AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

§ 17. Content of Report; Corrections

Technical Correction After Adoption of Conference Report

§ 17.1 By unanimous consent, the House considered and agreed to a concurrent resolution authorizing the Clerk to make a technical correction in a conference report already agreed to, during the enrollment of a House bill.

On Oct. 10, 1972,[1] Speaker Carl Albert, of Oklahoma, recognized Mr. John D. Dingell, of Michigan, to offer a concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 717

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes, is authorized and directed to make the following correction:

On page 11 of the conference report, on line 1, insert the word "of" after the word "conditions".

The concurrent resolution was agreed to.[2]

Simultaneously Agreeing to Conference Report and Making Correction Therein

§ 17.2 Example of a unanimous-consent request to consider a conference report considered, agreed to, and modified by the simultaneous adoption of a concurrent resolution correcting the enrollment.

A unanimous-consent request to both call up and adopt a conference report is unusual but has been utilized where a request to consider the report might result in a roll call on the question of adoption. Using the formulation of the request carried here, an objection would prohibit both consideration of the report and the correction of the enrollment. The sponsors wanted the two steps tied together in this fashion since they both favored the conference report in

1. 118 CONG. REC. 34643, 92d Cong. 2d Sess.

2. *Parliamentarian's Note:* Although in this instance the Record is silent on this point, a concurrent resolution providing for technical corrections in a conference report which has already been agreed to is not privileged for consideration, and must be called up by unanimous consent.

the form modified by the concurrent resolution. The proceedings of Dec. 22, 1995,[3] were as follows:

CONFERENCE REPORT ON H.R. 2539, ICC TERMINATION ACT OF 1995

MR. [BUD] SHUSTER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent to call up and adopt a conference report to accompany the bill (H.R. 2539), to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes, and that Senate concurrent resolution (S. Con. Res. 37) directing the Clerk of the House of Representatives to make technical changes in the enrollment of the bill (H.R. 2539) entitled "An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes" shall be deemed to have been adopted upon adoption of such conference report.

The Clerk read the title of the bill.

The Clerk read the title of the Senate concurrent resolution.

(For conference report and statement see proceedings of the House of December 18 (legislative day of December 15), 1995, at page 37339.)

The text of Senate Concurrent Resolution 37 is as follows:

S. CON. RES. 37

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 2539) entitled "An Act to abolish the Interstate Commerce Commission, to amend subtitle IV of title 49, United States Code, to reform economic regulation of transportation, and for other purposes" shall make the following corrections:

(1) In section 11326(b) proposed to be inserted in title 49, United States Code, by section 102, strike "unless the applicant elects to provide the alternative arrangement specified in this subsection. Such alternative" and insert "except that such".

(2) In section 13902(b)(5) proposed to be inserted in title 49, United States Code, by section 103, strike "Any" and insert "Subject to section 14501(a), any".

THE SPEAKER PRO TEMPORE:[4] Is there objection to the request of the gentleman from Pennsylvania [Mr. Shuster].

There was no objection. . . .

THE SPEAKER PRO TEMPORE: The conference report on H.R. 2539 and Senate Concurrent Resolution 37 are adopted.

A motion to reconsider was laid on the table.

Report Incorrectly Printed in Record

§ 17.3 The correct text of a conference report which had been erroneously printed in the Record of a previous day was, by unanimous consent, inserted in the Record.

3. 141 CONG. REC. 38494, 38495, 38498, 104th Cong. 1st Sess.

4. Douglas Bereuter (Nebr.).

On Aug. 10, 1970,[5] Speaker John W. McCormack, of Massachusetts, recognized Mr. John L. McMillan, of South Carolina.

MR. MCMILLAN: Mr. Speaker, on August 6, 1970, I filed a conference report (H. Rept. 91–1381) on the bill (H.R. 17711) amending the District of Columbia Cooperative Association Act. The conference report was incorrectly printed in the *Congressional Record* for that day.

I therefore ask unanimous consent that the correct text of the conference report on H.R. 17711 be printed in the Record at this point.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Technical Error in Managers' Statement

§ 17.4 *Parliamentarian's Note:* Where a technical error appeared in the statement of the managers accompanying a conference report, the text of the statement in the permanent Record was, by unanimous consent, corrected to show the true intent of the conferees as reflected by the language in the conference report.

On July 12, 1966,[6] Mr. L. Mendel Rivers, of South Carolina, was recognized by Speaker Pro Tempore Hale Boggs, of Louisiana, to call up House Report No. 1679, the conference report on S. 2950, defense procurement appropriations, for fiscal 1967. He then made the following request:

Mr. Speaker, I ask unanimous consent that the permanent Record be corrected . . . to reflect the agreed upon language as now appears in the conference report.

THE SPEAKER PRO TEMPORE: Without objection it is so ordered.

There was no objection.

Parliamentarian's Note: The conference report and statement of the managers were filed on June 30, and printed in the daily edition of the *Congressional Record* for that date. Although the permanent edition of the *Congressional Record* for July 12 does not reproduce Mr. Rivers' request that the statement be changed, it does contain the corrected version of that statement.[7]

Statement of the Managers, Supplemented by Unanimous Consent

5. CONG. REC. (daily ed.), 91st Cong. 2d Sess.

6. CONG. REC. (daily ed.), 89th Cong. 2d Sess.

7. 112 CONG. REC. 15306, 89th Cong. 2d Sess.

§ 17.5 Instance where the House permitted insertion in the *Congressional Record* of a statement by House managers at a conference, time not having permitted the inclusion of the explanation in the official statement at the time the conference report was filed.

Following the adoption of a conference report on a budget reconciliation bill, the House adopted a concurrent resolution directing the Clerk to make certain corrections in the enrollment, including a date change which permitted two House committees to have a longer period in which to submit an explanatory statement for the Record, "to be considered to have been filed with the conference report."

When the conference report was filed on July 29, 1981, the report contained the same provision, except that the date for filing the statement was July 31, 1981.[8] The concurrent resolution shown here permitted an extension of the time until Aug. 4, 1981.[9]

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 3982, OMNIBUS BUDGET RECONCILIATION ACT OF 1981

MR. [JAMES R.] JONES [of Oklahoma]: Mr. Speaker, I ask unanimous consent for immediate consideration in the House of the concurrent resolution (H. Con. Res. 167) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3982, to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 167

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3982), to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for fiscal year 1982, the Clerk of the House of Representatives shall make the corrections specified in the succeeding sections of this concurrent resolution.

SEC. 2. In title VI of the bill: . . .

SEC. 13. In section 1199A, strike out "July 31, 1981" and insert in lieu thereof "August 4, 1981".

The concurrent resolution was agreed to.

8. 127 CONG. REC. 18981, 18985, 97th Cong. 1st Sess. (H.R. 3982, the Omnibus Reconciliation Act of 1981).

9. H. Con. Res. 167.

10. David E. Bonior (Mich.).

A motion to reconsider was laid on the table.

The unique provision in the Omnibus Budget Reconciliation Act of 1981, as amended by the concurrent resolution, is as follows:[11]

STATEMENT OF MANAGERS

SEC. 1199A. The managers on the part of the Senate and the House of Representatives are authorized to have printed in the *Congressional Record* at any time prior to midnight on August 4, 1981, a statement in explanation of the provisions of this title relating to matters within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce. Such statement shall be considered to have been filed at the same time and along with the conference report on the Omnibus Budget Reconciliation Act of 1981 (H.R. 3982); and shall be considered for all purposes to constitute the statement on the part of the managers with respect to such provisions.

Insertion of Provision Allegedly Omitted

§ 17.6 *Parliamentarian's Note:* The omission in a conference report of language allegedly agreed to in conference may be corrected following adoption of the report by the consideration by unanimous consent of a concurrent resolution authorizing insertion of that provision in the enrollment.

On Dec. 17, 1973,[12] after Mr. Charles C. Diggs, Jr., of Michigan, called up the conference report on S. 1435, the District of Columbia Self-Government and Government Reorganization Act, Mr. Earl F. Landgrebe, of Indiana, raised a point of order.

MR. LANDGREBE: Mr. Speaker, I want to make a point of order concerning section 738 of conference report No. 93–703, "Advisory Neighborhood Councils" for the reason that it fails to provide as the conferees stated and intended during the conference held on this legislation.

In conference, the requirement was Neighborhood Councils must first be approved by the electors in the same public referendum required for the approval of the charter. Nowhere in section 738 does that requirement appear.

If the legislation were approved, the councils would be created by operation of law, not by the affirmation of the electors as provided for by the conferees. This section is contrary to the intent of the conferees and this report must not be considered.

After a brief discussion on the point of order Mr. Joel T. Broyhill,

11. See the proceedings of Aug. 4, 1981, at 127 CONG. REC. 19500, 19520, 97th Cong. 1st Sess.

12. 119 CONG. REC. 42034, 42035, 93d Cong. 1st Sess.

of Virginia, made the following inquiry:

MR. BROYHILL of Virginia: Mr. Speaker, in the event the point of order is overruled, is there any way for the House at this time to insert the language into the bill and into the conference report, the language which was fully intended by the conferees to be included in the bill?

Obviously, it was a technical mistake, an error in printing, that it was not inserted in the conference report to start with.

THE SPEAKER:[13] In response to the inquiry made by the gentleman from Virginia, the Chair will state that the House could by a concurrent resolution direct the Secretary of the Senate to include the language before the bill is finally enrolled.[14]

§ 18. Signatures

Majority of Managers of Each House

§ 18.1 Conference reports must be signed by a majority of the managers on the part of each House, or the document may not be received as a report of the conference committee.

Where a majority of the managers on the part of the House attempted to present a document purporting to be a conference report without the signatures or consent of a majority of the managers on the part of the Senate, it was held that such document might not be received as a report of the conference committee.

On July 31, 1935,[15] Mr. George Huddleston, of Alabama, one of the House managers appointed to confer with the Senate managers on S. 2796, the Public Utilities Act of 1935, presented to the House a report from the managers on the part of the House. Speaker Joseph W. Byrns, of Tennessee, directed the Clerk to read the report.

The Clerk read as follows:

REPORT OF HOUSE MANAGERS ON CONFERENCE UPON DISAGREEING VOTE OF THE HOUSE AND THE SENATE ON THE AMENDMENT ADOPTED BY THE HOUSE TO S. 2796

The undersigned managers upon the part of the House, appointed on July 12, 1935, upon the request of the Senate for a conference upon the disagreeing vote of the House and the Senate on the amendment adopted by the House to S. 2796, beg to report as follows: . . .

13. Carl Albert (Okla.).
14. See Parliamentarian's Note contained in footnote to § 17.1, supra.
15. 79 CONG. REC. 12237–39, 74th Cong. 1st Sess.