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House-Senate Relations

A. INTRODUCTORY

§ 1. In General; Messages Between the Houses

The material in this chapter examines messages between the House and Senate and procedures for the disposition of amendments of one House to measures adopted by the other.[1] The material in Chapter 33, infra, examines House-Senate conferences, conference managers (conferees) and conference reports, including the consequences of their adoption or rejection. It is the logical extension of this chapter, and both chapters are necessary for a comprehensive understanding of the procedures which reconcile differences between the Houses. To the extent that the disposal of amendments between the Houses is accomplished by resorting to a conference, some material will appear in both chapters.

The House of Representatives and the Senate communicate and coordinate their activities by sending formal messages to each other. These messages between the two Houses constitute the sole source of official information regarding actions taken by the other House.[2] The reception of a message from the Senate is a highly privileged matter,[3] although such reception is not considered the transaction of business and therefore does not require a quorum.[4] Until the 95th Congress, messages were not read in the absence of a quorum.[5] Under the modern practice, the reading of a message from the Senate or the President

1. For comparable precedents that occurred prior to 1935 consult 5 Hinds' Precedents §§ 6163–6253, 6594, 6599 and 8 Cannon's Precedents §§ 3177–3208.

2. 8 Cannon's Precedents §§ 3342, 3343. See §§ 2.11, 2.14, infra.

3. See § 1.4, infra.

4. See § 1.7, infra; and 8 Cannon's Precedents § 3339.

5. *House Rules and Manual* § 55 (1973); 8 Cannon's Precedents § 3339; 5 Hinds' Precedents §§ 6600, 6650; and 4 Hinds' Precedents § 3522.

does not require the presence of a quorum.[6] Messages may be received even though the originating House may have adjourned.[7] The reception of a message may even interrupt a call of the roll.[8]

Senate bills and House bills with Senate amendments messaged from the Senate to the House go to the Speaker's table, from which they may be referred by the Speaker to the appropriate standing committees in the same manner as public bills introduced by the Members.[9] Those bills and amendments requiring consideration in the Committee of the Whole are placed on the Union Calendar for consideration there, after being reported from the standing committees to which they were referred. However, House bills with Senate amendments not requiring consideration in the Committee of the Whole and Senate bills which do not require consideration there, and which are substantially the same as House bills which were reported by a standing committee, may be disposed of in the House on motion authorized by that committee.[10] In determining whether the bills of the House and Senate are substantially the same, the Chair considers the House bill as reported from the standing committee rather than as originally introduced in the House.[11]

In order for a Senate bill to be eligible to be taken directly from the Speaker's table for consideration in the House under this exception to the general rule, the similar House bill must already be on the House Calendar when the Senate bill is placed on the Speaker's table.[12] If a House bill has already been passed before the similar Senate bill arrives, the Senate bill may still be disposed of when authorized by the appropriate committee.[13]

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6. See *House Rules and Manual* § 55 (1997).

7. See § 1.9, infra, and 8 Cannon's Precedents § 3338. The earlier practice is illustrated at 5 Hinds' Precedents §§ 6601, 6603.

8. *House Rules and Manual* § 767 (1997).

9. Rule XXIV clause 2, *House Rules and Manual* § 882 (1997). See §§ 5.27, 5.28, infra.

10. Rule XXIV clause 2, *House Rules and Manual* §§ 882, 883 (1997). See also § 3.8, infra.

11. 6 Cannon's Precedents §§ 734, 736.

12. 6 Cannon's Precedents §§ 727, 736, 738, 4 Hinds' Precedents § 3096, and § 3.8, infra.

13. 6 Cannon's Precedents §§ 734, 735. See § 3.9, infra.

Senate Informed of House Quorum

§ 1.1 At the beginning of a session of Congress, the House informs the Senate that a quorum of the House has assembled and is ready to proceed with business.

On Jan. 7, 1960,[14] the House sent the following message to the Senate:

> A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that a quorum of the House is present and that the House is ready to proceed with business.
>
> The message also informed the Senate that a committee of three members had been appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to notify the President of the United States that a quorum of each House had assembled and that Congress was ready to receive any communication he might be pleased to make.

Parliamentarian's Note: The House and Senate also notify each other of additional organizational matters—the election of officers,[15] setting the date and time for the President's state of the Union address,[16] arranging for the counting of the electoral vote[17] in January following a Presidential election.

One House Often Uses a Resolution To Inform the Other of Certain Actions

§ 1.2 Senate resolutions are often used to notify the House of matters related to the organization of the Senate.

When a new Congress convenes, each House notifies the other of steps taken to permit legislative activity to begin. The resolutions noted here from the proceedings of Jan. 4, 1989,[18] are typical of those sent to the House to provide official notification of Senate actions.

> AFTER RECESS
>
> The recess having expired, the House was called to order by the Speaker pro tempore [Mr. (Dale E.) Kildee (of Michigan)] at 12 o'clock and 25 minutes p.m.
>
> MESSAGE FROM THE SENATE
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> A message from the Senate by Mr. Hallen, one of its clerks, announced

14. 106 CONG. REC. 76, 86th Cong. 2d Sess.
15. 1 Hinds' Precedents §§ 225, 229.
16. See *House Rules and Manual* § 169 (1997).
17. 3 Hinds' Precedents § 1961.
18. 135 CONG. REC. 194, 101st Cong. 1st Sess.

that the Senate had passed resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Robert C. Byrd, a Senator from the State of West Virginia, as President pro tempore.

Refusal To Receive Message From Other House

§ 1.3 The refusal of one House to receive a message from the other is a breach of the practice of comity between the two Houses.

On Oct. 14, 1970,[19] Mr. Leslie C. Arends, of Illinois, was granted unanimous consent to make this statement:

Mr. Chairman, it is not very often that I have found occasion to criticize the action of the other body. I have always felt that my responsibility here in the House, as is the case with every Member of this body, was to maintain the spirit of comity.

But yesterday and today that spirit was closer to comedy than it was to comity.

In due deliberation and in the regular order yesterday, the House considered and approved the conference report on the farm bill. The official papers on that legislation plus the papers on other bills were carried by a House employee to the other body, in conformity with the normal practice.

Strangely enough, the path was blocked in a fashion reminiscent of the action of Gov. George Wallace who one day stood in the schoolroom door.

This morning the same sorry scene was repeated as our House employee was again abruptly turned away.

Finally, we now hear the farm bill papers have been accepted, but alas, the farm bill is not going to be considered prior to the election recess.

In my time in the House I can recall no instance of this nature—whatever one may think of the farm bill.

What I cannot understand, Mr. Chairman, is why the leadership of the other body would refuse to even consider the farm bill. . . .

I certainly think this whole dismal affair has pointed up very dramatically the need for change in the other body—a change from pettiness to substance

19. 116 CONG. REC. 36675, 91st Cong. 2d Sess.

that will make it both responsible and responsive to public interest.

Privilege of Reception of Senate Message

§ 1.4 The reception of a message from the Senate is a highly privileged matter and may interrupt the consideration of a bill, even though the previous question has been ordered thereon.

On May 3, 1961,[20] the House had just ordered the previous question on H.R. 6441, to amend the Federal Water Pollution Control Act, when a message was received from the Senate.

> A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3935) entitled "An act to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for employees of large enterprises engaged in retail trade or service and of other employers engaged in commerce or in the production of goods for commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes."

Following receipt of the message, the House proceeded to other privileged business—the consideration of a conference report, the submission of another conference report, the filing of a privileged report from the Committee on Rules—before resuming consideration, as unfinished business, of the bill on which the previous question was ordered.[1]

Privilege of Request for Return of Message

§ 1.5 The request of the Senate for the return of a message is laid before the House by the Speaker as privileged, and it requires only a majority vote to grant such request.

On Aug. 24, 1935,[2] the House and the Senate both approved House Concurrent Resolution 38, providing that both Houses of Congress adjourn *sine die* at the end of the day. However, later that day the following took place in the House:

> THE SPEAKER:[3] . . . The Chair lays before the House the following request from the Senate.

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20. 107 CONG. REC. 7172, 87th Cong. 1st Sess.

1. *Id.* at p. 7195.

2. 79 CONG. REC. 14583, 14645, 14669, 74th Cong. 1st Sess.

3. Joseph W. Byrns (Tenn.).

The Clerk read as follows:

Ordered, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the concurrent resolution (H. Con. Res. No. 38), a concurrent resolution providing for the *sine die* adjournment of the first session of the Seventy-fourth Congress.

THE SPEAKER: The question is on agreeing to the request of the Senate.

The question was taken; and on a division (demanded by Mr. Snell and Mr. Taber) there were—ayes 127, noes 103.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

MR. [CARL E.] MAPES [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAPES: May I inquire of the Chair whether to grant this request of the Senate the rules must be suspended, and to agree to the motion will require a two-thirds vote?

THE SPEAKER: No; the request of the Senate is laid before the House and acted upon by a majority of the House. The action taken by the House will determine what shall be done with the request.

MR. MAPES: The Chair rules that it requires only a majority to grant the request?

THE SPEAKER: It requires only a majority.

Time for Reception of Senate Message

§ 1.6 The Speaker may receive a message from the Senate before the approval of the Journal.

On Sept. 13, 1965,[4] the House was debating the motion to approve the Journal when a message arrived from the Senate. After the time of the Member then speaking (Mr. Durward G. Hall, of Missouri) had expired, the Chair[5] recognized the Senate messenger who informed the House of Senate passage of several House bills. Mr. H. R. Gross, of Iowa, then stated a point of order.

Mr. Speaker, a point of order.

THE SPEAKER: For what purpose does the gentleman from Iowa arise?

MR. GROSS: The transacting of business of the House prior to adoption of the reading of the Journal.

THE SPEAKER: The Chair will state it is always proper, as well as courteous, to receive a message from the President of the United States, or from the other body, as quickly as possible.[6]

Receipt of Senate Message Absent House Quorum

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4. 111 CONG. REC. 23604, 89th Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. In the permanent Record, the message from the Senate is shown following completion of the pending business—the approval of the Journal—and not at the point where it was actually received. See 111 CONG. REC. 23607, 89th Cong. 1st Sess.

§ 1.7 A message from the Senate may be received in the absence of a quorum, pending a motion for a call of the House.

On Oct. 8, 1968,[7] the following occurred on the floor of the House:

MR. [WILLIAM A.] STEIGER of Wisconsin: Mr. Speaker, I make the point of order that a quorum is not present.

THE SPEAKER:[8] Evidently a quorum is not present.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

THE SPEAKER: At this time the Chair will receive a message. . . .

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8781. An act to authorize the Secretary of the Interior to exchange certain lands in Shasta County, Calif., and for other purposes. . . .

A call of the House was ordered.

Effect of Failure of a Quorum Upon Message Received During a Call

§ 1.8 Where a message from the Senate is received during a call of the House, and the House adjourns when a quorum fails to appear on the call, the message is held at the Speaker's table until it next convenes.

On Oct. 11, 1968,[9] the following occurred on the floor of the House:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll. . . .

During the call of the roll messages were received from the President of the United States and from the Senate.

THE SPEAKER:[10] One hundred eighty-eight Members are present, not a quorum.

The Chair recognizes the gentleman from Oklahoma.

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

The motion was agreed to; accordingly (at 7 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Saturday, October 12, 1968, at 12 o'clock noon.[11]

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7. 114 CONG. REC. 30091, 90th Cong. 2d Sess.
8. John W. McCormack (Mass.).
9. 114 CONG. REC. 30816, 30817, 90th Cong. 2d Sess.
10. John W. McCormack (Mass.).
11. *Parliamentarian's Note:* While the reception of messages from the President or the Senate is not the transaction of business requiring the presence of a quorum, if they are received during a call of the House, and a quorum does not appear on the call, they are not read until a quorum is present. In this instance, both messages were laid before the House when it met the following day.

When the House met on Oct. 12, 1968, immediately following the approval of the Journal, the following message was laid before the House.[12]

MESSAGE FROM THE SENATE RECEIVED OCTOBER 11

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title: . . .

The message also announced that the Senate had passed concurrent resolutions of the following titles:

S. Con. Res. 82. Concurrent resolution authorizing the President of the Senate and the Speaker of the House to sign enrolled bills and resolutions; and

S. Con. Res. 83. Concurrent resolution establishing that when the two Houses of Congress adjourn on Friday, October 11, 1968, they stand adjourned sine die.

Receipt of Senate Message After Senate Adjournment

§ 1.9 The House may receive a message from the Senate although that body may have adjourned.

On Aug. 24, 1935,[13] the House approved House Concurrent Resolution 38, which provided that upon adjourning that night, both Houses would stand adjourned *sine die*. Subsequently, the Senate notified the House of the following actions relating to House Concurrent Resolution 38: It agreed to the concurrent resolution; it then requested the House to return its message of agreement to the Senate.[14] It later reconsidered its vote on agreement and again passed the resolution. Mr. James W. Wadsworth, Jr., of New York, was then recognized with a parliamentary inquiry:

Mr. Speaker, in view of the fact the Senate has informed the House that it has rescinded its action in recalling from the House the adjournment concurrent resolution, what is the present situation?

THE SPEAKER:[15] The Chair has been informed that the Senate has taken a recess until Monday at 12 o'clock. The Chair will ask the House to take a recess for a reasonable time until the fact can be ascertained. . . .

A further message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had ordered

12. 114 CONG. REC. 31116, 90th Cong. 2d Sess.

13. 79 CONG. REC. 14583, 14645, 14667, 14669–71, 14673, 74th Cong. 1st Sess.

14. See § 1.14, infra.

15. Joseph W. Byrns (Tenn.).

that the secretary be directed to inform the House of Representatives that the Senate has reconsidered its action in agreeing to House Concurrent Resolution No. 38, providing for the *sine die* adjournment of the first session of the Seventy-fourth Congress.

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I make a point of order against the message from the Senate because the Senate adjourned several minutes ago.

THE SPEAKER: This is a message from the Senate and can be delivered to the House even though the Senate has adjourned. The Chair does not understand that a point of order lies against the reporting of a message from the Senate by a regularly accredited official of the Senate.

"Deeming Resolutions"—Use in the House

§ 1.10 On rare occasions, the House has anticipated legislative actions of the Senate and acted in futuro, deeming certain actions to be taken by the House if and when a message is received showing that the anticipated legislative acts in fact occurred.

On Dec. 18, 1982,[16] as the House approached the end of the session, it was necessary to expedite the conclusion of the further continuing appropriation bill for fiscal year 1983. The measure was still under consideration in the Senate, but the House leadership thought it essential to begin the conference as quickly as possible.

APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 631, FURTHER CONTINUING APPROPRIATIONS, 1983

MR. [JAMES C.] WRIGHT [Jr., of Texas]: Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the joint resolution (H.J. Res. 631) with amendments, insisted upon its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

THE SPEAKER:[17] Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. Whitten, Boland, Natcher, Smith of Iowa, Addabbo, Long of Maryland, Yates, Roybal, Bevill, Dicks, Ginn, Sabo, Dixon, Fazio, Conte, McDade, Edwards of Alabama, Myers, Robinson, Coughlin, Kemp, and Lewis.

When the House reconvened on Dec. 19, 1982,[18] the Speaker laid

16. 128 CONG. REC. 32137, 97th Cong. 2d Sess.

17. Thomas P. O'Neill, Jr. (Mass.).

18. 128 CONG. REC. 32401, 97th Cong. 2d Sess.

before the House the following communication from the Clerk:

COMMUNICATION FROM THE CLERK OF THE HOUSE

THE SPEAKER: The Chair lays before the House the following communication:

WASHINGTON, D.C.,
December 19, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received, at 3:22 p.m. on Sunday, December 19, 1982, the following message from the Secretary of the Senate: That the Senate passed with amendments H.J. Res. 631 and requested a conference thereon.

In accordance with action taken by the House on Saturday, December 18, 1982, the Clerk has notified the Senate that the House disagreed to the amendments of the Senate to H.J. Res. 631 and agreed to a conference thereon.

With kind regards, I am,
Sincerely,
EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

Parliamentarian's Note: This was the first instance where the House took such an action. The procedure is contrary to the principle in Jefferson's Manual[19] that the House should not take notice of bills in the other body, until the actions are communicated to the House. However, procedural steps such as this are used when necessary under the modern practice.

House Sometimes Anticipates Senate Action and Acts Before Formal Message Is Received

§ 1.11 On occasion, the House anticipates Senate action, and, by unanimous consent, has established the conditions for a conference on a House bill with Senate amendment even before the Senate has acted and messaged its request for a conference to the House.

The unanimous-consent request of Sept. 26, 1984,[20] made by the chairman of the Committee on Appropriations, Jamie L. Whitten, of Mississippi, relating to House Joint Resolution 648, making continuing appropriations for fiscal year 1985, and the Chair's anticipatory appointment of conferees are shown below.

MR. WHITTEN: Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the joint resolution (H.J. Res.

19. *House Rules and Manual* § 308 (1997).

20. 130 CONG. REC. 27341, 98th Cong. 2d Sess.

648) with amendments, insisted upon its amendments and requested a conference with the House, that the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection in this instance, the Chair appoints the following conferees: Messrs. Whitten, Boland, Natcher, Smith of Iowa, Addabbo, Long of Maryland, Yates, Roybal, Bevill, Lehman of Florida, Dixon, Fazio, Hefner, Conte, McDade, Edwards of Alabama, Myers, Robinson, Coughlin, and Kemp.

There was no objection.

When the Senate finally messaged its action to the House on Oct. 5, 1984,[1] the Speaker made a further statement for the Record, confirming that the action which the House had anticipated had in fact occurred.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4966. An act to recognize the organization known as the Women's Army Corps Veterans' Association: . . .

The message also announced that the Senate insists upon its amendments to the joint resolution (H.J. Res. 648) "Joint resolution making continuing appropriations for the fiscal year 1985, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Hatfield, Mr. Stevens, Mr. Weicker, Mr. McClure, Mr. Garn, Mr. Cochran, Mr. Andrews, Mr. Abdnor, Mr. Kasten, Mr. D'Amato, Mr. Mattingly, Mr. Rudman, Mr. Specter, Mr. Domenici, Mr. Stennis, Mr. Byrd, Mr. Inouye, Mr. Hollings, Mr. Eagleton, Mr. Chiles, Mr. Johnston, Mr. Huddleston, Mr. Burdick, Mr. Leahy, Mr. DeConcini, and Mr. Bumpers to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER REGARDING HOUSE JOINT RESOLUTION 648, CONTINUING APPROPRIATIONS

THE SPEAKER:[2] Pursuant to the order of the House of September 26, 1984, pertaining to the joint resolution (H.J. Res. 648) making continuing appropriations for the fiscal year 1985, and for other purposes. The House is deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate and the Speaker to have appointed managers on the part of the House as appointed on that date.

1. *Id.* at p. 30292.

2. Thomas P. O'Neill, Jr. (Mass.).

Reception by Committee of the Whole

§ 1.12 The Committee of the Whole must rise to receive messages from the Senate.

Parliamentarian's Note: On this occasion, Mar. 22, 1961,[3] the Speaker[4] wished to sign enrolled bills, prepared in advance, but which could not be signed by the Speaker until the message announcing their passage by the Senate had been received in the House. Therefore, the Committee of the Whole resolved itself back into the House for the reception of the message from the Senate.

> MR. [CARL] VINSON [of Georgia]: Mr. Chairman, I move the Committee do now rise.
>
> The motion was agreed to.
>
> Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Elliott, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5000) to authorize certain construction at military installations, and for other purposes, had come to no resolution thereon.

The Speaker then recognized the Senate clerk, who delivered the following message.

> A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4510) entitled "An act to provide a special program for feed grains for 1961."
>
> The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4806) entitled "An act to provide for the establishment of a temporary program of extended unemployment compensation, to provide for a temporary increase in the rate of the Federal unemployment tax, and for other purposes."

On motion of Mr. Vinson, the House then again resolved into the Committee of the Whole for further consideration of H.R. 5000.[5]

The Committee of the Whole May Rise Informally

§ 1.13 Under the more modern practice in the House, the Committee rises informally, not by motion, both to receive a message or to permit the Speaker to lay before

3. 107 CONG. REC. 4563, 87th Cong. 1st Sess.
4. Sam Rayburn (Tex.).
5. 107 CONG. REC. 4563, 87th Cong. 1st Sess., Mar. 22, 1961.

the House an enrolled bill which has been signed by the Speaker.

The practice whereby the Committee of the Whole rises without a formal motion is recognized in Jefferson's Manual: "If a message is announced during a committee, the Speaker takes the chair and receives it, because the committee can not."[6] A formal motion that the Committee rise can provoke a vote in Committee, so in the modern practice the informal method of rising is normally employed. The proceedings of Feb. 8, 1995, and Jan. 28, 1980, are illustrative of the current practice.

On Feb. 8, 1995,[7] the Committee rose informally to enable the Speaker to receive a message from the President:

> THE CHAIRMAN:[8] The Committee will rise informally in order that the House may receive a message.
>
> MESSAGE FROM THE PRESIDENT
>
> The Speaker pro tempore (Mr. Lightfoot) assumed the chair.
>
> THE SPEAKER PRO TEMPORE: The Chair will receive a message.
>
> MESSAGE FROM THE PRESIDENT
>
> A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.
>
> PARLIAMENTARY INQUIRY
>
> MR. [MELVIN L.] WATT of North Carolina: Mr. Speaker, I have a parliamentary inquiry.
>
> THE SPEAKER PRO TEMPORE: The gentleman will state his parliamentary inquiry.
>
> MR. WATT of North Carolina: How can we rise out of the Committee of the Whole without a motion to that effect? I did not hear anybody make a motion. It is strictly a technical point, but there are some procedural rules that apply in this body, I thought.
>
> THE SPEAKER PRO TEMPORE: The Chair will inform the gentleman from North Carolina the Committee of the Whole can rise informally just for the purpose of receiving a message.
>
> MR. WATT of North Carolina: Informally.
>
> THE SPEAKER PRO TEMPORE: Yes. A motion is not required just for the purpose of receiving a message.
>
> MR. WATT of North Carolina: I thank the Chair for enlightening me.
>
> THE SPEAKER PRO TEMPORE: The Committee will resume its sitting.

On Jan. 28, 1980,[9] there is an example of the Committee rising informally to lay down an enrolled bill.

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6. See portions of Jefferson's Manual carried in §§ 330, 563, *House Rules and Manual* (1997).

7. 141 CONG. REC. 4112, 104th Cong. 1st Sess.

8. Jim Lightfoot (Iowa).

9. 126 CONG. REC. 888, 96th Cong. 2d Sess.

THE CHAIRMAN: The Committee will rise informally in order that the Speaker may sign an enrolled resolution.

The Speaker resumed the chair.

THE SPEAKER:[10] The Chair lays before the House the following enrolled joint resolution:

> H.J. Res. 478. Joint resolution to extend by 60 days the expiration date of the Defense Production Act of 1950.

THE SPEAKER: The Committee will resume its sitting.

One House Sometimes Asks the Other for the Return of a Message

§ 1.14 The Senate, by a second message, may request the return of an earlier message informing the House of a legislative action.

On Aug. 24, 1935,[11] the House approved and sent to the Senate House Concurrent Resolution 38, providing for a *sine die* adjournment of both Houses of Congress at the end of the day. A short time later the House received a message from the Senate which included the following:

The message also announced that the Senate agreed to concurrent resolutions of the House of the following titles:

> H. Con. Res. 38. Concurrent resolution providing for the *sine die* adjournment of the first session of the Seventy-fourth Congress. . . .

Still later that day the House received this message from the Senate:

> A still further message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate requests the House to return to the Senate the concurrent resolution (H. Con. Res. 38) providing for the *sine die* adjournment of the first session of the Seventy-fourth Congress.

Correcting Error in House Engrossment of House Amendment

§ 1.15 Where the House belatedly discovered an error in its amendment of a Senate bill, it adopted a resolution (by unanimous consent) requesting the Senate to return the engrossed House amendment and directed the Clerk to prepare a new engrossment eliminating the error.

House Resolution 534, requesting the Senate to return the engrossed amendment of the House to S. 725, was not reported from

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10. Thomas P. O'Neill, Jr. (Mass.).
11. 79 CONG. REC. 14583, 14645, 14667, 74th Cong. 1st Sess.

a committee but was called up on the floor and considered by unanimous consent. The resolution and the debate explaining the necessity for this action are included here.[12]

MR. [HENRY A.] WAXMAN [of California]: Mr. Speaker, I offer a resolution (H. Res. 534) to correct the engrossment of the amendment of the House of Representatives to the Senate bill (S. 725), and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 534 is as follows:

H. RES. 534

Resolved,

SECTION 1. RETURN.

The Senate is requested to return to the House of Representatives the amendment of the House to the Senate bill (S. 725).

SEC. 2. CORRECTION.

Upon the return of the House amendment to the Senate bill (S. 725), the Clerk of the House of Representatives shall make the following change in the engrossment of the House amendment: Strike section 5 and insert the following:

SEC. 3. STATE STANDARDS. . . .

THE SPEAKER PRO TEMPORE:[13] Is there objection to the request of the gentleman from California?

MR. [CARLOS J.] MOORHEAD [of California]: Mr. Speaker, reserving the right to object, I will not object, but I would like to request that the gentleman from California [Mr. Waxman] explain exactly what this unanimous-consent request includes.

MR. WAXMAN: Mr. Speaker, will the gentleman yield?

MR. MOORHEAD: I yield to the gentleman from California.

MR. WAXMAN: Mr. Speaker, this resolution corrects the engrossment of S. 725, a bill passed by the House. The correction replaces two paragraphs of the Senate-passed bill which were inadvertently omitted in the House-passed version. This will correct, I think, technically what we all tried to accomplish.

MR. MOORHEAD: Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection. The resolution was agreed to.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The Senate could have amended the House amendment to correct the error, but this would have required a second House action.

Replacing Lost Official Papers

§ 1.16 Where the official papers are lost or destroyed, the House and Senate can authorize their recreation by the Clerk of the House and Secretary of the Senate.

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12. See 140 CONG. REC. 24911, 24912, 103d Cong. 2d Sess., Sept. 20, 1994.

13. Alcee L. Hastings (Fla.).

The concurrent resolution carried here was considered by unanimous consent, adopted by the House (and later by the Senate). It authorized the preparation of duplicate original "official papers" where the original ones had been misplaced in the Senate.[14]

MR. [NORMAN Y.] MINETA [of California]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 414) directing the preparation of duplicate conference papers on H.R. 5930.

The Clerk read the title of the concurrent resolution.

THE SPEAKER PRO TEMPORE:[15] Is there objection to the request of the gentleman from California?

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Speaker, reserving the right to object, I do so for the purpose of asking the gentleman from California if he would explain the effect of the concurrent resolution.

MR. MINETA: Mr. Speaker, will the gentleman yield?

MR. LEVITAS: I yield to the gentleman from California.

MR. MINETA: Mr. Speaker, this concurrent resolution merely recreates papers which apparently have been lost. It does not approve or constitute approval of the conference report.

I expect to bring that conference report before the House tomorrow.

MR. LEVITAS: Further reserving the right to object, and I will not object, I wanted to make certain that it did not constitute approval of the conference report by the adoption of the concurrent resolution.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 414

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to prepare and sign official duplicates of the conference papers on the bill (H.R. 5930) to extend the aviation insurance program for five years.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Modification of Text of Bill Agreed to by Both Houses

§ 1.17 Changes in the text of a bill agreed to by the two Houses may be made by concurrent resolution.

On Feb. 1, 1937,[16] when the House was considering the Senate amendments to the text of House

14. 128 CONG. REC. 26058, 97th Cong. 2d Sess., Sept. 29, 1982.

15. John P. Murtha, Jr. (Pa.).

16. 81 CONG. REC. 646–48, 75th Cong. 1st Sess.

Joint Resolution 81, creating a Joint Congressional Committee on Government Organization, Mr. John E. Rankin, of Mississippi, attempted to offer an amendment to the provisions in the House-passed measure.

> THE SPEAKER:[17] The gentleman is not confining himself in his amendment to the Senate amendment, which deals only with the number of Senators on the joint committee; but he goes further down in the paragraph and adds additional matter to the text, to which both Houses have already agreed. . . .
>
> MR. [CLAUDE A.] FULLER [of Arkansas]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. FULLER: Cannot that be amended by unanimous consent?
>
> THE SPEAKER: The only way under the rules of the House by which this situation could be changed would be by a concurrent resolution, agreed to by both Houses, changing the text of the matter already passed upon by the House and accepted by the Senate.

§ 2. Messages Relating to Bills

Each House informs the other of the passage of a measure and of any subsequent legislative action taken. A House-passed bill is engrossed, attested to by the Clerk of the House and is messaged to the Senate. If the Senate passes the bill without change, that action is formalized, attested to, and the House is notified. If the Senate amends, its amendments are engrossed, attested to by the Secretary and the House is informed. Any further amendments by either House are engrossed as well. If one House disagrees with amendments of the other a conference may result. The request for or agreement to a conference, the appointment of conferees, actions taken on the report or amendments in disagreement—all are certified by the appropriate official of the acting House. The package of actions travels together from one House to the other.

The "bundle" of messages and attested copies of legislative actions are called the "official papers." To act on a measure, the body must be in possession of these papers. The progression of papers from one House to the other normally mirrors the flow of messages.

When the conference meeting is held, the managers of the asking House (having possession of the papers because it received the last message—the agreement to the

17. William B. Bankhead (Ala.).