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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.).

conference) carries the papers to the conference meeting. When the conference results in agreement, the expectation is that the asking House will yield the papers to the agreeing House which may act first on the report.[18] However, if the managers of the agreeing House release the official papers to the managers of the other House, the sequence of actions may be reversed. No point of order lies against a conference report which is acted on "out of order" so long as the acting House has possession of the papers when the report is considered.[19]

When the conference results in disagreement, the managers of the asking House are justified in retaining the papers so that the body they represent may act first on the amendments in disagreement.[20]

Messages are also used to communicate a request for a return of a bill already transmitted to the other House,[1] to indicate an error in the text of an engrossed bill or amendment, and to inform the other House of unusual legislative actions.[2]

Senate Request for Return of Bill

§ 2.1 The House, by unanimous consent, agreed to a request of the Senate for the return of a Senate bill which had been messaged to the House and referred to a committee thereof.

On Jan. 21, 1960,[3] Speaker Sam Rayburn, of Texas, laid before the House the following message from the Senate:

> *Ordered*, That the House of Representatives be requested to return to the Senate the bill (S. 1282) entitled "An act relating to acreage allotments for Durum wheat."
>
> THE SPEAKER: Without objection, the request is granted.
>
> There was no objection.

Discharge of Senate Bill From House Committee

18. See *Jefferson's Manual* Sec. XLVI, *House Rules and Manual* § 555 (1997).
19. See § 2.19, infra. Once managers have filed a conference report in the Senate, with the official papers attached, retrieval of the papers—to transfer them to the House—required unanimous consent. See § 2.18, infra.
20. See § 2.12, infra.

1. See §§ 2.1, 2.2, infra.
2. See § 1.14, supra, and §§ 2.3–2.5, infra.
3. 106 CONG. REC. 1022, 86th Cong. 2d Sess.

§ 2.2 The House, responding to a request of the Senate, discharged one of its standing committees from consideration of a Senate bill and directed the Clerk to return the bill to the Senate.

On July 10, 1969,[4] the following took place in the House:

> THE SPEAKER:[5] The Chair lays before the House a request from the Senate.
>
> The Clerk read as follows:
>
> > That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1583) entitled "An Act to provide that appointments and promotions in the Post Office Department, including the postal field service, be made on the basis of merit and fitness", together with all accompanying papers. . . .
>
> THE SPEAKER: . . . Without objection, the request of the Senate is agreed to, the Committee on Post Office and Civil Service is discharged from further consideration of the bill S. 1583, and the Clerk will return the bill to the Senate.
>
> There was no objection.

Bills Passed in Closing Hours of Previous Session

§ 2.3 At the beginning of a session of Congress, bills are messaged to the Senate that were passed by the House in the closing hours of a previous session of that Congress and not messaged to the Senate before adjournment *sine die.*

On Jan. 7, 1960,[6] the House sent to the Senate a message concerning actions it had taken prior to the adjournment of the first session of that Congress.

> The message announced that the House had passed the following bills, in which it requested the concurrence of the Senate:
>
> > H.R. 5349. An act to provide for the conveyance to Orange County, Calif., of all right, title, and interest of the United States in and to certain real property situated in Orange County, Calif.; and
> >
> > H.R. 8289. An act to accelerate the commencing date of civil service retirement annuities, and for other purposes.

Veto Overridden

§ 2.4 When the House passes a bill over a President's veto, it notifies the Senate by message.

On Apr. 2, 1948,[7] this message from the House was received by the Senate:

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4. 115 CONG. REC. 19095, 91st Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. 106 CONG. REC. 76, 86th Cong. 2d Sess.
7. 94 CONG. REC. 4018, 80th Cong. 2d Sess.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
April 2, 1949.

The House of Representatives having proceeded to reconsider the bill (H.R. 4790) entitled "An act to reduce individual income-tax payments, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

"*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same."

Attest:

JOHN ANDREWS,
Clerk.

House Strikes Enacting Clause of Senate Bill

§ 2.5 Where the House strikes the enacting clause of a Senate bill, the Speaker directs the Clerk to notify the Senate, but the original papers are not returned to the Senate.

On Oct. 4, 1972,[8] the Committee of the Whole recommended that the House strike out the enacting clause of S. 1316, a bill to amend the Federal Meat Inspection Act and Poultry Products Inspection Act.

THE SPEAKER:[9] The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

The question was taken; and there were—yeas 173, nays 169, not voting 88. . . .

So the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out was agreed to. . . .

THE SPEAKER: The Clerk will notify the Senate of the action of the House.

Parliamentarian's Note: The last instance where the House struck the enacting clause of a Senate bill was June 20, 1946.[10] The message from the House to the Senate at that time did not indicate that the original papers were returned to the Senate.

Privilege of Senate Request for Return of a Bill

§ 2.6 A request of the Senate for the return of a bill is treated as privileged in the House.

On Sept. 14, 1959,[11] the Speaker, Sam Rayburn, of Texas, laid before the House a request of

8. 118 CONG. REC. 33785–87, 92d Cong. 2d Sess.

9. Carl Albert (Okla.).

10. 92 CONG. REC. 7211, 79th Cong. 2d Sess.

11. 105 CONG. REC. 19715, 86th Cong. 1st Sess.

the Senate that the House return to the Senate H.R. 8392, to amend the District of Columbia Stadium Act of 1957. Mr. H. R. Gross, of Iowa, then rose:

Mr. Speaker, is that subject to a reservation of any kind?

THE SPEAKER: It is a privileged matter. It is a request of the Senate to return a bill.

§ 2.7 Where the Senate, by message, requests the return of a bill it has passed, the request is considered as privileged in the House and may be disposed of by motion.

On Sept. 9, 1970,[12] the Speaker, John W. McCormack, of Massachusetts, laid before the House the following communication from the Senate relating to a bill which the Senate had passed eight days previously:

IN THE SENATE OF THE UNITED STATES,
September 1, 1970.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 16968) entitled "An act to provide for the adjustment of the Government contribution with respect to the health benefits coverage of Federal employees and annuitants, and for other purposes".

Attest:

FRANCIS R. VALEO,
Secretary.

MR. [THADDEUS J.] DULSKI [of New York]: Mr. Speaker, I move that the request of the Senate be agreed to.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. DULSKI: I yield to the gentleman from Iowa.

MR. GROSS: Mr. Speaker, will the gentleman explain to the House briefly the nature of this legislation and the reason for the Senate asking the papers and this bill be sent back to that body?

MR. DULSKI: . . . It also is our understanding that upon return of the House bill, a motion will be made in the Senate to amend the House bill by inserting the language of the Senate-passed bill. The House bill with the Senate amendment would then be returned to the House for further consideration.

This gives the details of what happened in the Senate.

MR. GROSS: Mr. Speaker, will the gentleman yield further?

MR. DULSKI: I yield to the gentleman from Iowa.

MR. GROSS: Mr. Speaker, in other words, the other body took up the bill, apparently on the call of the calendar, and by unanimous consent, without debate, passed a bill that was faulty and now asks its return by the House.

MR. DULSKI: That would be correct, in substance.

MR. GROSS: I thank the gentleman for yielding. . . .

THE SPEAKER: The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

12. 116 CONG. REC. 30850, 30851, 91st Cong. 2d Sess.

§ 2.8 A request of the Senate for the return of a bill is treated as privileged, and the Chair can immediately put the question on the request without debate.

On Dec. 29, 1970,[13] Speaker Pro Tempore Hale Boggs, of Louisiana, laid before the House this request of the Senate:

DECEMBER 28, 1970.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 14984) entitled "An Act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 142, 359–363, and for other purposes", together with all accompanying papers.

FRANCIS R. VALEO,
Secretary.

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

The question was taken; and there were—yeas 235, nays 20, not voting 177. . . .

So the request of the Senate was agreed to.

Receipt and Consideration of Senate Request for Return of a Bill

§ 2.9 A message from the Senate requesting that the House return a bill must be presented to the House for consideration, and the question of complying with the request is treated as privileged.

On Sept. 14, 1959,[14] Speaker Sam Rayburn, of Texas, laid before the House this request of the Senate:

Ordered, That the Secretary of the Senate request the House of Representatives to return to the Senate the bill (H.R. 8392) entitled "An act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes," together with accompanying papers.

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

The question was taken; and the Speaker announced that the ayes had it.

Mr. Gross, of Iowa, then asked if consideration of the Senate's request required unanimous consent. The Speaker stated it was a privileged matter. The Speaker then put the question.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to the vote on the ground that a quorum is not present,

13. 116 CONG. REC. 43776, 91st Cong. 2d Sess.

14. 105 CONG. REC. 19715, 86th Cong. 1st Sess.

and make the point of order that a quorum is not present.

THE SPEAKER: The Chair will count. [After counting.] Two hundred and thirty-nine Members are present, a quorum.

So the request of the Senate was granted.

House Compliance With Senate Request

§ 2.10 On occasion, the House, acting by unanimous consent, agrees to a request of the Senate for the return of a House bill.

On Nov. 6, 1963,[15] the following request of the Senate was disposed of by the House:

Ordered, That the Secretary of the Senate request the House of Representatives to return to the Senate the bill (H.R. 2985) entitled "An act to amend section 1391 of title 28 of the United States Code, relating to venue generally" together with all accompanying papers.

THE SPEAKER:[16] Without objection, the request is granted.

There was no objection.

A motion to reconsider was laid on the table.[17]

15. 109 CONG. REC. 21122, 88th Cong. 1st Sess.
16. John W. McCormack (Mass.).
17. See also 107 CONG. REC. 20822, 87th Cong. 1st Sess., Sept. 22, 1961; and 106 CONG. REC. 9853, 86th Cong. 2d Sess., May 10, 1960.

Message Requesting Return of Bill

§ 2.11 The two Houses communicate officially by written messages; and when the House receives a message from the Senate asking for the return of a bill previously sent to the House, the message is laid before the House for action. Such requests are frequently agreed to without objection.

When the Senate asked for the return of a Senate bill previously messaged to the House, the Speaker laid the communication before the House for action. The proceedings below show the disposition of such a request.[18]

The Speaker laid before the House the following communication from the Senate of the United States:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 622) entitled "An Act to provide standby authority to assure that the essential energy needs of the United States are met, to reduce reliance on oil imported from insecure sources at high prices, to implement United States obligations under international agreements to deal with shortage conditions, and to authorize and direct the implementation of

18. 121 CONG. REC. 30414, 94th Cong. 1st Sess., Sept. 26, 1975.

Federal and State conservation programs consistent with economic recovery", together with all accompanying papers.

THE SPEAKER:[19] Without objection, the request is agreed to.

There was no objection.

Progression of Conference "Official Papers"

§ 2.12 Where conferees report in total disagreement, the papers are normally retained by the asking House so that it may act first on the matter in disagreement; but where the only matter remaining in disagreement is an amendment of the asking House, which cannot amend its own amendment, the papers may be transferred so that the agreeing House may address the disagreement by amending.

The conference agreement brought before the House on Oct. 7, 1975, was the second report dealing with amendments in disagreement on H.R. 8121, the State, Justice, Commerce, and the Judiciary appropriations for fiscal 1976. The second conference was asked by the Senate and the second report dealt with the sole remaining Senate amendment in disagreement, and the conferees agreed to recommend a further amendment to that amendment. Since the Senate—the "asking House" which would normally entitle it to act first—could not amend its own amendment, the report was filed in disagreement, the House retained the papers and acted first on the managers recommendation.

The form of the report, the Senate amendment in disagreement, and the House action thereon are shown in the *Congressional Record* excerpt and the relevant parts of the statement of the managers are carried here:[20]

CONFERENCE REPORT (H. REPT. NO. 94–527)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 8 to the bill (H.R. 8121) "making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes," having met, after further full and free conference, have been unable to agree.

JOHN M. SLACK . . .

19. Carl Albert (Okla.).

20. 121 CONG. REC. 31510, 94th Cong. 1st Sess., Oct. 2, 1975.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE . . .

TITLE I—DEPARTMENT OF STATE

General provisions—Department of State

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion as follows:

Restore the matter stricken by said amendment amended to read as follows:

"SEC. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property and defense of the Panama Canal."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

When the report was called up and read on Oct. 7, 1975, the Speaker[1] laid down the amendment in disagreement.[2]

The Clerk read the Senate amendment, as follows:

Senate amendment No. 8: Page 16, line 18, strike out:

"SEC. 104. None of the funds appropriated in this title shall be used for the purposes of negotiating the surrender or relinquishment of any U.S. rights in the Panama Canal Zone."

MOTION OFFERED BY MR. SLACK

MR. [JOHN M.] SLACK [of West Virginia]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Slack moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment amended to read as follows:

"SEC. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property and defense of the Panama Canal."

PARLIAMENTARY INQUIRY

MR. [JOHN J.] FLYNT [Jr., of Georgia]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. FLYNT: Mr. Speaker, is a division of the question in order?

THE SPEAKER: Yes, a request for a division of the question is in order.

MR. FLYNT: Mr. Speaker, I demand a division of the question.

THE SPEAKER: The question will be divided. . . .

The question is on whether the House shall recede from its disagreement to Senate amendment No. 8.

The question was taken; and the Speaker announced that the ayes appeared to have it.[3]

The Speaker later put the question on concurring in the Senate amendment with an amendment.

1. Carl Albert (Okla.).
2. 121 CONG. REC. 32064, 94th Cong. 1st Sess.
3. *Id.* at p. 32075.

Message Returning a Bill Passed by the Other Body

§ 2.13 Where the House orders a bill returned to the Senate, it notifies the Senate of this fact by a message accompanying the returned bill.

On May 20, 1965,[4] the following resolution was called up as a question of the privileges of the House by the chairman of the Committee on Ways and Means, Wilbur D. Mills, of Arkansas:

H. RES. 397

Resolved, That the bill of the Senate (S. 1734) to conserve and protect domestic fishery resources in the opinion of this House contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill be respectfully returned to the Senate with a message communicating this resolution.

The resolution was agreed to. This action was communicated to the Senate as shown by the following Record proceedings of May 21, 1965.[5]

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, notified the Senate that, pursuant to the provisions of House Resolution 397, 89th Congress, the engrossed bill (S. 1734) to conserve and protect domestic fishery resources, was herewith returned to the Senate.

Notice of Senate Proceedings

§ 2.14 The Chair does not take public notice of the proceedings of the Senate unless formally brought to the attention of the House by message from the Senate.

On July 10, 1969,[6] Speaker John W. McCormack, of Massachusetts, directed the Clerk to read a request from the Senate:

That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1583) entitled "An Act to provide that appointments and promotions in the Post Office Department, including the postal field service, be made on the basis of merit and fitness", together with all accompanying papers.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. GROSS: Mr. Speaker, is this the bill that was passed by the other body on Tuesday morning without any debate whatsoever, the only explanation being the bill as printed in the Record?

4. 111 CONG. REC. 11149, 11150, 89th Cong. 1st Sess.
5. *Id.* at p. 11188.
6. 115 CONG. REC. 19095, 91st Cong. 1st Sess.

THE SPEAKER: The Chair is not aware of what action took place in the other body.

The Chair is aware of the action of the other body which is now before the House.

House Request To Return Message

§ 2.15 The House, by unanimous consent, requested the Senate to return to the House a message by which the Senate had been erroneously informed that the House had concurred in the Senate amendments to a House bill.

On Dec. 19, 1969,[7] Mr. Olin M. Teague, of Texas, was recognized to rectify a mistake made the preceding day, whereby the House had inadvertently notified the Senate that it had concurred in the Senate amendments to H.R. 9634, instead of H.R. 9334, both of which amended title 38 of the United States Code.

MR. TEAGUE of Texas: Mr. Speaker, I also ask unanimous consent that the Clerk be directed to request the Senate to return to the House of Representatives the message on the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources.

THE SPEAKER PRO TEMPORE:[8] Is there objection to the request of the gentleman from Texas?

There was no objection.

Effect of Motion To Postpone Indefinitely

§ 2.16 The motion to postpone indefinitely has been used in the House to finally dispose of a Senate measure, passed by the House but identical to a House bill previously passed by both Houses, after the Senate had acquiesced in the House's request for its return.

Where the House had inadvertently passed a Senate joint resolution identical to a House joint resolution passed by both bodies, it requested the Senate return the papers and then put the matter to rest by use of a motion to postpone indefinitely.[9]

Had this action not been taken, the Senate would have enrolled the resolution and two identical

7. 115 CONG. REC. 40189, 40191, 40215, 91st Cong. 1st Sess.

8. Carl Albert (Okla.).

9. See 135 CONG. REC. 28222, 89th Cong. 1st Sess., Nov. 9, 1989; and 135 CONG. REC. 29587, 89th Cong. 1st Sess., Nov. 16, 1989.

measures would have been sent to the President.

DIRECTING THE CLERK TO REQUEST RETURN OF MESSAGE ON SENATE JOINT RESOLUTION 216

MR. [THOMAS C.] SAWYER [of Ohio]: Mr. Speaker, I ask unanimous consent that the Clerk be directed to request the Senate to return to the House of Representatives the message on the joint resolution (S.J. Res. 216).

THE SPEAKER PRO TEMPORE:[10] Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE SENATE

THE SPEAKER PRO TEMPORE:[11] The Chair lays before the House the following message from the Senate:

Ordered, That the Secretary be directed to return to the House of Representatives its message informing the Senate that the House had passed the joint resolution (S.J. Res. 216) "Joint resolution designating November 12 through 18, 1989, as 'Community Foundation Week'.", in compliance with a request of the House for the return thereof.

THE SPEAKER PRO TEMPORE: Without objection, the Senate joint resolution is indefinitely postponed.

There was no objection.

House Bill Returned by President Pursuant to Senate Request

10. Ronald Coleman (Tex.).
11. Peter H. Kostmayer (Pa.).

§ 2.17 Where the Senate by way of a concurrent resolution requests the President to return a House bill sent to him for signature, he returns the bill to the House and the House messages the same to the Senate.

On July 3, 1947,[12] the following occurred on the floor of the House:

The Speaker[13] laid before the House the following message from the President of the United States, which was read by the Clerk:

To the House of Representatives:

In compliance with the request contained in the resolution of the Senate (the House of Representatives concurring therein), I return herewith H.R. 493, an act to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D.C. Code, 1940 ed.).

HARRY S. TRUMAN.

THE WHITE HOUSE, July 3, 1947.

Later that day[14] this message from the House was received by the Senate:

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate

12. 93 CONG. REC. 8260, 80th Cong. 1st Sess.
13. Joseph W. Martin, Jr. (Mass.).
14. 93 CONG. REC. 8203, 80th Cong. 1st Sess.

that the President of the United States having returned to the House of Representatives the enrolled bill (H.R. 493) to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D.C. Code, 1940 ed.)," in compliance with the request contained in Senate Concurrent Resolution No. 22; and returned the engrossed copy of said bill to the Senate.

Possession of Official Papers

§ 2.18 Where a conference report had been filed in both Houses and the original papers were at the Senate desk (the Senate having agreed to the House request for a conference and being scheduled to act first), unanimous consent was required (and objected to) in the Senate to transfer the official papers to the House to permit the House to act first on the conference report.

The following proceedings occurred in the Senate on June 28, 1990:[15]

AMERICANS WITH DISABILITIES ACT

MR. [EDWARD M.] KENNEDY [of Massachusetts] addressed the Chair.

THE PRESIDING OFFICER:[16] The Senator from Massachusetts.

MR. KENNEDY: Mr. President, I understand that the papers regarding the conference report on the Americans With Disabilities Act are at the desk; am I correct?

THE PRESIDING OFFICER: The Senator is correct.

MR. KENNEDY: I ask unanimous consent to be able to receive those papers in order to be able to deliver them to the House of Representatives.

THE PRESIDING OFFICER: Is there objection? . . .

MR. [STROM] THURMOND [of South Carolina]: Mr. President, I object.

THE PRESIDING OFFICER: The Senator from South Carolina objects. . . .

MR. [BOB] DOLE [of Kansas]: Mr. President I reserve the right to object to the unanimous-consent request. There is no objection to the Senator from Massachusetts. Perhaps the Senator from Nebraska could first proceed to make a statement on some other matter.

MR. KENNEDY: Mr. President, I will not object. I just would like to inquire of the minority leader what the reluctance is to permit the papers from the Americans With Disabilities Act (ADA) to go over to the House of Representatives, which is now waiting, so that they can take action prior to Fourth of July recess. As we celebrate Independence Day, 43 million disabled Americans would like to have independence from the kind of physical and mental barriers which they have lived with for so long.

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15. 136 CONG. REC. 16249, 101st Cong. 2d Sess.

16. Joseph I. Lieberman (Conn.).

I just inquire of the minority leader, what in the world is the reluctance to release this conference report that bears the signature of every Republican and every Democratic Member of the Senate conference committee? What is the reluctance to permit this conference report to follow the traditional path and be acted on by the House of Representatives if that body is prepared to act.

THE PRESIDING OFFICER: The Senator from Kansas, the Republican leader, has the floor.

MR. DOLE: Mr. President, I do not know that it is any reluctance. They can celebrate the Fourth of July and I am part of 43 million that will be celebrating the Fourth of July.

In any event, this bill cannot be signed by the President until somewhere around the 12th of July, and the primary concern we have—in fact initially I had no concern until I checked with the Parliamentarian—is to preserve the rights of Members on this side—I am not one of them—some Members have some concern with certain provisions of the ADA bill, not one—checking true disability, the so-called Chapman amendment, and we have another amendment, the Grassley amendment.

I am advised by the Parliamentarian and by my staff that they would lose certain rights if in fact the papers went to the House, the House acted, then there would not be any conference. You could not recommit the bill to conference because there would not be any conference left because the House will have acted.

So it is that concern. Certainly we have no problem with the bulk of the legislation. I think it certainly, as the Senator from Massachusetts indicated, is a landmark action by the Congress for millions of disabled Americans. But this happened to be a procedure, and I think if I consent to the request of the Senator from Massachusetts, it would undercut and take away some of the rights of my colleagues on this side of the aisle. I cannot do that. Therefore, I will object. That will take care of it.

Possession and Transfer of Official Papers

§ 2.19 It is customary, at the conclusion of a successful conference, for the House which has asked for the conference to surrender the original papers to the conferees from the other House which has agreed to the conference in order that the latter House may act first on the conference report; but the failure of conferees from the Senate, which had asked for the conference in question, to immediately surrender the original papers to the House conferees at the conclusion of a successful conference, deviated from the customary handling of original papers but did not specifically violate the rules of the House.

The following proceedings relating to H.R. 3982, the Omnibus Reconciliation Act of 1981, occurred in the House on July 31, 1981:[17]

MR. [BRUCE F.] VENTO [of Minnesota]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[18] The gentleman will state it.

MR. VENTO: Mr. Speaker, I inquire of the Chair whether the papers of the reconciliation package, H.R. 3982, are in the possession of the House.

THE SPEAKER PRO TEMPORE: Yes, they are.

MR. VENTO: Mr. Speaker, I would further inquire, is it customary for these papers to remain in the possession of the House at the conclusion of a conference committee, and in this instance, were they retained at the conclusion of the conference committee, or were they more recently delivered to the House?

THE SPEAKER PRO TEMPORE: Yes, the Chair would say to the gentleman, it is customary for the papers to be transferred to the House which agreed to the conference—and is to act first on the report—at the conclusion of a successful conference.

MR. VENTO: In this case, Mr. Speaker, were the papers retained by the House conferees on the matter of the reconciliation conference?

THE SPEAKER PRO TEMPORE: Evidently not, because they were brought back to the House this morning at about 9:15 by a messenger from the other body.

MR. VENTO: Mr. Speaker, in other words, this violated one of the tenets that we have in terms of consideration.

I thank the Chair.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that this deviated from custom but did not especially violate the rules of the House.

§ 3. House Action on Senate Bills

Senate bills which are messaged to the House may be subject to a variety of legislative actions. Senate bills may be referred to the appropriate House committees in the same fashion as House-introduced bills,[19] considered in committee, reported to the House with amendments, considered in the House, where appropriate,[20] or in Committee of the Whole.[1] Senate measures may be held at the Speaker's table, awaiting later legislative action.[2] Some Senate bills are never acted on and remain at the rostrum or in committee until *sine die* adjournment.

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17. 127 CONG. REC. 18884, 18885, 97th Cong. 1st Sess.

18. Barney Frank (Mass.).

19. See §§ 3.1, 3.12, infra.

20. See § 3.7, infra.

1. See § 3.14, infra.

2. See §§ 3.3, 3.4, 3.5, infra.