

read the second time on the same day it is received by message from the House.

On Mar. 14, 1962,⁽⁸⁾ the proceedings below were recorded in the Senate:

MR. [EVERETT MCKINLEY] DIRKSEN [of Illinois]: Mr. President, I ask unanimous consent that H.R. 10079, which came over from the House and is now on the table—

MR. [JOHN C.] STENNIS [of Mississippi]: A point of order, Mr. President. Is the Senate in the morning hour?

MR. DIRKSEN: Yes, it is.

I ask that the bill be advanced to a second reading and be permitted to lie on the desk.

THE VICE PRESIDENT:⁽⁹⁾ Is there objection to the request of the Senator from Illinois?

There being no objection, the bill was ordered to a second reading, and was read the second time.

THE VICE PRESIDENT: Without objection the bill will be printed, and will lie on the table.

§ 12. Engrossment

Engrossment is the process by which a bill or resolution or a House amendment to a Senate measure is printed on special paper by direction of the enrolling

8. 108 CONG. REC. 4097, 87th Cong. 2d Sess.

9. Lyndon B. Johnson (Tex.).

clerk under supervision of the Clerk of the House or the Secretary of the Senate. After House action, House bills and resolutions are engrossed on a distinctive blue paper, as are House amendments to measures received from the Senate. This blue paper indicates that it is the official copy of the measure as passed by the House.⁽¹⁰⁾ Senate bills and Senate amendments to House bills are engrossed on white paper. The engrossed copies of the bill, when signed by the Clerk of the House (in the case of a bill originating in the House) or by the Secretary of the Senate (on a Senate bill), become the nucleus of the official papers which go from one house to the other during the various actions on a bill. A Senate bill cannot be acted on in the House, e.g., until the House is in possession of the signed copy of the engrossed Senate bill.

Star Prints

§ 12.1 The engrossed copy of a bill may be “star printed” (that is, reprinted with a star to indicate the reprinting) to rectify clerical errors; and an

10. *Procedure in the U.S. House of Representatives* (97th Cong.), Ch. 24 § 5.1.

engrossed “star print” of a House bill, substituted for the original engrossed copy containing a clerical error when messaged to the Senate, is properly before that body.

On July 9, 1957,⁽¹¹⁾ Senator William F. Knowland, of California, moved that the Senate proceed to the consideration of the House bill 6127:

Mr. President, on yesterday the Senator from Georgia [Mr. Russell] stated that the star-print bill which is now proposed to be taken up upon my motion is not the same bill which was heretofore read twice and ordered to be placed on the calendar. This colloquy appears on pages 10986–10987 of the Record of July 8, 1957. It was stated that the star print bill had not been read twice.

I desire to submit a parliamentary inquiry, as to whether, if my motion prevails, the bill then before the Senate will be the engrossed bill, star print, and as to whether the validity of any proceedings the Senate may now or hereafter take on the star-print bill may be questioned.

THE VICE PRESIDENT:⁽¹²⁾ A study of the precedents indicates that the question as to the validity of a star print has not been previously raised in the Senate. . . .

A star print, so called, of an engrossed bill, whether it is either a

House or Senate bill, is simply a bill that has been reprinted for the purpose of correcting an error or errors, usually of a clerical or typographical nature, made by some person whose duty it was to see that such bill, when printed, was in conformity in all respects with and truly and accurately reflected the action of the particular House in its passage. It is designed to substitute for a bill in which an error has been discovered a reprinted bill correcting such error or errors and showing the exact form in which such bill was actually passed by the original House. The practice of star printing bills has been followed by both Houses of Congress, in a more or less routine manner, for a long period of time. The Parliamentarian has found instances going back almost 50 years ago. It is somewhat analogous to the method of correcting by a concurrent resolution errors discovered in an enrolled bill after it has passed through the legislative processes beyond the stage of amendment; indeed, in some cases, after an enrolled bill has been signed by the two presiding officers and presented to the President, it is recalled, the errors are corrected, and the bill again signed and presented to the President for his action thereon.

An engrossed bill is attested, in the Senate by the Secretary, and in the House by the Clerk, and transmitted to the other body by message. If an error in such a bill is not discovered until after its receipt by the other House, the usual procedure is for the enrolling clerk of the first House to have a star print made correcting such error and it is delivered to the enrolling clerk of the second House, who delivers to the first House the original signed bill con-

11. 103 CONG. REC. 11089, 85th Cong. 1st Sess.

12. Richard M. Nixon (Calif.).

taining the error. In such a case, a star print is made by the enrolling clerk of the second House of the bill on white paper showing the bill in its correct form, with the same action indicated thereon as appears on the original bill. All the original copies of the bill are withdrawn from the files and the star-print copies substituted therefor, whether the bill was referred to a committee or placed on the calendar.

The error in the engrossed bill H.R. 6127, the Civil Rights Act of 1957, was not discovered until after it had been transmitted by message to the Senate, read twice, and placed upon the calendar.

During the consideration of the bill in the House on June 17, 1957, as shown on pages 9378-9384 of the Congressional Record, Mr. Whitener, of North Carolina, offered an amendment embracing the language of the proviso shown in the original engrossed bill beginning on page 8 line 19, and extending down to and including line 9, page 9. A point of order was made and sustained by the Chairman, Mr. Forand, that it was not germane specifically to the section to which it was offered, but it was stated by the Chairman that it would be germane to the bill as a separate section. Mr. Whitener then obtained unanimous consent that he might offer it as an amendment in the form of a separate section, to be known as subsection (e) of section 131, and to be inserted immediately following line 13, on page 12. An amendment to the amendment was offered by Mr. Hoffman, of Michigan, which was ruled out on a point of order as not being germane to Mr. Whitener's amendment. Mr. Whitener, by unanimous consent, then made a slight modification of his

amendment, and the amendment as modified was agreed to. By inadvertence, the amendment as adopted was inserted in the bill at the same point where it was originally offered instead of at the place where it was offered the second time.

When the error was discovered, the enrolling clerk of the House had a star print made of the engrossed bill, in which the language of the amendment was transposed from the erroneous place in the bill to the place specifically indicated by him when he offered the amendment the second time, which now appears on page 12, as lines 10 to 23, inclusive, of the Senate Calendar print of the bill.

It was simply a transposition of the language of the amendment to the correct and proper place, as indicated by the proceedings in the Congressional Record. No word was changed in this transposition. It was placed in the star printed bill in exactly the same language as proposed and adopted by the House.

The transposition necessitated a change in the pages and lines of the star print after the place in which the amendment was incorrectly inserted, and it was therefore necessary to have a star print made in the Senate of the original calendar print, in view of the fact that any amendment offered after page 8, line 19, would not correspond to the language in the star printed engrossed bill.

When this star print was delivered to the Secretary's Office of the Senate, following the custom, undeviated from, the original erroneous engrossed bill was returned to the enrolling clerk of the House, and a copy of the Senate

Calendar print of the bill was sent to the Government Printing Office for a star print.

The proceedings in connection with the star printing of the bill in the Senate followed the usual routine procedure customary in the correction of errors in engrossed bills.

MR. [RICHARD B.] RUSSELL: Mr. President, a parliamentary inquiry.

THE VICE PRESIDENT: The Senator will state it.

MR. RUSSELL: The Chair did not so state specifically, but I understood the distinguished Senator from California to propound a parliamentary inquiry as to the validity of this procedure. Did I correctly understand the Chair to rule that this remarkable procedure was valid under rule XIV?

THE VICE PRESIDENT: The Chair did so rule.

House, Not Committee of the Whole, Controls Engrossment

§ 12.2 A request that the Clerk, in the engrossment of a bill, make corrections in section numbers and cross references in the bill, is properly made in the House, following passage of the bill and is not in order in the Committee of the Whole.

On Apr. 29, 1969,⁽¹³⁾ during consideration in the Committee of the Whole on the bill (H.R. 4153) authorizing procurement of vessels

13. 115 CONG. REC. 10753, 91st Cong. 1st Sess.

and aircraft and construction of shore and offshore establishments for the Coast Guard, Mr. Frank T. Bow, of Ohio, offered an amendment. Mr. Hastings Keith, of Massachusetts, then raised a parliamentary inquiry:

Mr. Chairman, if the amendment is adopted and I hope and trust it will be; would that not require the renumbering of the lines in which the earlier amendments have been incorporated into the existing legislation?

THE CHAIRMAN:⁽¹⁴⁾ The gentleman may request that the Clerk be authorized to renumber accordingly.

MR. KEITH: I would so request.

THE CHAIRMAN: The gentleman may make the request that the Clerk be authorized to renumber the sections accordingly after the Committee rises and we are in the House.

After the Committee of the Whole had arisen and reported back to the House and the Speaker⁽¹⁵⁾ had announced the question as being the engrossment and third reading of the bill, Mr. Keith raised a parliamentary inquiry:

Mr. Speaker, while we were in Committee of the Whole I raised a question, the answer to which indicated that I should ask permission that certain sections be renumbered.

THE SPEAKER: The Chair will state in response to the parliamentary inquiry that the gentleman's request will be in order and the gentleman will be

14. Jacob H. Gilbert (N.Y.).

15. John W. McCormack (Mass.).

recognized to make such a request after the bill is passed.⁽¹⁶⁾

The Clerk May be Directed by Resolution to Correct Engrossment

§ 12.3 The House agreed to a resolution, in the form shown below, authorizing and directing the Clerk of the House to make certain changes in the engrossment of a joint resolution.

On May 10, 1945,⁽¹⁷⁾ the House, by unanimous consent, considered and agreed to the following resolution (H. Res. 254):

Resolved, That the Clerk of the House in the engrossment of the joint resolution (H.J. Res. 60) proposing an amendment to the Constitution of the United States relative to the making of treaties, is authorized and directed, in the last sentence of section 1 of the proposed article of amendment to the Constitution, to insert after the word "against" the following: "advising and consenting to the", so that such sentence shall read as follows: "In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against advising and consenting to the ratification of the treaty shall be entered on the Journal of each House respectively."

16. See also *Procedure in the U.S. House of Representatives* (97th Cong.), Ch. 24 §§ 5.4, 5.5.

17. 91 CONG. REC. 4434, 79th Cong. 1st Sess.

Senate Request for Return of Bill From House, Privileged in House

§ 12.4 The Speaker laid before the House a resolution of the Senate, in the form shown below, requesting the House to return to that body an engrossed bill together with accompanying papers.

On June 16 (legislative day June 14), 1938,⁽¹⁸⁾ the following proceedings took place in the House:

THE SPEAKER:⁽¹⁹⁾ The Chair desires to make an announcement with reference to a request sent to the House this morning by the Senate of the United States. The Clerk will report the order of the Senate of the United States.

The Clerk read as follows:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the engrossed bill (H.R. 7084) to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, together with all accompanying papers.

THE SPEAKER: The Chair thinks it is proper to state that as a matter of comity between the two branches, when a request of this character comes over from the other body to this body,

18. 83 CONG. REC. 9681, 75th Cong. 3d Sess.

19. William B. Bankhead (Ala.).

it is the duty of the House to comply with such order and it is under the precedents a matter of privilege.

MR. [THOMAS D.] O'MALLEY [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. O'MALLEY: What will be the status of the measure when it returns to the Senate?

THE SPEAKER: The Chair cannot answer that question. We are simply returning the bill to the Senate.

MR. O'MALLEY: It does not go to conference by reason of this order?

THE SPEAKER: It does not. Without objection, the request of the Senate will be complied with.

There was no objection.

§ 12.5 The House, by unanimous consent, considered a resolution requesting the Senate to return a House bill and authorizing the Clerk to reengross the bill with a correction.

On Apr. 16, 1951,⁽²⁰⁾ the following House resolution (H. Res. 195) was before the House by unanimous consent:

Resolved, That the Senate be requested to return to the House the bill

20. 97 CONG. REC. 3918, 82d Cong. 1st Sess. H.R. 3587 had not yet been reported in the Senate. This situation differs from that in Sec. 12.6, *infra*, in which the Senate had acted on the bill and requested a conference which had been agreed to by the House.

(H.R. 3587) making supplemental appropriations for the fiscal year ending June 30, 1951, and for other purposes, and that the Clerk be authorized to reengross the said bill with the following correction:

Page 11, line 11, strike out "\$18,350,000" and insert in lieu thereof "\$19,100,000."

MR. [JOHN] TABER [of New York]: Mr. Speaker, reserving the right to object, this is because the enrolling clerk made a mistake in indicating that the Heselton amendment was carried instead of being defeated on roll call; is that correct?

MR. [JAMIE L.] WHITTEN [of Mississippi]: That is correct. The engrossed copy showed the earlier action but failed to change back on final roll call.

A Concurrent Resolution is Used to Effect Change in Engrossment When Both Houses Have Acted

§ 12.6 The House, by unanimous consent, considered a concurrent resolution authorizing the Secretary of the Senate to re-engross the amendments of the Senate to a House bill and make a correction in such reengrossment.

On June 27, 1951,⁽¹⁾ the concurrent resolution shown below was before the House.

1. 97 CONG. REC. 7254, 82d Cong. 1st Sess. As noted above (see § 12.5,

INDEPENDENT OFFICES APPROPRIATION
BILL, 1952

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 35) ordering the reengrossment of the Senate amendment to H.R. 3880, the independent offices appropriation bill for 1952.

The Clerk read the concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate be, and he is hereby, authorized and directed to reengross the amendments of the Senate to the bill (H.R. 3880) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices for the fiscal year ending June 30, 1952, and for other purposes; and to reengross Senate amendment numbered 79 so as to read as follows:

On page 35, line 23, strike out "\$875,163,335" and insert "\$873,105,770."

THE SPEAKER: ⁽²⁾ Is there objection to the request of the gentleman from Texas?

MR. [JOHN] PHILLIPS [of California]: Mr. Speaker, reserving the right to object, will the gentleman from Texas [Mr. Thomas] please explain the reason for the request on the part of the other body?

MR. THOMAS: Mr. Speaker, this resolution authorizes reengrossment of amendment No. 79 of the independent

supra), the Senate had requested and the House had agreed to a conference on the bill H.R. 3880.

2. Sam Rayburn (Tex.).

offices appropriation bill. It all adds up to this: Apparently the other body has made a mistake in printing or engrossing this amendment. Amendment No. 79 deals with salaries and expenses for the Veterans' Administration. What happened was that they show a reduction in that appropriation of about \$1,200,000 more than the figure actually agreed upon by the Senate.

Correction in Engrossed Bill Prior to Disagreement to Senate Amendment

§ 12.7 A concurrent resolution authorizing the Clerk of the House to make certain corrections in the engrossed copy of a House bill was considered and agreed to before the House disagreed to a Senate amendment to the bill.

On July 16, 1968,⁽³⁾ Mr. Wayne N. Aspinall, of Colorado, asked unanimous consent for the consideration of a concurrent resolution (H. Con. Res. 798) authorizing the Clerk of the House of Representatives to make certain changes in the engrossed copy of the bill (H.R. 9098) to revise the boundaries of the Bad Lands National Monument in the State of South Dakota.

The resolution read in part as follows:

3. 114 CONG. REC. 21538, 90th Cong. 2d Sess.

In lieu of the language appearing on page 4, lines 9 through 21 of the House engrossed bill and the Senate amendment thereto, insert the following:

“(b) Any former Indian or non-Indian owner of a tract of land, whether title was held in trust or fee, may purchase such tract from the Secretary of the Interior. . . .”

The concurrent resolution was agreed to.

Mr. Aspinall then asked unanimous consent to take from the Speaker's table the same bill messaged back to the House from the Senate with a Senate amendment. Mr. Aspinall asked unanimous consent to consider such bill and disagree to the Senate amendment.

There was no objection.

Effecting Changes by Unanimous Consent

§ 12.8 By unanimous consent, the Clerk was authorized to include an amendment striking out a preamble in the engrossment of amendments to a Senate joint resolution passed in the House.

On Nov. 16, 1943,⁽⁴⁾ Mr. Robert Ramspeck, of Georgia, made the following unanimous-consent request:

Mr. Speaker, I ask unanimous consent that in the engrossment of the

4. 89 CONG. REC. 9587, 78th Cong. 1st Sess.

amendments to Senate Joint Resolution 47, providing for the appointment of a National Agricultural Jefferson Bicentenary Committee to carry out under the general direction of the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson appropriate exercises and activities in recognition of the services and contributions of Thomas Jefferson to the farmers and the agriculture of the Nation, the Clerk of the House be authorized to include therein an amendment striking out the preamble.

THE SPEAKER:⁽⁵⁾ Is there objection to the request of the gentleman from Georgia?

There was no objection.

§ 12.9 Where the House amended the text of a Senate bill but neglected to make a conforming change in the title thereof, the Clerk was authorized and directed, by unanimous consent, to correct the oversight by inserting the correct title in the engrossment of the House amendments to the Senate bill.

On May 15, 1968,⁽⁶⁾ Mr. William R. Poage, of Texas, made the following unanimous-consent request:

Mr. Speaker, I ask unanimous consent that in the engrossment of the

5. Sam Rayburn (Tex.).

6. 114 CONG. REC. 13400, 90th Cong. 2d Sess.

amendment to the Senate bill (S. 2986) to extend Public Law 480, 83d Congress, to which the House agreed yesterday, that the Clerk of the House be authorized and directed to make a conforming amendment to the title of the bill. The title of the Senate bill provided for a 3-year extension of the law, but the House only extended the law until December 31, 1969.

The title should be amended to read as follows:

To extend the Agricultural Trade and Assistance Act of 1954, as amended, and for other purposes.

THE SPEAKER:⁽⁷⁾ Is there objection to the request of the gentleman from Texas?

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, reserving the right to object, that means then specifically that it is limited to 1 year?

MR. POAGE: That is right; it just gets it in the title.

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

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

There was no objection.

§ 12.10 The Clerk may be authorized by unanimous consent to make certain changes in section numbers, cross references, and other technical changes during the engrossment of a House-passed bill.

On Oct. 11, 1967,⁽⁸⁾ Mr. Thaddeus J. Dulski, of New York,

7. John W. McCormack (Mass.).

8. 113 CONG. REC. 28672, 90th Cong. 1st Sess.

made the following unanimous-consent request:

Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make the appropriate conforming changes in, and omissions of, section numbers and references in the bill (H.R. 7977).

THE SPEAKER:⁽⁹⁾ Is there objection to the request of the gentleman from New York?

There was no objection.

Similarly, on July 24, 1968,⁽¹⁰⁾ after the House passed H.R. 17735, Mr. Emanuel Celler, of New York, made the following unanimous-consent request:

Mr. Speaker, because of the number of amendments adopted to the bill just passed, I ask unanimous consent that the Clerk, in the engrossment of the bill, be authorized and directed to make such changes in section numbers, cross-references, and other technical and conforming corrections as may be required to reflect the actions of the House. . . .

There was no objection.

§ 12.11 The Clerk was authorized, by unanimous consent, to make clerical corrections in the engrossment of a House amendment to a Senate bill.

On Sept. 12, 1967,⁽¹¹⁾ Mr. Wright Patman, of Texas, made

9. John W. McCormack (Mass.).

10. 114 CONG. REC. 23096, 90th Cong. 2d Sess.

11. 113 CONG. REC. 25230, 90th Cong. 1st Sess.

the following unanimous-consent request:

Mr. Speaker, I ask unanimous consent that the Clerk may make any necessary corrections in punctuation, section numbers, and cross references in the amendment of the House to the bill, S. 1862.

THE SPEAKER:⁽¹²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

§ 12.12 A unanimous-consent request was made authorizing the Clerk in the engrossing of a revenue bill to make changes in the table of contents, to make clerical changes, and to amend or strike out cross references.

On Apr. 28, 1936,⁽¹³⁾ Mr. Robert L. Doughton, of North Carolina, submitted the following unanimous-consent request:

I ask unanimous consent that in the engrossing of the pending bill (H.R. 12395), the Clerk of the House be authorized:

(1) To make such changes in the table of contents as may be necessary to make such table conform to the action of the House in respect of the bill;

(2) To make such clerical changes as may be necessary to the proper numbering and lettering of the various portions of the bill, and to secure uni-

formity in the bill in respect of typography and indentation; and

(3) To amend or strike out cross-references that have become erroneous or superfluous, and to insert cross-references made necessary by reason of changes made by the House.

§ 12.13 The Clerk of the House was directed, in the engrossment of House Resolution 7 (re the adoption of rules for the 90th Congress), to make certain corrections in the text of the resolution and the amendment thereto to reflect the intention of the House.

On Jan. 12, 1967,⁽¹⁴⁾ Mr. Carl Albert, of Oklahoma, asked unanimous consent that in the engrossment of House Resolution 7 the Clerk of the House be authorized and directed to make certain corrections:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, reserving the right to object, as I understand it, the request of the distinguished majority leader is solely for the purpose of perfecting what the House intended to do on Tuesday last; is that correct?

MR. ALBERT: Mr. Speaker, will the distinguished minority leader yield?

MR. GERALD R. FORD: I yield to the gentleman from Oklahoma.

MR. ALBERT: Mr. Speaker, the gentleman from Michigan is correct. Most of them are obvious. Obviously, we

12. John W. McCormack (Mass.).

13. 80 CONG. REC. 6299, 74th Cong. 2d Sess.

14. 113 CONG. REC. 430, 431, 90th Cong. 1st Sess.

were working last year under the rules of the 89th Congress, but there were two or three clerical errors and the only purpose is to correct clerical errors.

MR. GERALD R. FORD: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER:⁽¹⁵⁾ Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

§ 13. Transmission of Legislative Messages Between House and Senate

Messages From House

§ 13.1 Customarily, sundry enrolled bills, signed by the Speaker, are announced as a group (but seldom by individual title or with reference to number or content) at the Senate door when they are messaged from the House, although this procedure has provoked discussion.

On May 20, 1963,⁽¹⁶⁾ Senator Bourke B. Hickenlooper, of Iowa, raised a parliamentary inquiry:

Mr. President, I wanted to make a parliamentary inquiry. For the record, may I ask if H.R. 4997, which is the feed grain bill, has been messaged over from the House to the Senate?

15. John W. McCormack (Mass.).

16. 109 CONG. REC. 9006, 88th Cong. 1st Sess.

THE PRESIDING OFFICER:⁽¹⁷⁾ That bill has come over from the House and has been signed by the President pro tempore.

MR. HICKENLOOPER: May I ask at what time it came over from the House?

THE PRESIDING OFFICER: About 7 or 8 minutes after 12 o'clock.⁽¹⁸⁾

MR. HICKENLOOPER: Was it presented through the so-called front door of the Senate and was any public announcement made of the message from the House at the time it was sent over?

THE PRESIDING OFFICER: It was not officially announced when it was received.

MR. HICKENLOOPER: So there was no public announcement, at the time the bill was coming from the House, of this having been signed by the Speaker. Is that correct?

THE PRESIDING OFFICER: That is correct.

MR. HICKENLOOPER: Therefore, there was no opportunity or knowledge on the part of anyone who might have wanted to raise parliamentary issues with regard to that bill because there was no opportunity as the result of any notice.

THE PRESIDING OFFICER: Apparently there was none.

MR. HICKENLOOPER: May I ask if that is the usual procedure, or the unusual procedure, for a bill to be messaged over surreptitiously and secretly from the House of Representatives, in that manner?

17 Edward M. Kennedy (Mass.).

18. Recorded in the Record at 109 CONG. REC. 8978, 88th Cong. 1st Sess.