissioners of Congress and by the Vice President, and wages for the pages of the Senate and the House during the term of the second session.

Interval Between Sessions

§ 2.4 On one occasion since 1936, the Senate stayed in

^{27.} 85 CONG. REC. 16, 76th Cong. 2d Sess.

session until the date and hour when one Congress expired and the next one began pursuant to the twentieth amendment.⁽²⁸⁾

On Jan. 3, 1941,⁽¹⁾ the Senate of the 76th Congress, 3d session, convened at 11:30 a.m. At 11:43 a.m. the Senate took a recess until 11:55 a.m. Further proceedings were carried as follows in the Record:

The third session of the Seventy-sixth Congress expired automatically, under constitutional limitation, when the hour of 12 o'clock arrived.

§ 3. Time of Meeting

The Constitution requires that the Congress assemble at least once a year on either the date specified by the Constitution—January 3—or on a date appointed by the Congress.⁽²⁾ Since

^{28.} For other instances where one session of Congress followed another without appreciable interval, see 5 Hinds' Precedents § 6690; 8 Cannon's Precedents § 3375.

^{1.} 86 CONG. REC. 14059, 76th Cong. 3d Sess. The House had adjourned pursuant to a simple motion to adjourn on Jan. 2, 1941.

^{2.} U.S. Const. art. I, § 4, clause 2, providing for annual assembly on the first Monday in December, was superseded by the twentieth amend-

the First Congress, the Senate and House have frequently provided by law for a convening date different than that designated by the Constitution: by resolution of the Continental Congress the first session of the First Congress convened on Mar. 4, 1789,⁽³⁾ up to and including May 20, 1820, 18 acts were passed altering the constitutional day;⁽⁴⁾ between 1820 and 1934 Congress met regularly for a new session on the first Monday in December.⁽⁵⁾ Since January of 1934 the Congress has convened pursuant to the twentieth amendment, requiring the Congress to meet on the third day of January unless otherwise provided.

The twentieth amendment is not the only law relating to the time of meeting. Not only the

ment, ratified Feb. 6, 1933, requiring in section 2 that Congress assemble on the third day of January, unless otherwise provided.

Laws appointing a different day for assembling since ratification of the twentieth amendment, see *House Rules and Manual* § 279 (1973) (comment). Time of convening for a session, see Everett S. Brown, *The Time of Meetings of Congress*, *American Political Science Review* 955-960 (Nov. 1931).

3. 1 Hinds' Precedents § 3; 8 Cannon's Precedents § 3371.
4. 8 Cannon's Precedents § 3371.
5. 8 Cannon's Precedents § 3371.

Congress, but also the President has constitutional authority to convene the Congress earlier than on the constitutional day;⁽⁶⁾ in addition, the twenty-fifth amendment to the Constitution requires Congress to assemble to determine the President's ability, when challenged, to discharge the powers and duties of his office,⁽⁷⁾ and section 15 of title III, United States Code, appoints the sixth day of January for the count of the electoral vote by the Senate and the House of Representatives.⁽⁸⁾

The constitutional provisions relating to the time of meeting and to the annual assembly were construed by early Congresses to permit them to convene early, either by resolution or by proclamation, and then to continue the same

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6. U.S. Const., art. II, § 3. The President has often convened the Congress, and on one occasion reassembled Congress on a day earlier than Congress itself had provided for. 1 Hinds' Precedents §§ 2, 10-12. Congress provided in the concurrent resolution adjourning *sine die* the 1st session of the 93d Congress (H. Con. Res. 412) that the leadership could call the Houses back into session.

7. Ratified Feb. 23, 1967.

8. On at least one occasion Congress has changed the date for the electoral count. Act of Mar. 24, 1956, Ch. 92, 70 Stat. 54. For the procedure of the count, see Ch. 10, *infra*.

session up to and beyond the day appointed by the Constitution for annual assembly.⁽⁹⁾ The ambiguity of that construction and the extension of power over the time of meeting to the President led to the current practice under which an existing session necessarily terminates with the day appointed by the Constitution for the regular annual session.⁽¹⁰⁾

Since the adoption of the twentieth amendment, Congress has met either on Jan. 3 or shortly thereafter, maintaining two sessions per Congress with the exception of the 75th and 76th.⁽¹¹⁾ In the event that Congress adjourns *sine die* and the President convenes an extraordinary session,

9. The majority of the first 15 Congresses held only two legislative sessions. 1 Hinds' Precedents §§5-11; see also 8 Cannon's Precedents §3371, describing the first instance where four sessions were convened.
- 10 2 Hinds' Precedents §1160; 5 Hinds' Precedents §6690; 8 Cannon's Precedents §3375. See §2.4, *supra*.
11. A second session of the 75th Congress was convened by the President on Nov. 15, 1937, between the *sine die* adjournment of the first session and the convening of the third session on the constitutional day, Jan. 3, 1938. 82 CONG. REC. 7, 75th Cong. 2d Sess. The second session of the 76th Congress was convened in like manner on Sept. 21, 1939. 85 CONG. REC. 7, 76th Cong. 2d Sess. See §2.1, *supra*.

an entirely new session is begun, and is terminated by the arrival of the constitutional day.⁽¹²⁾ Where, however, the President convenes Congress while adjourned to a day certain, the existing session is maintained; no longer is the presidentially-convened session necessarily an extra or additional one.⁽¹³⁾

12. 2 Hinds' Precedents §1160; 5 Hinds' Precedents §6690.
13. *Ashley v Keith Oil Corporation*, 7 F.R.D. 589 (D. Mass. 1947) held that the first session of the 80th Congress was not terminated by a Presidential proclamation convening Congress while adjourned to a day certain, where the Congress itself had construed the reconvention as a continuation of the first session and where the Presidential proclamation did not refer to an extra or additional session. (The issue before the court was the effective date of amendments to the Rules of Civil Procedure, to become law three months after the termination of the first regular session of Congress.) *Ashley* departed from the early view expressed in Jefferson's Manual (*House Rules and Manual* §588 [1973]) that the convening of Congress by the President automatically begins a new session, a theory formerly propounded in the House. 1 Hinds' Precedents §12.

See also the remarks in the Senate of Sen. Alexander Wiley. (Wis.) on the *Ashley* issue, 93 CONG. REC. 10575, 10576, 80th Cong. 1st Sess., Nov. 17, 1947, and a Library of Con-

The opening date of the First Congress operated to fix not only the start of a session, but also the beginning of the terms of the Members of the House and of the Senate; thus the term of Congress began on the fourth of March of odd numbered years and extended through two years.⁽¹⁴⁾ Under the twentieth amendment, however, the terms of the Members begin on January 3 of the odd-numbered years, regardless of an alternate convening date.⁽¹⁵⁾

gress memorandum inserted by him in the Record at 10576, concluding that the Congress was reconvening pursuant to the Presidential proclamation to resume the first regular session.

14. A joint committee of the First Congress determined that under the resolution of the Continental Congress and under art. I, §2, clause 1, of the U.S. Constitution, the terms of Representatives and Senators of the first class commenced on the fourth of March, to terminate with the third of March of the odd-numbered years. 1 Hinds' Precedents §3. That construction was followed until the adoption of the twentieth amendment. See the act of Jan. 22, 1867, Ch. 10, §1, 14 Stat. 378, cited at 1 Hinds' Precedents §11.
15. Section 1 of the twentieth amendment. The amendment was ratified on Feb. 6, 1933. For commentary, see *House Rules and Manual* §6 (1973). See also 2 USC §34 (salary begins for Representatives-elect at

In addition to the authority of Congress to set the convening date of a session or of a new Congress, each House has plenary power over the time of its meetings during the session. By simple day-to-day adjournment, the House meets on the next following day, with the usual exclusion of Saturday and Sunday;⁽¹⁶⁾ similarly, an adjournment to a day certain fixes the next meeting day of the House. If the time of meeting has not been previously set by either a standing order or by a resolution, the simple resolution to adjourn may be amended to set the convening time.⁽¹⁷⁾

By a new procedure adopted at the opening of the 93d Congress,⁽¹⁸⁾ a privileged and non-debatable motion may be made at any time to provide for adjournment to a day and time certain.⁽¹⁹⁾ On some occasions, particularly

beginning of term, even if before Congress assembles).

16. The House may provide for Sunday sessions, although Sunday is a *dies non* in the regular practice of the House. 5 Hinds' Precedents §§6728-32, 7245.
17. 5 Hinds' Precedents §§5360-63. For adjournments for a specified time and adjournments for a specified purpose, see Ch. 40, *infra*.
18. 119 CONG. REC. 26, 27, 93d Cong. 1st Sess., Jan. 3, 1973.
19. Rule XVI clause 4, *House Rules and Manual* §782 (1973).

when the Senate does not acquiesce in the request of the House for an adjournment for more than three days, the House may provide that meetings be held only on specified days of the week, often for merely pro forma sessions without transaction of legislative business.⁽²⁰⁾

Any proposition relating to the days on which the House shall sit is within the jurisdiction of the Committee on Rules;⁽¹⁾ the Committee on the Judiciary considers proposed bills to change the convening date of Congress or to amend the constitutional provisions as to the time of meeting.⁽²⁾

On the opening day of a new Congress, or on the opening day of a new session of an existing Congress, the House meets at 12 o'clock meridian time. That hour of meeting, a practice dating from

20. 5 Hinds' Precedents §6675; 8 Cannon's Precedents §3369.

1. 4 Hinds' Precedents §4325; see also Rule XI, *House Rules and Manual* §715, and comment thereto, §717 (1973).
2. Rule XI clause 13, *House Rules and Manual* §§707, 708 (1973); 4 Hinds' Precedents §4077. Formerly, proposed constitutional changes as to the terms of Congress and as to the time of annual meetings were considered by the Committee on the Election of the President, Vice President, and Representatives in Congress. 7 Cannon's Precedents 2026.

1816, has come to have the force of common law.⁽³⁾

On the opening day of a new Congress, one of the first steps in organization is the adoption of a standing order fixing the hours of daily meeting for the remainder of the session;⁽⁴⁾ that order expires with the termination of the first session, and a new order must be adopted at the beginning of each new session of the same Congress.⁽⁵⁾ While a motion to adjourn does not usually fix the hour of the next meeting, it may so fix the hour where no standing order has yet been adopted.⁽⁶⁾ In early Congresses, a motion to change the

3. 1 Hinds' Precedents §§4, 210.

In 1784 the first order of the House fixing the time of meeting provided that the House meet at 9 in the morning, adjourn at 2 in the afternoon, meet again at 4 o'clock p.m., and adjourn at 8 o'clock p.m. in the evening. Beginning with the Eighth Congress, a standing order was adopted for the daily hour of meeting, and since 1816 the hour has been fixed at 12 o'clock meridian. For the history of the hour of daily meeting, see the remarks of Mr. George A. Dondero (Mich.), on Mar. 4, 1946, 92 CONG REC. 1855, 79th Cong. 2d Sess. See also 1 Hinds' Precedents §§4, 6, and 10.

4. 1 Hinds' Precedents §104; see also *House Rules and Manual* §6 (1973) (comment).
5. 1 Hinds' Precedents §§104–109.
6. 5 Hinds' Precedents §§5362–63.

hour of daily meeting was made at any time as a privileged motion;⁽⁷⁾ later rulings characterized the resolution fixing the hour as a standing order rather than as a rule.⁽⁸⁾ The new section of Rule XVI clause 4, provides for a privileged motion to adjourn, subject to majority vote, which may fix the day and hour to which the House may adjourn.⁽⁹⁾ In current practice, a resolution to fix the hour of meeting or to change the hour of meeting is offered by the Committee on Rules⁽¹⁰⁾ (the committee may also provide for the convening of daily sessions at a specific hour while a certain bill is under consideration).⁽¹¹⁾

7. 1 Hinds' Precedents §§ 110–112.

8. 1 Hinds' Precedents §§ 110, 113–116.

9. See *House Rules and Manual* § 182 (1973). For debate on the measure when first proposed, see 119 CONG. REC. 26, 27, 93d Cong. 1st Sess., Jan. 3, 1973.

For the former practice, requiring unanimous consent to change the hour of meeting, see § 3.11, *infra*. If the Committee of the Whole is sitting when the time for the daily meeting of the House arises, the Committee and not the Chairman decides whether the Committee will rise. 5 Hinds' Precedents § 6736.

10. 4 Hinds' Precedents § 4325.

11. Where a special order so provides, the House meets at the specific hour only on days when consideration of the bill is in order. 7 Cannon's Precedents § 763.

The exercise by the House of its formal rule-making power over the time of meeting is strictly construed.⁽¹²⁾ In this regard, the leadership of the House has extensive informal authority over the time of meeting during a session subject to approval by the House itself. For example, the leadership

12. A general rule of statutory construction is that the acts of a legislature meeting at an unauthorized time may be invalidated. Sutherland, *Statutes and Statutory Construction* § 401 (3d ed. 1943). Federal courts do not, however, question the regularity of the proceedings of Congress as a general rule. *Barry v U.S. ex rel Cunningham*, 279 U.S. 597, 619 (1929); *Yellin v U.S.*, 374 U.S. 109, 146 (1963).

The Senate has on occasion met in regular session more than once on the same day. 91 CONG. REC. 5470, 79th Cong. 1st Sess., June 4, 1945. (A quorum having failed at the noon session, the Senate adjourned, to await the arrival of absentees, until 2:30 p.m., when a new session began.) See 5 Hinds' Precedents § 6724 for a similar instance, in the House, occurring in 1793.

In one instance, the Senate met at an earlier hour than that provided for at adjournment, adopted a resolution, and then met at the hour to which it had originally adjourned to ratify the earlier *ultra vires* action. 109 CONG. REC. 22697–99, 88th Cong. 1st Sess., Nov. 25, 1963. (The Senate amended the previous adjournment resolution in order to authorize the earlier meeting.)

may propose, in advance, the time of each adjournment to a day certain for the entire session,⁽¹³⁾ and may propose times for ceremonies, joint sessions, and joint meetings, whose scheduled dates are announced to the Members by the Speaker or by the Majority Leader or whip. (Such assemblies must be distinguished from regular meetings to conduct legislative business; the House usually stands in recess for attendance at joint meetings and ceremonies.)⁽¹⁴⁾ The House on occasion authorizes the Speaker or the congressional leadership to determine the date on which a meeting shall be held. Likewise, authority may be vested in the Speaker to designate a date on which the regular routine of the House should be resumed.⁽¹⁵⁾ Similarly, a resolution of adjournment to a day certain or a *sine die* adjournment resolution may provide that the congressional leaders may recall the Congress, on a

13. See, *e.g.*, announcement of Majority Leader Carl Albert (Okla.) on Jan. 9, 1969, 115 CONG. REC. 368, 91st Cong. 1st Sess.
14. For procedure in relation to joint meetings, see Ch. 35 and 36, *infra*. For ceremonial procedure, see Ch. 36, *infra*.
15. The House may require the giving of notice, issued by the Clerk, for resuming regular business. 8 Cannon's Precedents § 3369.

date earlier than that adjourned to, when in their opinion legislative expediency warrants such action.⁽¹⁶⁾

Setting the Hour or Date of Meeting; Preliminary Matters

§ 3.1 When the legislative day of the House extends beyond the calendar day, the House then adjourns to meet at noon of the same calendar day on which it has adjourned, unless otherwise provided.

On Dec. 9, 1970,⁽¹⁷⁾ Mr. Wilbur C. Daniel, of Virginia, moved that the House adjourn. The House agreed to the motion at 1 o'clock

16. 5 Hinds' Precedents § 6686. For a *sine die* adjournment resolution containing such a provision, see H. Con. Res. 412.

On one occasion, the congressional leadership has exercised authority with respect to a joint resolution changing the meeting day of a new Congress; the resolution was pocket vetoed by the President at the request of the leaders, since the date provided for conflicted with the constitutionally required day for the count of the electoral vote. The veto message, alluding to the request of the congressional leadership, appears at 102 CONG. REC. 15152, 84th Cong. 2d Sess., July 27, 1956. (The message was dated Aug. 8, 1956.)

17. 116 CONG. REC. 40803, 91st Cong. 2d Sess.

and 3 minutes a.m., Thursday, Dec. 10, 1970, and adjourned to 12 o'clock noon on Dec. 10.

§ 3.2 Enactment of a joint resolution changing the convening date of the second session of Congress does not affect the status of pending legislative matters of the first session.

On Dec. 19, 1945,⁽¹⁸⁾ Mr. John W. McCormack, of Massachusetts, asked for immediate consideration of a joint resolution convening the second session of Congress on Jan. 14, 1946. After some debate on the request, Mr. John H. Folger, of Georgia, arose to state a parliamentary inquiry:

MR. FOLGER: I have a discharge petition on the desk, No. 10, in which I am very, very much interested. I have no objection to this adjournment until the 14th unless I have to go back and get that signed anew. Will that carry over?

THE SPEAKER:⁽¹⁾ It will carry over.

MR. FOLGER: If it will I am all right.

THE SPEAKER: Everything remains on the calendar just as it is now.

§ 3.3 The Speaker may take the floor to ask unanimous consent that the House meet at an early hour on the following day.

18. 91 CONG. REC. 12346, 79th Cong. 1st Sess.

1. Sam Rayburn (Tex.).

On Sept. 11, 1968,⁽²⁾ Speaker John W. McCormack, of Massachusetts, took the floor to state a unanimous-consent request:

MR. MCCORMACK: Mr. Speaker,⁽³⁾ I ask unanimous consent that when the House adjourns today it adjourn to meet tomorrow at 11 a.m.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

§ 3.4 The Congress provides by concurrent resolution for a joint session to hear the President deliver a message in person.

On Jan. 3, 1936,⁽⁴⁾ Speaker Joseph W. Byrns, of Tennessee, laid the following Senate resolution before the House:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Friday, the 3d day of January, 1936, at 9 o'clock p.m. for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The House agreed to the resolution.

2. 114 CONG. REC. 26488, 90th Cong. 2d Sess.

3. Mr. Daniel D. Rostenkowski (Ill.) was the Speaker pro tempore.

4. 80 CONG. REC. 9, 74th Cong. 2d Sess.

§ 3.5 The House began convening under the twentieth amendment to the Constitution with the 74th Congress.

On Jan. 3, 1935,⁽⁵⁾ the Clerk of the House, South Trimble, of Kentucky, addressed the opening session as follows:

This is the first time in 146 years that an old Congress dies and a new one is born on the 3d day of January.

Since the birth of the First Congress in 1789 this historical event has taken place every two years on the 4th day of March.

Today we inaugurate the first session of the Seventy-fourth Congress, convened under the provision of the twentieth amendment of the Constitution of the United States.

§ 3.6 Any legal holiday, such as Christmas day,⁽⁶⁾ is a regular meeting day of the House of Representatives unless the House adjourns over by unanimous consent (or by motion under Rule XVI clause 4).

On Dec. 23, 1963,⁽⁷⁾ in response to a parliamentary inquiry by Mr. Charles A. Halleck, of Indiana, Speaker John W. McCormack, of

5. 79 CONG. REC. 9, 74th Cong. 1st Sess.

6. 5 USC 87 (c); Executive Order 10358 of June 11, 1952.

7. 109 CONG. REC. 25496, 88th Cong. 1st Sess.

Massachusetts, ruled that unanimous consent was required to adjourn over Christmas.

Resolutions to Set the Date of Meeting

§ 3.7 No concurrent resolution is necessary to authorize meetings of Congress beyond the end of July where a continuing national emergency prevents statutory adjournment under the Legislative Reorganization Act of 1946.⁽⁸⁾

On July 27, 1949,⁽⁹⁾ Mr. Joseph W. Martin, Jr., of Massachusetts, arose to state a parliamentary inquiry as to the continuation of the session of Congress beyond July 31, 1949. Mr. Martin stated that under §132 of the Legislative Reorganization Act of 1946, the Congress could continue to legally meet through either the passage of a concurrent resolution so providing or the proclaiming by the President of a national emergency; he proposed that there was doubt as to the actual continuation of the national emergencies declared by the President on Sept. 8, 1939, and May 27, 1941. Speaker Sam Rayburn, of Texas, held

8. Ch. 753, §132, 60 Stat. 812, as amended, Act of Oct. 26, 1970, Pub. L. No. 91-510, §461, 84 Stat. 1140.

9. 95 CONG. REC. 10290, 81st Cong. 1st Sess.

that the national emergencies declared by the President on those dates were still in existence, despite the cessation of actual hostilities. He then ruled that it was not necessary to pass a concurrent resolution for the continued meeting of Congress beyond the first of August.

§ 3.8 A joint resolution changing the convening date of a new Congress may be amended, subsequent to passage, by passage of another joint resolution substituting a newly agreed upon date.

On Dec. 14, 1942,⁽¹⁰⁾ Mr. John W. McCormack, of Massachusetts, addressed the Speaker⁽¹¹⁾ to ask for immediate consideration of the following joint resolution:

Resolved, etc., That the joint resolution entitled "Joint resolution fixing the dates of meeting of the second session of the Seventy-seventh Congress and of the first session of the Seventy-eighth Congress," approved January 2, 1942, is amended by striking out "Monday, January 4, 1943" and inserting in lieu thereof "Wednesday, January 6, 1943."

The House agreed to the resolution.

§ 3.9 The Committee on Rules has jurisdiction to report a

^{10.} 88 CONG. REC. 9518, 77th Cong. 2d Sess.

^{11.} Sam Rayburn (Tex.).

House resolution providing for pro forma meetings on only specified days of the week, for a certain period of time.

On Aug. 25, 1949,⁽¹²⁾ Mr. Edward E. Cox, of Georgia, of the Committee on Rules, submitted the following resolution:

Resolved, That until Wednesday, September 21, 1949, the House shall meet only on Tuesday and Friday of each week unless otherwise ordered.

The House agreed by a two-thirds vote to consider the resolution the same day, and the resolution itself was then agreed to. Speaker Sam Rayburn, of Texas, announced that no business would be transacted on the Tuesday and Friday meetings provided for in the resolution. He also alluded to the failure of the Senate to pass the concurrent resolution seeking adjournment of the House until Sept. 21, which motivated the House leadership to submit the resolution.

Fixing the Hour of Daily Meeting

§ 3.10 On the convening day of a new session of Congress a simple House resolution establishes the daily hour of meeting.

^{12.} 95 CONG. REC. 12287, 81st Cong. 1st Sess.

On Jan. 15, 1968,⁽¹³⁾ Mr. Ray J. Madden, of Indiana, offered the following resolution and asked for immediate consideration:

Resolved, That until otherwise ordered, the daily hour of meeting of the House of Representatives shall be at 12 o'clock meridian.

The resolution was agreed to and a motion to reconsider was laid on the table.

§ 3.11 Where the House met by standing order at noon, unanimous consent was required to meet at a different hour, before the adoption of rules changes by the 93d Congress authorizing a privileged motion to adjourn to a time certain.

On Dec. 23, 1963,⁽¹⁴⁾ after an announcement by the Speaker⁽¹⁵⁾ that funeral services would be held the next day for a late Member of Congress, Mr. Thomas P. O'Neill, Jr., of Massachusetts, arose to state a parliamentary inquiry:

MR. O'NEILL: Would it be in order to move that the House meet forthwith when we adjourn today?

THE SPEAKER: Will the gentleman advise the Chair what he means by "forthwith"?

13. 114 CONG. REC. 8, 90th Cong. 2d Sess.

14. 109 CONG. REC. 25498, 88th Cong. 1st Sess.

15. John W. McCormack (Mass.).

MR. O'NEILL: When we adjourn we will have a new legislative day. Can we then meet at the call of the Chair?

THE SPEAKER: It would require unanimous consent to meet at any hour other than 12 o'clock noon.

Mr. Carl Albert, of Oklahoma, then obtained unanimous consent to address the House for one minute.

MR. ALBERT: Mr. Speaker, of course any meeting of the House at any hour for the consideration of this matter other than at 12 o'clock noon tomorrow would require unanimous consent, as I understand it. May I inquire of the Speaker, so as to have the matter official, would not any meeting of the House other than 12 o'clock noon tomorrow require unanimous consent?

THE SPEAKER: The gentleman has made a correct statement.

On Jan. 3, 1973,⁽¹⁶⁾ the House agreed to several amendments to the rules of the 92d Congress, including the following:

In Rule XVI, insert at the end of clause 4 the following:

It shall be in order at any time during a day for the Speaker, in his discretion, to entertain a motion that when the House adjourns it stand adjourned to a day and time certain. Such a motion shall be of equal privilege with the motion to adjourn provided for in this clause and shall be determined without debate.

Changing the Hour of Meeting

§ 3.12 The House may agree by unanimous consent to meet,

16. 119 CONG. REC. 26, 27, 93d Cong. 1st Sess.

for the remainder of the week, at an hour earlier than that provided for in the standing order of the hour of meeting.

On July 25, 1956,⁽¹⁷⁾ Mr. John W. McCormack, of Massachusetts, requested unanimous consent that for the balance of the week the House meet at 10 o'clock a.m. when adjourning from day to day. There was no objection.⁽¹⁸⁾

§ 3.13 The House may vacate, by unanimous consent, a previous order that the House convene at an early hour on the following day.

On Sept. 1, 1965,⁽¹⁹⁾ the House agreed to a unanimous-consent request offered by Mr. Carl Albert, of Oklahoma, that the House convene at 11 o'clock the following morning. Later on the same day Mr. Albert addressed the Speaker⁽²⁰⁾ to request unanimous consent to vacate the order providing for an earlier meeting on the next day. There was no objection.

Parliamentarian's Note: The request to rescind the early order was undertaken by the leadership

17. 102 CONG. REC. 14456, 84th Cong. 2d Sess.

18. *Id.*

19. 111 CONG. REC. 22496, 89th Cong. 1st Sess.

20. John W. McCormack (Mass.).

because several committees had notified the Speaker that conflicting committee sessions were scheduled for the morning of the next day.

§ 3.14 A unanimous-consent request that the House meet at an earlier hour is not entertained in the Committee of the Whole.

On Sept. 26, 1966,⁽¹⁾ following agreement on the limit of debate for an appropriations bill to be considered the following day, Mr. Sam M. Gibbons, of Florida, stated that the remaining question was to obtain unanimous consent to convene at 11 o'clock the following morning. The Chairman⁽²⁾ responded:

As to any agreement as to when the House comes back tomorrow, that will be settled, of course, when the Committee rises.

The Committee then rose and the House agreed by unanimous consent to convene the following morning at 11 o'clock a.m.

Construction of "Noon" (Senate Decision)

§ 3.15 A standing order of the Senate providing for daily

1. 112 CONG. REC. 23785, 89th Cong. 2d Sess.

2. Jack Brooks (Tex.).

meeting at 12 o'clock meridian was construed to permit meeting at 12 o'clock noon when daylight savings time is in effect.

On Apr. 30, 1948,⁽³⁾ Senator John H. Overton, of Louisiana, arose to make the point of order that the Senate was not legally in session, since the meeting was convened at 12 o'clock noon, daylight savings time, and the Senate had formerly provided that the hour of daily meeting be at 12 o'clock meridian unless otherwise ordered. President pro tempore Arthur H. Vandenburg, of Michigan, stated that the Senate had agreed to recess from Apr. 30, 1948, to May 3, 1948, to meet at 12 o'clock "noon", and not 12 o'clock "meridian." The President pro tempore stated further:

Under such circumstances, the real question submitted to the Chair is this: What is "noon" in the Senate when the District Commissioners, acting under authority of a law passed by this Congress, advance standard time by 1 hour by an order effective yesterday; particularly when the District Commissioners are acting under a law favorably acted upon by the Senate within the last 60 days which it itself asserts that when daylight-saving time is established by the District Commissioners for the period for which it is

applicable, it shall "be the standard time for the District of Columbia."

In the opinion of the Chair, Congress is bound by its own legislation in this respect, and any statutes or rules must be read in this interpretation. There is a vast body of precedent—as, for example, when the Senate recognized so-called daylight-saving time all through the first session of the present Eightieth Congress and consistently fixed its meeting time as 12 o'clock noon instead of 12 o'clock meridian. In the opinion of the Chair, borne out by the clocks in the Senate Chamber, it is now 12 o'clock noon, which is the hour to which the Senate recessed.

The point of order is overruled.

Authorizing the Leadership to Reassemble Congress

§ 3.16 The two Houses may authorize, in the concurrent resolution to adjourn to a day certain, that the Speaker of the House and the President of the Senate, or the party leaders of both Houses, convene the Houses on a date prior to that set in the resolution, on the grounds of legislative expediency.

On July 8, 1943,⁽⁴⁾ the House agreed to the following resolution:

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, July 8, 1943, they shall stand ad-

3. 94 CONG. REC. 5167-68, 80th Cong. 2d Sess.

4. 89 CONG. REC. 7516, 78th Cong. 1st Sess.

journed until 12 o'clock meridian on Tuesday, September 14, 1943, or until 12 o'clock meridian on the third day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

Sec. 2. The President of the Senate and the Speaker of the House of Representatives shall notify the Members of the Senate and House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

§ 3.17 Form of announcement of congressional leaders calling for reassembly of Congress on an earlier date than that to which it was adjourned.

On Sept. 5, 1945,⁽⁵⁾ the House met at 12 o'clock noon and was called to order by Speaker Sam Rayburn, of Texas. After prayer was offered and the Journal was read and approved, the Speaker laid before the House the formal notification, sent to the Members of the House on Sept. 1, 1945, of the reassembling of Congress:

In our opinion legislative expediency warrants the reassembly of Congress

5. 91 CONG. REC. 8320, 79th Cong. 1st Sess.

and therefore, pursuant to the authority granted us by House Concurrent Resolution 68, Seventy-ninth Congress, you are hereby notified that Congress will reassemble in Washington at 12 o'clock meridian on Wednesday, September 5, 1945.

The notification was signed by the Speaker, the President pro tempore of the Senate, and the Majority and Minority Leaders of both Houses.

Leadership Authority Over Time of Joint Meetings

§ 3.18 The Majority Leader of the House may announce to the House the time and the place of an informal joint meeting of the Members of both Houses.

On May 23, 1950,⁽⁶⁾ House Majority Leader John W. McCormack, of Massachusetts, made the following announcement:

. . . On Wednesday [May 31, 1950], at the auditorium of the Library of Congress, at 12:30 p.m., the Members of both Houses of Congress, as on previous occasions when General Marshall has addressed us, will have the opportunity and the pleasure of having Secretary of State Acheson address us. . . . This will be a very important talk. After the Secretary of State has finished his remarks, Members will be in a position to and may ask him questions.

6. 96 CONG. REC. 7561, 81st Cong. 2d Sess.

The House then granted unanimous consent for the Speaker pro tempore⁽⁷⁾ to declare a recess, subject to the call of the Chair, on the scheduled date.

§ 3.19 By unanimous consent the House may authorize the Speaker, in advance, to determine the date of the joint meeting to hear a guest.

On Oct. 17, 1945,⁽⁸⁾ Mr. Brooks Hays, of Arkansas, arose to state a unanimous-consent request:

Mr. Speaker,⁽⁹⁾ I have learned that Gen. Douglas MacArthur will shortly return to this country. I am sure that all the Members of the House will want to hear him address the Congress. I therefore ask unanimous consent, having discussed the matter with the Speaker and having consulted both the majority and minority leaders, that it be in order for the Speaker to declare a recess subject to the call of the Chair, at a date to be later named, during which period a joint meeting shall be held in this Chamber, at which time General MacArthur will address us.

Mr. Hays later added that according to his request, the joint meeting be held on a date agreeable to General MacArthur and to the Speaker. There was no objection.

7. James P. Priest (Tenn.).

8. 91 CONG. REC. 9756, 79th Cong. 1st Sess.

9. Sam Rayburn (Tex.).

§ 4. Place of Meeting

A constitutional provision relating to the location of the meetings of Congress (article I, section 5, clause 4) requires that either House obtain the consent of the other to sit in “any other Place than that in which the two Houses shall be sitting.” However, in none of its provisions does the Constitution direct where the annual assembly under the twentieth amendment is to take place.⁽¹⁰⁾

Congress has appointed by statute a seat of the federal government for the location of public offices and for the place of its meetings. Congress has affirmed its authority, as an attribute of national sovereignty, to establish a permanent seat of government,⁽¹¹⁾

10. A general rule of statutory construction is that the acts of a legislative body meeting at an unauthorized place may be invalidated. Sutherland, *Statutes and Statutory Construction* §401 (3 ed. 1943). Federal courts do not, however, generally question the regularity of the proceedings of Congress. *Barry v U.S. ex rel Cunningham*, 279 U.S. 597, 619 (1929); *Yellin v U.S.*, 374 U.S. 109, 146 (1963).

11. See the Act of Mar. 3, 1790, Ch. 28, 1 Stat. 30, establishing the seat in the District of Columbia and locating it temporarily in Philadelphia. 4 USC §§71–72 now locates the per-