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# Chapter CXXXVI.

## PRIVILEGE AND FORM OF CONFERENCE REPORTS.

**1. Rule as to privilege of. Sections 6443–6446.**
**2. Decisions illustrating high privilege of. Sections 6447–6457.**
**3. Condition and practice as to reports. Sections 6458–6467.[1]**
**4. Earlier practice as to form, etc., of. Sections 6468–6480.[2]**
**5. Signing of, by the managers. Sections 6481–6498.[3]**
**6. Forms of in present practice. Sections 6499–6504.[4]**
**7. The accompanying statement. Sections 6505–6513.**
**8. Forms of statements. Sections 6514, 6515.**

**6443. The presentation of a conference report is always in order, except when the Journal is being read, when the roll is being called, or when the House is dividing.**

**Each conference report shall be accompanied by a detailed statement sufficiently explicit to explain the effect of the provisions of the report.**

**History of the rule giving a privileged status to conference reports, Rule XXIX, section 1.**

Rule XXIX, in section 1, provides as follows in regard to conference reports:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

This rule was adopted exactly in this form in the revision of 1880.[5] It was a new rule at that time. The Committee on Rules reported only the first portion, giving privilege, offering this statement in explanation:

Rule XXIX merely crystallizes into a rule the practice of the House since the Thirty-first Congress, when Speaker Cobb decided that the report of a committee of conference was so highly privileged as to be in order pending a motion for a call of the House. Since that time it has been the practice

[1] Minority of the managers may not submit a report. (Sec. 6406 of this volume.)

[2] Early instance wherein the managers made to their respective Houses reports not identical. (See. 1506 of Vol. II.)

Instance wherein managers originated a bill. (See. 1485 of Vol. II.)

[3] See also sections 6328, 6538 of this volume.

[4] See also section 6323 of this volume.

Form of report in a case wherein the disagreement is as to an amendment in the nature of a substitute. (Sec. 6426 of this volume.)

Form in a case wherein the managers report inability to agree. (See. 6322 of this volume.)

[5] Second session Forty-sixth Congress, Record, pp. 203, 1202, 1203.

of the House to receive a conference report at any time as a question of high privilege, and it proceeds upon the theory that as such reports usually settle the differences between the two Houses and perfect legislation so far as Congress can, they should have precedence of new or proposed legislation. It may also be added that giving a conference report precedence over all other business is a parliamentary courtesy to the Senate, which may desire to promptly dispose of the subject and is prevented by non-action of the House, it being necessary that the report should be first made to the House agreeing to the conference.

The second portion of the rule was added during the debate on suggestion of Mr. Charles G. Williams, of Wisconsin.

The statement of the Committee on Rules in 1880 is not in all respects accurate as to the history of the procedure. On January 30, 1834,[1] conference reports were not privileged, as is shown by the fact that Mr. James K. Polk, of Tennessee, after unanimous consent to take up such a report had been refused, accomplished the purpose by a motion to suspend the rules. On September 21, 1850,[2] Mr. Thomas H. Bayly, of Virginia, proposed a rule to permit conference committees and the Ways and Means Committee to report at any time. The House agreed to the rule only after adding an amendment restricting its operation to the remainder of the existing session. And it was on September 28, 1850,[3] while this temporary rule was in operation, that Speaker pro tempore Armistead Burt, of South Carolina (not Mr. Speaker Cobb, as stated by the Committee on Rules), held that a report from a conference committee was so highly privileged as to be in order pending a motion for a call of the House. The Journal shows, however, that the absence of a quorum had not been disclosed,[4] and it is manifest that neither a conference report nor any other legislative business would be in order after the absence of a quorum had been disclosed.[5] In succeeding Congresses the principle of giving conference reports privilege seems to have been followed on the strength of the decision of 1850, the fact that the decision was in pursuance of a temporary rule being overlooked or neglected.

**6444. The rule giving high privilege to conference reports is an affirmation of the former practice of the House.—**On March 3, 1837,[6] in the closing hours of the Congress, Mr. John Bell, of Tennessee, asked the general consent of the House to present the report of the conference committee on the fortifications appropriation bill.

**6445.** On March 17, 1852,[7] Mr. George W. Jones, of Tennessee, proposed to present the conference report on the bill (S. 146) to make land warrants assignable.

Objection being made to the presentation of the report, Mr. Jones stated that he remembered no case where a report of a conference committee had been excluded by an objection, and it seemed to him that it should not be so excluded, as it was the business nearest perfection. He therefore asked the opinion of the Chair.

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[1] First session Twenty-third Congress, Journal, p. 263; Debates, p. 2557.

[2] First session Thirty-first Congress, Journal, p. 1499; Globe, p. 1899.

[3] First session Thirty-first Congress, Journal, p. 1590.

[4] Formerly a call of the House was sometimes ordered that the members might be present to vote, even although a quorum were present.

[5] It appears that once, on March 3, 1879 (third session Forty-fifth Congress, Journal, p. 663; Record, p. 2380), the ruling of Speaker pro tempore Burt was so misunderstood as to be held to justify the taking up of a conference report when the lack of a quorum had been ascertained. See also sec. 6456 of this chapter.

[6] Second session Twenty-fourth Congress, Debates, p. 2149.

[7] First session Thirty-second Congress, Globe, p. 776.

The Speaker[1] said:

The Chair does not recollect of any instance where objection was made to the introduction of the report of a committee of conference, and there is no rule giving the report of such a committee preference over the report of any other committee. * * * The Chair would state to the House that * * * the Chair would be strongly inclined to decide (as the practice, in the opinion of the Chair, has been that way) that it would be in order for a committee of conference to report at any time.

Thereupon, under this decision, Mr. Jones presented the report and it was acted on.

**6446.** On July 6, 1870,[2] the Speaker[3] made the following statement to the House:

The Chair desires to state to the House, in order that there may be no misunderstanding, that conference reports will be regarded as privileged above all other matters that may come before the House, even to the extent of taking any Member from the floor, although he may occupy it upon another subject, if the Member having charge of a conference report shall so desire. That is the way the Chair will rule in reference to conference reports.

**6447. While a conference report may not be presented while the House is dividing, it may be presented after a vote by tellers and pending the question of ordering the yeas and nays.**

**A ruling presupposing the theory that a division means the actual voting rather than the whole process of ascertaining the will of the House by several methods of voting.**

On May 29, 1896,[4] during the consideration in the House of the contested election case of Johnston *v.* Stokes, from South Carolina, Mr. Thomas Settle, of North Carolina, moved to adjourn, and after a division asked for tellers, which were ordered.

Before the vote by tellers had been announced, Mr. Charles A. Boutelle, of Maine, proposed to call up the conference report on the naval appropriation bill.

Mr. Samuel W. McCall, of Massachusetts, having made a point of order, the Speaker ruled that the conference report could not be called up when the House was dividing, since that was one of the express exceptions of the rule.

The tellers having reported ayes 54, noes 106, Mr. Settle called for the yeas and nays.

At this point Mr. Boutelle presented his conference report.

Mr. Benton McMillin, of Tennessee, made the point that, the yeas and nays having been demanded, the House was still dividing, and that the vote was not yet complete.

The Speaker[5] held that there was a distinction between the different methods of making the count, and that the conference report could come in now, it being in order to take the yeas and nays on the question after the conference report had been disposed of.

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[1] Linn Boyd, of Kentucky, Speaker.

[2] Second session Forty-first Congress, Globe, p. 5241.

[3] James G. Blaine, of Maine, Speaker.

[4] First session Fifty-fourth Congress, Record, p. 5916.

[5] Thomas B. Reed, of Maine, Speaker.

**6448. The presentation of a conference report may interrupt the reading of a bill.—**On July 2, 1888,[1] a bill (H. R. 10681) providing for the control and regulation of certain railroads acquired by the United States, etc., had been presented and was being read when Mr. Perry Belmont, of New York, presented the report of a conference committee on the disagreeing votes of the two Houses on the bill (H. R. 6833) making appropriations for the consular and diplomatic service.

Mr. A. R. Anderson, of Iowa, made the point of order that the submission of the report was not in order during the reading of the bill.

The Speaker pro tempore[2] overruled the point of order, since under the rule the presentation of a conference report was always in order, except during the reading of the Journal, while the roll was being called, or while the House was dividing.

**6449. A conference report has precedence of a report from the Committee on Rules on which the yeas and nays and previous question have been ordered.—**On the calendar day of March 4, 1901,[3] but the legislative day of March 1, the House was considering a joint resolution providing for a commission to visit the island possessions of the United States, reported from the Committee on Rules; and, the previous question being ordered, the yeas and nays were ordered on the question of engrossment and ordering to a third reading.

Thereupon Mr. Joseph G. Cannon, of Illinois, proposed to submit a conference report on the sundry civil appropriation bill.

Mr. James D. Richardson, of Tennessee, made a point of order that the report of the Committee on Rules had precedence.

The Speaker[4] overruled the point of order, saying:

The Chair reminds the gentleman from Tennessee that a conference report has often been called up when a special order was under consideration.

**6450. A conference report is in order pending a demand for the previous question.—**On January 20, 1899,[5] Mr. Charles N. Brumm, of Pennsylvania, had moved to close general debate in Committee of the Whole House on the bill (H. R. 3754) for the relief of William Cramp & Sons, and on this motion and pending amendments Mr. Alexander M. Dockery, of Missouri, had demanded the previous question.

Thereupon Mr. George W. Ray, of New York, asked recognition in order to present a conference report.

Mr. Henry H. Bingham, of Pennsylvania, as a parliamentary inquiry, asked if the conference report was in order pending a demand for the previous question.

The Speaker[6] said:

The rule on the subject is:

"Presentation of reports of committees of conference shall always be in order except when tile Journal is being read, the roll is being called, or the House is dividing on any proposition."

The gentleman will submit his report.

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[1] First session Fiftieth Congress, Journal, p. 2252; Record, p. 5852.

[2] James B. McCreary, of Kentucky, Speaker pro tempore.

[3] Second session Fifty-sixth Congress, Record, p. 3594.

[4] David B. Henderson, of Iowa, Speaker.

[5] Third session Fifty-fifth Congress, Record, p. 867.

[6] Thomas B. Reed, of Maine, Speaker.

**6451. When the motion to fix the day to which the House should adjourn had the highest privilege the consideration of a conference report was held to displace it.**

**While the presentation of a conference report has precedence of a motion to adjourn, yet the motion to adjourn may be put and decided pending consideration thereof.**

**A conference report may be presented for consideration while a Member is occupying the floor in debate.**

On January 11, 1889,[1] immediately after the approval of the Journal, Mr. J. B. Weaver, of Iowa, moved that when the House adjourn it adjourn to meet on Monday next.[2]

Thereupon Mr. Samuel Dibble, of South Carolina, presented a conference report.

Mr. Weaver made the point of order that his own motion had precedence.

The Speaker[3] said:

Undoubtedly a conference report may be submitted at any time, even pending a motion to adjourn; it is always in order, except when the Journal is being read, or when the yeas and nays are being taken, or the House is actually dividing on some question.

The conference report having been presented and read, Mr. Weaver called for a vote on his motion to fix the day to which the House should adjourn.

The Speaker ruled:

The Chair has decided under the rules of the House the conference report has precedence over a motion to adjourn, and it has been even held a conference report can be made when a Member is occupying the floor; that he can be taken off the floor for that purpose.[4] Of Course, the rule that a conference report can be presented and displace a motion to adjourn would amount to nothing practically if a vote upon the motion to adjourn can be immediately insisted upon.

The motion to adjourn over was pending, but the conference report had to be disposed of before it could be put. The Speaker also said:

The House makes its own rules, and the House has made a rule which has been in force many years, by which a conference report is in order even pending a motion to adjourn.

Now, the House always has the whole subject under its own control. In the first place, before any proceeding was taken on the report the question of consideration could have been raised against it. In the second place, if the House desires to adjourn before it proceeds further with the consideration of the report it may postpone the report to another time and adjourn. But while the report is before the House and is under consideration the Chair can not put the question on the motion that when the House adjourns it adjourn to meet on Monday next. That is the very question which was displaced.

Mr. Thomas B. Reed, of Maine, here asked the Chair whether he would rule that, the consideration of a conference report having been entered upon, the House could not adjourn until it had acted upon the report in some way.

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[1] Second session Fiftieth Congress, Record, pp. 678, 683; Journal, p. 207.

[2] The motion to fix the day at this time had higher privilege than the motion simply to adjourn. See section 5301 of this volume.

[3] John G. Carlisle, of Kentucky, Speaker.

[4] On February 26, 1864 (First session Thirty-eighth Congress, Globe, p. 850), Mr. Speaker Colfax had held that a conference report might interrupt a gentleman in the midst of debate and take him off the floor.

The Chair replied:

The Chair prefers not to decide questions of order until they are presented, especially upon so important a matter. All the Chair now decides is that the presentation of the conference report, no question of consideration having been raised against it, takes precedence over other motions, even the motion to adjourn or to fix a day to which the House shall adjourn.

Later the Chair reconsidered its ruling, and ruled as follows:

The nineteenth rule of the House provides that the presentation of reports of committees of conference shall always be in order except when the Journal is being read, while the roll is being called, or while the House is dividing on any proposition. Under this rule it has been held that the presentation of such reports is in order pending a motion to adjourn (although that motion is not mentioned in the rule), and that it is in order while a Member is occupying the floor; and the practice of the House is that when it is in order to present a matter at any time it is in order to consider the matter at that time, subject, of course, to the right of any Member upon the floor to raise the question of consideration and to the right of the House to determine that it will or will not consider the matter. This morning, when the gentleman from Iowa [Mr. Weaver] insisted upon his motion to adjourn, the House had not only received the report of the committee of conference, but had actually entered upon its consideration; and the Chair then held that the matter had reached such a stage in its progress as a privileged matter that the motion of the gentleman from Iowa could not be put. Now, however, the House has not determined to consider this conference report. The literal terms of the rule have been complied with, the report has been presented to the House, and the gentleman from Iowa raises the question of consideration against it, and then moves that the House adjourn. Suppose the Chair holds that motion of the gentleman from Iowa [Mr. Weaver] is now out of order, or that it can not now be voted on, and the House determines that it will consider the report, when can the House adjourn?

That is a dilemma in which the House may find itself whenever it actually enters upon the consideration of a conference report before the motion to adjourn is put; and that is one of the features of the case which raised a doubt in the mind of the Chair this morning. The Chair thinks that to hold now that the gentleman's motion to adjourn should not be put before the House has entered upon the consideration of the conference report when the question of consideration has been raised would be to extend the privilege of the report beyond what was done this morning, and the Chair had doubts then whether he did not go too far. The Chair thinks the motion to adjourn can be put now, and thus the House will determine whether it will adjourn or will proceed to consider the report. The question is upon the motion to adjourn.

**6452.** On July 2,1890,[1] Mr. Louis E. McComas, of Maryland, as a privileged question from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 3711) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1891, and for other purposes, submitted a report in writing thereon.

Before the reading of the report, Mr. W. C. P. Breckinridge, of Kentucky, moved that the House adjourn, which motion the Speaker[2] held to be out of order at the time, on the ground that the presentation of a conference report took precedence of such motion.

The Clerk proceeded to read the report.

**6453.** On July 29, 1890,[3] Mr. Louis E. McComas, of Maryland, as a privileged question, called up the report of the committee of conference on the disagreeing

[1] First session Fifty-first Congress, Journal, p. 822; Record, pp. 6941, 6942.

[2] Thomas B. Reed, of Maine, Speaker.

[3] First session Fifty-first Congress, Journal, p. 904; Record, p. 7880.

votes of the two Houses on the amendments of the Senate to the District of Columbia appropriation bill.

After debate on the question of order raised by Mr. W. C. P. Breckinridge, of Kentucky, as to the priority of the motion to adjourn over a motion to consider a conference report,

The Speaker[1] held that the report heretofore made was still pending as a privileged report and could be called up at any time, and whenever pending was subject to a motion to adjourn.

The motion of Mr. Breckinridge to adjourn was then put and agreed to.

**6454. A special order merely providing that the House should consider a certain bill "until the same is disposed of," it was held that the consideration of a conference report might intervene.**

**Under the general principles of parliamentary law a bill so far advanced as to become the subject of a conference report is entitled to a certain priority over ordinary business in an earlier stage.**

**The priority of a question of privilege which relates to the integrity of the House as an agency for action evidently may not be disputed by a question entitled to priority merely by the rules relating to the order of business.**

On June 1, 1897,[2] the House was acting under the following special order:

*Resolved,* That upon the adoption of this resolution the House proceed to consider Senate bill 1886, "A bill to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," until the same is disposed of.

During consideration of this bill Mr. Joseph G. Cannon, of Illinois, proposed, as a question of the highest privilege, to present the conference report on the sundry civil appropriation bill.

Mr. Sereno E. Payne, of New York, made the point of order that the conference report was not in order.

After debate the Speaker[1] said:

The Chair thinks that a conference report has given to it a very high position of privilege, not merely by the rules of the House, but upon the principles of parliamentary law. Bills upon which the two Houses, through conference committees, have reached an agreement are, of course, much further advanced than any bill which is simply being considered by either House. In the opinion of the Chair, the rule of the House but registers the general principle of parliamentary law upon this subject and while very high privilege is accorded to a report of the Committee on Rules, and to what may take place under a rule reported by that committee and adopted by the House, yet such a rule must be construed with reference to the standing rules of the House and the general principles of parliamentary law, unless the express language of the special rule requires another construction.[3]

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[1] Thomas B. Reed, of Maine, Speaker.

[2] First session Fifty-fifth Congress, Record, pp. 1396, 1397.

[3] Of course the high privilege of a conference report is derived from the rules, and a special order, being in its nature a change of the rules, might have such provisions as would exclude conference reports. In one instance, on September 25, 1890 (first session Fifty-first Congress, Journal, p. 1082; Record, pp. 10444, 10445), Mr. Benjamin A. Enloe, of Tennessee, rose to a question of privilege and proposed to present a preamble and resolution relating to certain alleged misconduct on the part of the postmaster of the House.

Mr. Lewis E. Payson, of Illinois, proposed to submit a conference report.

After debate the Speaker (Thomas B. Reed, of Maine, Speaker) held that the conference report had precedence.

It has been held in the House that when, upon a report of the Committee on Rules, a bill is being considered by the House, it does not give way to even a question of privilege; but it has always seemed to the Chair that that was not a wise view; that, on the contrary, there might arise questions of privilege, properly so called, concerning the condition of the House and its capacity for action, which would be superior to the consideration even of a question ordered to be considered by the House itself. Notwithstanding the strong language used in the present order, the Chair thinks it must be construed with reference to the general system of doing business between two legislative bodies. Hence, in the opinion of the Chair, a conference report being now presented, it is his duty to receive it.

**6455. A conference report has precedence during a time set apart by a special order for a particular class of business.—**On February 28, 1899,[1] the House was proceeding under the terms of a special order which devoted the day to the consideration of a class of bills for the construction of public buildings.

The bill (H. R. 5974) for the construction of a public building at Bluefield, W. Va., was under consideration when Mr. Eugene F. Loud, of California, demanded the floor for the presentation of the conference report on the post-office appropriation bill.

Mr. James D. Richardson, of Tennessee, made the point of order that the special order would exclude the conference report.

The Speaker pro tempore[2] held:

The Chair will say that notwithstanding the fact that the special rule does not make exception of conference reports, still it has been held that they are in order, and the point of order is overruled. The gentleman from California is recognized.

**6456. A conference report may be presented during a call of the House if a quorum be present.**[3]—On the calendar day of March 1, 1903[4] (legislative day of February 26), a call of the House had been ordered and the roll had been called, showing the presence of a quorum.

Thereupon Mr. J. T. McCleary, of Minnesota, presented a conference report on the District of Columbia appropriation bill.

Mr. Oscar W. Underwood, of Alabama, made the point of order that until the call had been dispensed with it was the duty of the House to proceed with the call.

The Speaker[2] said:

A conference report has been held in order even pending a motion for a call of the House, that being a case when the absence of a quorum had not been ascertained. A quorum has been ascertained in this case, and the conference report is of the highest privilege and may be presented. * * * A quorum has been ascertained, and the conference report is called up. The Chair will have to overrule the point of order.

The conference report having been considered and agreed to, a motion was made to dispense with further proceedings under the call and was agreed to.

**6457. A conference report was held to have precedence of the question on the reference of a Senate bill, even though an attempt had been made to take the yeas and nays and had failed from lack of a quorum on a preceding day.—**On July 5, 1892,[5] the House was considering the reference

[1] Third session Fifty-fifth Congress, Record, p. 2589.

[2] David B. Henderson, of Iowa, Speaker pro tempore.

[3] See also sec. 6443 of this chapter.

[4] Second session Fifty-seventh Congress, Record, p. 2855.

[5] First session Fifty-second Congress, Journal, pp. 259, 263; Record, pp. 5774, 5802.

of the Senate bill (S. 51) to provide for the free coinage of gold and silver bullion, and the yeas and nays were ordered on the motion that it be referred to the Committee on Banking and Currency.[1] No quorum voted on this motion, and the House adjourned.

On the next day Mr. Newton C. Blanchard, of Louisiana, called up the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7820, pending when the House adjourned on Saturday last.

Mr. Richard P. Bland, of Missouri, submitted the question of order whether the consideration of the reference of Senate bill No. 51, to provide for the free coinage of silver and for other purposes, pending when the House adjourned on the preceding day, was not first in order.

The Speaker[2] held that the presentation of a conference report being in order at any time, its consideration had precedence over the question of reference of the Senate bill.[3]

The House proceeded to the consideration of the conference report.

**6458. Before the managers of a conference may report the other House must be notified of their appointment and a meeting must be held.—**On June 9, 1880,[4] the conference report on the river and harbor appropriation bill was presented in the House and agreed to. Before the report was agreed to by the Senate a few verbal errors were discovered, and the Senate decided to disagree to the report, as the better way of reaching a correction. Accordingly the report was disagreed to, and a new conference was asked of the House.

On the same day this request of the Senate for a conference came up in the House and the House agreed to the request and appointed conferees.

Immediately Mr. John H. Reagan, of Texas, chairman of the House conferees, proposed to report to the House, explaining that the verbal corrections had been made, the conferees having met.

The Speaker[5] declined to allow the report to be made, saying:

> The usual parliamentary practice would be for the conference committee to again meet, and in addition it is necessary that the Senate should be notified of the appointment of the conferees upon the part of the House just announced. The conferees certainly could not have anticipated their appointment. * * * The Chair has appointed the same conferees it is true, but he thinks they ought to have a formal meeting after due notification to the Senate of the new appointment of the conference committee.

**6459. Instances wherein the Senate expressed doubt of the right of conferees to withdraw a conference report after it had been presented and before action thereon.[6]—**On June 12, 1906,[7] in the Senate, Mr. Albert J. Beveridge, of Indiana, proposed to withdraw the conference report on the bill

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[1] Bills are now referred from the Speaker's table under the rule.

[2] Charles F. Crisp, of Georgia, Speaker.

[3] The previous question had not been ordered on the motion to refer, which under a rule then existing was not debatable. Therefore it would seem that the further consideration of the motion would come up in the place assigned by the order of business at that time. This would constitute an additional reason why the conference report should have precedence.

[4] Second session Forty-sixth Congress, Record, pp. 4315, 4346.

[5] Samuel J. Randall, of Pennsylvania, Speaker.

[6] See sec. 6428 of this volume.

[7] First session Fifty-ninth Congress, Record, pp. 8308, 8309.

(H. R. 12707) "to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

This report had been submitted on a previous day in the Senate, the report being made first in the Senate, which had been the body agreeing to the conference report.

Mr. J. S. C. Blackburn, of Kentucky, made the point of order that a conference report might be withdrawn only with the consent of the Senate.

Mr. Thomas H. Carter, of Montana, said:

With reference to the practice of the Senate, I beg to cite the Senator's attention to the holding of the Chair in the Senate on the 10th of April, in the case of the conference report on the bill relating to the Five Civilized Tribes. If I recall, the Senator from South Carolina [Mr. Tillman] upon that occasion questioned the right of the Senator from Minnesota [Mr. Clapp] to have withdrawn the conference report, which withdrawal occurred on the 3d of April. The Chair held, upon the question thus raised by the Senator from South Carolina, that it was the right of the conferees upon the part of the Senate to withdraw a report at any time before the Senate took action upon it.

I think there is reason for that rule, Mr. President. The conferees might be conscious the moment after making a report that an error, typographical or otherwise, had been made, an error appearing upon the face of the report itself.

Mr. Henry Cabot Lodge, of Massachusetts, said:

My own impression, Mr. President, was that the view taken by the Senator from Kentucky [Mr. Blackburn] was the proper interpretation of the statement made in the Manual of Law and Practice in regard to conferences and conference reports, that such withdrawal required in the Senate and in the House unanimous consent; but it is worded;

"59. A conference report may be withdrawn in the Senate on leave, and in the House by unanimous consent."

I have looked at the authorities to make sure as to just what could be done, and I find that the phrase "on leave" means by vote of the Senate.

In the Thirty-second Congress, second session, January 28, 1853, on page 141 of the Journal of the Senate, I find this:

"On motion by Mr. Hamlin,

*"Ordered,* That the committee of conference on the part of the Senate have leave to withdraw their report."

Of course it can be done by unanimious consent; but it is perfectly obvious from the single precedent which I cite that leave to withdraw a conference report can be granted on motion.

Mr. Beveridge, "in order to avoid any controversy," moved that leave be granted to withdraw the conference report.

The motion was agreed to.

The report was accordingly withdrawn. No message as to this action was sent to the House, where the report had not been acted on; and the conferees reassembled and agreed to a new report, which was presented in the Senate later on the same day.[1]

**6460. Managers of a conference may make a partial report, settling some of the disagreements and leaving others unsettled.**

[1] Record, p. 8333.

**Where managers of a conference make a partial report, leaving some disagreements unsettled, each House, after agreeing to the report, recedes, insists, or adheres as to the unsettled disagreements.**

**An early instance wherein the managers of a conference made a partial report.**

On August 10, 1846,[1] a message received from the Senate announced that that body had agreed to the report of the conference on the part of the Senate upon the disagreeing votes of the two Houses on the amendments to the bill (No. 51) making appropriations for the naval service for the year ending the 30th of June, 1847; and they had receded from the eighth of the said amendments; and insisted on the ninth of the said amendments, upon which the conference failed to agree.

Mr. James J. McKay, of North Carolina (by unanimous consent),[2] from the conference on the part of the House on this bill, made the following report:

> The conferees on the part of the House have met the conferees on the part of the Senate upon the disagreeing votes of the two Houses upon the amendments to the bill making appropriations for the naval service, etc.; and, after free and full conference on the subject of the said disagreeing votes, the conferees have agreed to recommend, and do recommend, to their respective Houses, that the House recede from their disagreement to the first amendment of the Senate, and agree to the same, amended by striking out all thereof after the word "employed," in line 6; that the House recede from its amendment to the third amendment of the Senate, and agree thereto; that the House recede from its amendment to the tenth amendment of the Senate, and agree thereto; and the conferees have not been able to agree upon the eighth and ninth amendments of the Senate to the said bill disagreed to by the House of Representatives.

On motion of Mr. McKay, the House (by unanimous consent) proceeded to consider the message from the Senate announcing the agreement of the Senate to the conference report, and the report was also agreed to by the House. The House then proceeded to consider the amendments still at issue between the Houses.

**6461. Managers may report an agreement as to a portion of the amendments in disagreement, leaving the remainder to be disposed of by subsequent action.—**On September 28, 1850,[3] the conferees on the disagreeing votes of the two Houses on the Senate amendments to the civil and diplomatic appropriation bill made a report which included an agreement on a portion of the amendments, and inability to come to an agreement as to others. The House agreed to the report, and then further insisted on the disagreement to the remaining amendments.

**6462.** On August 10, 1846,[4] Mr. James J. McKay, of North Carolina, from the committee of conference on the disagreeing votes of the two Houses on the amendments to the naval appropriation bill, made a report stating the agreements of the conferees on several amendments, and concluding:

> and the conferees have not been able to agree upon the eighth and ninth amendments of the said bill disagreed to by the House.

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[1] First session Twenty-ninth Congress, Journal, p. 1302; Globe, p. 1222.

[2] This was before conference reports were given a privileged character in the House; hence the unanimous consent was required to make the report out of the regular time allowed for reports.

[3] First session Thirty-first Congress, Journal, p. 1573.

[4] First session Twenty-ninth Congress, Journal, p. 1302.

The House agreed to the report of the conferees, and then took up and considered the remaining amendments.

**6463.** On June 8, 1880,[1] in the Senate, Mr. H. G. Davis, of West Virginia, presented the conference report on the disagreeing votes of the two Houses on the amendments to the legislative appropriation bill. This report consisted of agreement as to some of the amendments, and reported inability to agree on a long series of other amendments.

The President pro tempore[2] raised the question that the adoption of the report would be to adopt a conference report piecemeal, and said he was not aware that such a procedure had ever taken place. Mr. James G. Blaine,[3] of Maine, said:

> The only usage that I have ever known which justifies a partial report of this kind is where it gives the one body or the other a ground for receding if it chooses. If its judgment is that the only point of disagreement left is not worth insisting upon, it recedes; but if it is worth insisting on it simply asks another conference. That is all there is of it; and these partial reports are often made merely to let the body to which they are communicated judge whether on the whole it will further insist.

The President pro tempore therefore did not put the question on agreeing to the report, but on further insisting on the amendments.

On June 9, in the House, the same question arose, and Speaker Randall said:

> The Chair concurs in the opinion expressed on yesterday by the President pro tempore of the Senate, that when contested a report must be complete in order to be concurred in by the two Houses. * * * The Chair thinks the legitimate parliamentary mode of procedure would be to follow the example which has been cited, and for the House either to insist as the Senate did on yesterday on its disagreement, or for the House to say that in their opinion the conferees should recede. In that case the same conferees would go back and they would come to the House again with a complete report on the entire bill, which would be technically a compliance with the parliamentary practice. In that way the Chair thinks the parliamentary law would be executed without any confusion.

It nevertheless appears, from the Journal of the House, that the two Houses acted on the partial report, leaving the amendments still in disagreement for a further conference.

**6464.** On February 15, 1881,[4] the conference report on the Indian appropriation bill was presented to the House. This report constituted an agreement on all the disagreements but two, and in relation to these two the conferees reported inability to agree.

Mr. Omar D. Conger, of Michigan, made the point of order that the House might accept only a complete agreement.

The Speaker pro tempore[5] said:

> The Chair thinks there are many precedents where the House has accepted reports of conference committees agreeing in part and disagreeing as to the remaining matters in dispute. The Chair knows of no rule which would deny to the House the power to accept such a report. He thinks that this report of the committee of conference is in order, but should it be adopted the two Houses will only stand agreed upon such matters as the committees of conference of the two Houses have united upon. The other matters will still be left pending between the two Houses.

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[1] Second session Forty-sixth Congress, Journal of House, pp. 1430, 1434–1437; Record, pp. 4282, 4283, 4336.

[2] Allen G. Thurman, of Ohio.

[3] An ex-Speaker.

[4] Third session Forty-sixth Congress, Record, p. 1664.

[5] J. S. C. Blackburn, of Kentucky, Speaker pro tempore.

**6465. Under certain circumstances managers may report an entirely new bill on a subject in disagreement; but this bill is acted on as a part of the report.[1]—**On April 23, 1858,[2] the committee of conference on the disagreement of the two Houses on the amendment of the House to the bill of the Senate (No. 161) entitled "An act for the admission of the State of Kansas into the Union," made a report stating that they had agreed to an amendment in the nature of a substitute for the House amendment to the Senate bill. And they earnestly recommended the adoption of this amendment to the House bill. The conferees making this report were Senators James S. Green, of Missouri; R. M. T. Hunter, of Virginia; and William H. Seward, of New York (Mr. Seward signed the report, but indorsed his dissent from the measure); and Representatives William H. English, of Indiana; Alexander H. Stephens, of Georgia; and William A. Howard, of Michigan. Mr. Howard, like Mr. Seward, indorsed his dissent from the matter, but not from the parliamentary form of the report.

The House amendment to the Senate bill had been in the form of a substitute, striking out all after the enacting clause and inserting a new text.[3]

The new substitute proposed by the conferees was in the form of a complete bill,[4] complete in form, with a preamble and enacting clause. It was not included in the body of the report of the conferees, but accompanied it "and made a part of their report," in the language of the House Journal.

This conference report was made in the House of Representatives on April 23, and was agreed to on April 30.[5] The question put at that time was on agreeing to the report, and no other question was put on the accompanying substitute bill, which passed the House by virtue of the agreeing to the report.

**6466.** On August 2, 1861,[6] the conferees on the disagreeing votes of the two Houses on the bill (H. R. 54) to provide increased revenue from imports to pay interest on the public debt, and for other purposes, reported an agreement that the Senate recede from their amendment, and that the two Houses agree to a substitute bill. This report was agreed to and the bill became a law.

**6467.** On July 11, 1862,[7] Mr. Thomas D. Eliot, of Massachusetts, made a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate (in the nature of a substitute) to the bill (H. R. 471) "to confiscate the property of rebels for the payment of the expenses of the present rebellion, and for other purposes." This report provided that the House recede from its disagreement to the Senate substitute, and agree to the same with certain specified amendments.

Mr. Samuel S. Cox, of Ohio, made the point of order that, the question between the two Houses being as to the adoption of the bill or the substitute, the committee of conference could only report the bill or substitute.

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[1] See secs. 6421, 6426 of this volume.

[2] First session Thirty-fifth Congress, Journal of House, pp. 674, 675; Globe, p. 1765.

[3] House Journal, pp. 574–582.

[4] House Journal, p. 675.

[5] House Journal, p. 1858.

[6] First session Thirty-seventh Congress, Journal, p. 200.

[7] Second session Thirty-seventh Congress, Journal, p. 1046; Globe, p. 3267.

The Speaker[1] overruled the point of order.

Mr. Cox having appealed, the appeal was laid on the table.

**6468. In the very early practice conference reports were merely suggestions for action, and were neither identical in the two Houses nor acted on as a whole.—**It is evident that it was the old practice of the House to consider the report of conferees as recommendations, and that votes were taken on the motions to recede, insist, or adhere, as recommended by the conferees, instead of simply agreeing to the conference report as one matter as at present. In the proceedings of February 12, 1799,[2] on a bill "respecting balances reported against certain States," etc., the House, after considering the conference report—

*Resolved,* That this House do so far recede from their amendment to the said first amendment as to agree to the same, with a modification and amendment thereof, agreeably to the report of the joint committee of conference thereon.

**6469.** The earlier method of settling differences by conferences is illustrated by the following message received from the Senate on March 24, 1812:[3]

The Senate having taken into consideration the report of the joint committee of conference on the disagreeing vote of the two Houses upon the amendments proposed by the Senate to the bill "concerning the Naval Establishment," have agreed to the amendments proposed by the said committee of conference to the amendments proposed by the Senate to the bill, and have modified the said bill accordingly, and I am directed to ask the concurrence of the House in the said modification.

On the succeeding day the House—

*Resolved,* That the House do so far recede from their disagreement to the said amendments of the Senate, agree to the amendments proposed by the joint committee of conference, and that the said bill be modified accordingly

**6470.** An excellent illustration of the old form of conference report is afforded by that submitted on December 27, 1814,[4] when the conferees reported four recommendations in relation to disagreeing votes of the two Houses on the House amendments to the Senate bill "to authorize the President of the United States to call upon the several States and Territories thereof for their respective quotas of 80,000 militia for the defence of the frontiers against invasion."

These recommendations were taken up separately, the motion being in each case to "concur with the committee of conference in their recommendation."

In this case the House disagreed to the first and second recommendations and agreed to the third and fourth. Thereupon the House resolved to insist on its disagreements to the first and second recommendations, and ask a further conference. Thereupon the former conferees were reappointed.

**6471.** On July 13, 1822,[5] Mr. William Drayton, of South Carolina, from the managers appointed to conduct the conference on the subject-matter of the disagreeing votes of the two Houses on the amendments of the Senate to the bill

[1] Galusha A. Grow, of Pennsylvania, Speaker.

[2] Third session Fifth Congress, Journal, p. 162; also May 1, 1802, first session Seventh Congress, Journal, p. 236; also February 9, 1804. first session Eighth Congress, Journal, p. 402.

[3] First session Twelfth Congress, Journal, pp. 264, 266 (Gales and Seaton ed.).

[4] Third session Thirteenth Congress, Journal, pp. 618, 620 (Gales and Seaton ed.).

[5] First session Twenty-first Congress, Journal, p. 1158; Debates, p. 3912.

(H. R. 584) entitled, "An act to alter and amend the several acts imposing duties on imports," reported—

That the conferees had performed the duty assigned to them, and that, after a full and free conference between the committees upon all the matters submitted to them, the committee on the part of the Senate agreed to recommend to the Senate to recede from their several amendments which were disagreed to by the House, and to concur in the amendments which were made by the House to the amendments of the Senate.

No action was taken on this report by the House and it was laid on the table. In the Senate [1] the amendments were acted on separately in accordance with the recommendation of the conferees, and so the bill was passed.

**6472. In the early practice it was not essential that conference reports should be either signed or printed in the Journal.**

**The practice of acting on the conference report as a whole began in 1828, but did not at once become invariable.[2]**

On May 14, 1828,[3] Mr. George McDuffie, of South Carolina, one of the managers on the differences between the two Houses on the Senate amendments to the bill (H. R. 119) "making appropriations for internal improvements" made the following report:

The managers agree to recommend to their respective Houses the following compromise, to wit:

That the House of Representatives do recede from its vote on the fifth amendment of the Senate; and

That the Senate do consent to modify the third amendment by striking out all after the words "defraying the expenses," in the first line, and inserting "incident to carrying on the examinations and surveys for internal improvements under the act of the 30th of April, 1824, thirty thousand dollars: *Provided,* That this appropriation shall not be construed into a legislative sanction of any examination or survey which shall not be deemed of national importance, or within the provisions of the aforesaid act of the 30th of April, 1824." [4]

This report being considered on May 15, the question was put as follows: "Will the House concur in the recommendations contained in the report of the managers as aforesaid?"

The report was not signed by the managers, even of those on the part of the House.

The report of the Senate conferees, while of course [5] the same in substance as that of the House conferees, was presented in the form of two resolutions:

*Resolved,* That the Senate adhere to the fifth amendment.

*Resolved,* That the Senate recede from all that part of the third amendment after the word "expenses," in the first line, and that the same be modified, etc.

The question was put in the old way, on each of the resolutions separately, instead of upon agreeing to the report of the conferees as a whole.

**6473.** On March 2, 1829,[6] the committee of conference on a bill relating to a treaty with the Winnebagoes, reported—

That the joint committee of conference agreed to recommend to the respective Houses the following resolution:

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[1] Debates, pp. 1274–1293.

[2] See secs. 6530–6533 of this volume for the present practice.

[3] First session Twentieth Congress, Journal, pp. 741, 749; Debates, p. 2674.

[4] This report appears in the Journal in full.

[5] House Journal, p. 746; Debates, p. 787.

[6] Second session Twentieth Congress, Journal, p. 380.

*Resolved,* That the Senate so far recede from their amendment as to reduce the appropriation for the object in controversy from twenty to ten thousand dollars; and that the House of Representatives so far recede from their vote of disagreement as to agree to the amendment of the Senate thus modified.

The motion made and carried by the House was that the House disagree to the report of the managers.

**6474.** On May 18, 1830,[1] the House had before it a conference report on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 71) "for the relief of the city council of Charleston, South Carolina."

The Senate had already informed the House that it had agreed to the modifications proposed by the conferees.

The House, instead of taking a vote on agreeing to the report, as had recently been the practice, considered and agreed to this resolution:

*Resolved,* That this House do recede from their vote to insist on their said amendment and do agree to the modification of the same as proposed by the managers appointed to conduct the conference on the disagreeing vote of the two Houses on the said amendment.

The Journal, which does not give the report, has this entry, "and so the said bill passed both Houses of Congress."

**6475.** On July 5, 1838,[2] a message was received from the Senate announcing that the "Senate have concurred in the report of the committee of conference on the subject-matter of the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill of the Senate (No. 29) entitled, 'An act making appropriations for certain roads in the Territory of Wisconsin,' and have resolved that the said bill do pass accordingly."

On the same day Mr. Charles F. Mercer, of Virginia, from the committee of conference presented the report of the conferees in the House; whereupon—

*Resolved,* That the House do agree to said report and that the said bill do pass accordingly.

This report does not appear in the Journal.

**6476.** In 1838[3] a conference report was presented in the Senate, and after being agreed to there, was presented in the House in identical form and agreed to. The report was on disagreeing votes on amendments to the bill H. R. 595. The report was presented and acted on in the Senate on March 8, 1838, and in the House on March 9. In each House the only question put was on agreeing to the report. This report appears in both the Senate and House Journals, but is not signed by any of the conferees.

**6477.** On May 16, 1842,[4] Mr. Millard Fillmore, of New York, made a report from the managers on the part of the House to conduct the conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. 74) making appropriations for the civil and diplomatic expenses of the Government. This report is in the modern form, recommending in separate paragraphs the actions necessary on the part of each House to end the various disagreements. The report was not signed. It appears in full in the Journal.

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[1] First session Twenty-first Congress, Journal, p. 667.

[2] Second session Twenty-fifth Congress, Journal, pp. 1244, 1250.

[3] Second session Twenty-fifth Congress, Senate Journal, p. 277; House Journal, p. 570.

[4] Second session Twenty-seventh Congress, Journal, pp. 824–826; Globe, p. 505.

When the question was put on agreeing to the report, a discussion arose as to the method in which the vote should be taken, with the result that the Speaker[1] finally decided that the question should be taken on agreeing to each recommendation of the committee separately. The House agreed to all the recommendations, so the bill was finally passed, the Senate also having agreed to the report.

**6478.** On August 8, 1842,[4] the managers of the conference on the bill relating to the organization of the Army made a report, and on August 9 this report was disagreed to. On neither of these days does this report appear on the Journal.

But on August 16[3] a report was made, which was agreed to, and this appears in full in the Journal.

**6479.** On August 16, 1842,[4] the report of the committee of conference on the bill (H. R. 75) making appropriations for the support of the Army and of the Military Academy, was considered in Committee of the Whole House on the state of the Union. When the report was considered in the House the question was put separately on the several recommendations of the managers.

**6480.** On July 25, 1848,[5] the question was put on the conference report on the Indian appropriation bill, on concurring with the Senate in the report. This report had been made in the Senate and agreed to before it was taken up in the House.

**6481. Since 1846 conference reports have generally been signed and appear in the Journal.—**On April 23, 1846,[6] the Journal has in full the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution of the House of Representatives entitled "Joint resolution of notice to Great Britain to annul and abrogate the convention between Great Britain and the United States of the 6th of August, 1827, relative to the country on the northwest coast of America, westward of the Stony Mountains, commonly called Oregon." This report is signed by "Charles J. Ingersoll, Robert Dale Owen, Henry Hilliard, committee on the part of the House; John Macpherson Berrien, Thomas Corwin, William H. Haywood, jr., committee on the part of the Senate." The same report, signed in the same way, except that the signatures of the Senate conferees were placed first, was presented and agreed to in the Senate. This is one of the first, if not the very first, instance of a conference report signed by the conferees, or at least printed with their signatures attached in the Journal of the House and the Globe.

On June 11 another conference report is printed with the signatures.[7] On June 16[8] also a report is printed with the signatures of two of the three conferees of the two Houses. It is evident that the third conferees did not sign because they dissented from the report. On August 10, 1846,[9] a report was made and printed in

[1] John White, of Kentucky, Speaker.

[2] Second session Twenty-seventh Congress, Journal, pp. 1234, 1248.

[3] Journal, p. 1299.

[4] Second session Twenty-seventh Congress, Journal, p. 1301.

[5] First session Thirtieth Congress, Journal, p. 1110.

[6] First session Twenty-ninth Congress, Journal, pp. 706, 707; Globe, p. 716.

[7] Journal, p. 941.

[8] First session Twenty-ninth Congress, Journal, p. 973; Globe, pp. 984, 985.

[9] Journal, p. 1300.

the Journal to which no signatures are attached. Also on August 1[1] a report that the conferees had been unable to agree was made without any signatures.

**6482.** On May 17, 1848,[2] the conference report on the amendments to the bill (H. R. 39) was signed by the chairmen only of the respective committees of the House and Senate.

This report also had annexed to it a letter from the Solicitor of the Treasury, setting forth reasons for the adoption of a certain proviso contained in the report. This annexed document does not appear in the Journal, where the report is printed in full; but a footnote says:

> For said letter see manuscript report.

On March 3, 1849,[3] the Journal has the conference report on the Indian appropriation bill, which does not bear the signatures of the conferees, although at this time the practice of appending the signatures to the report was quite firmly established.

**6483.** By July 31, 1848,[4] it had become the general practice for the conference reports to be signed by the conferees; but on that date a report appears in the Journal—the report of the conferees on the naval appropriation bill—unsigned.

**6484.** In the Thirty-first, Congress there was a varied usage in regard to conference reports. The Journal shows that on May 20, 1850,[5] on the bill for taking the Seventh Census, the conference report is signed by the three House conferees, but not by the Senate conferees. On August 28, 1850,[6] the conference report on the supplemental census bill is not signed at all. On September 28, 1850,[7] the conference report on the civil and diplomatic appropriation bill appears signed by the conferees of both Houses. On September 28, 1850,[8] a further report on the same bill appears signed only by two of the House conferees, and on the same day the report on the Indian appropriation bill appears signed by the chairman on the part of the House and the chairman on the part of the Senate.[9]

On September 19, 1850,[10] the conferees on the mileage deficiency bill reported an inability to agree. The report is not signed and does not appear to have been made in writing.

On September 28, 1850,[11] the conference report on the Indian appropriation bill was disagreed to by the House, but it nevertheless appears in full in the Journal, although such had not generally been the practice in the case of reports disagreed to.

**6485.** In the second session of the Thirty-first Congress two of the conference reports are signed by the conferees and the other two are not signed.[12]

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[1] Journal, p. 1199.

[2] First session Thirtieth Congress, Journal, p. 811; Globe, p. 774.

[3] Second session Thirtieth Congress, Journal, p. 648.

[4] First session Thirtieth Congress, Journal, pp. 1138, 1139.

[5] Journal, p. 947.

[6] Journal, p. 1319.

[7] Journal, p. 1573.

[8] Journal, p. 1590.

[9] Journal, pp. 1590, 1591.

[10] Journal, p. 1496.

[11] Journal, p. 1576.

[12] Second session Thirty-first Congress, Journal, pp. 362, 421, 449, 453.

**6486.** On March 3, 1853,[1] several conference reports appear in the Journal, and none of them are signed by the conferees.

**6487.** On February 2, 1853,[2] the conference report on the Indian appropriation bill appears in the Journal without the signatures of the conferees, although at this time the practice of having the reports signed had become well established.[1]

**6488. The name of an absent manager may not be affixed to a conference report; but the House and Senate may authorize him to sign the report after it has been acted on.—**On February 20, 1907,[3] Mr. William S. Bennet, of New York, offered the following resolution, which was considered by unanimous consent and agreed to:

*Resolved by the House of Representatives (the Senate concurring),* That the Clerk of the House and the Secretary of the Senate are hereby authorized and directed to permit Jacob Ruppert, jr., as one of the House managers, to affix his name to the report of the managers of conference on the disagreeing votes of the two Houses on the bill (S. 4403) regulating immigration.

On the same day the resolution was agreed to by the Senate. The report had already been agreed to by the two Houses.

**6489. Sometimes a manager indorses the conference report with a conditional approval or dissent.—**On August 1, 1861,[4] the conference report on the bill for the better organization of the Army is signed by all the conferees, but before the name of Mr. John Sherman, of Ohio, appears this indorsement:

I agree to this report except to the proposed increase of the staff of the Army.

**6490.** On March 2, 1861,[5] the report of the conferees on the Indian appropriation bill was presented to the House. This report was signed by all three of the House conferees, but before the name of Mr. John S. Phelps, of Missouri, are the words:

I dissent.

**6491.** On July 9, 1862,[6] the conference report on the naval appropriation bill appears in the Journal signed by all the conferees, but before the name of Mr. Elihu B. Washburne, of Illinois, appear the words:

I dissent from this report.

**6492.** On February 23, 1864,[7] the report of the conference on the bill (H. R. 122) to increase the revenue was made in the House. It was signed by all the conferees of the House, but Mr. Elihu B. Washburne, of Illinois, indorsed before his name as follows:

I dissent from this report.

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[1] Second session Thirty-second Congress, Journal, pp. 392, 394, 407, 419.

[2] Third session Thirty-fourth Congress, Journal, p. 595.

[3] Second session Fifty-ninth Congress, Record, pp. 3449, 3456.

[4] First session Thirty-seventh Congress, Journal, p. 195.

[5] Second session Thirty-sixth Congress, Journal, p. 457.

[6] Second session Thirty-seventh Congress, Journal, p. 1023.

[7] First session Thirty-eighth Congress, Journal, p. 295.

**6493.** On January 5, 1853,[1] Mr. William H. Polk, of Tennessee, submitted the report of the committee of conference on the disagreeing votes of the two Houses on the bill of the Senate (S. 32) for the relief of Margaret L. Worth. This report was signed by all the conferees on the part of both the House and Senate, but one of the House conferees, Mr. Isham G. Harris, of Tennessee, accompanied his signature with this indorsement:

I dissent from the above report.

**6494.** On February 21, 1855,[2] the House considered the report of the committee of conference on the disagreeing votes of the two Houses over the bill (S. 96) to provide for the payment of certain creditors of the late Republic of Texas.

This report was signed by all the conferees of both House and Senate, but Mr. George W. Jones, of Tennessee, of the House managers, accompanied his signature with this indorsement:

I do not concur in the above recommendation and report.

**6495.** On April 23, 1858,[3] all the conferees on the disagreeing votes of the two Houses on the bill (S. 161) for the admission of the State of Kansas into the Union signed the report, but over each of the signatures of Mr. William A. Howard, of the House, and Mr. William H. Seward, of the Senate, appears this indorsement:

The undersigned, one of the managers on the part of the House (Senate), does not agree to the foregoing report.

**6496.** On April 25, 1904,[4] the conference report on the Post-Office appropriation bill was presented in the House for printing in the Record. One of the managers of the conference, Mr. John A. Moon, of Tennessee, signed the report with the following indorsement:

I concur in this report except as to [Senate amendments] Nos. 42 and 43.

**6497. A point of order being made that a conference report, which was duly signed by a majority of the managers, was not authorized, the Speaker submitted the question of its reception to the House.**

**A conference report is received if signed by a majority of the managers of each House.**

On February 27, 1863,[5] Mr. Thaddeus Stevens, of Pennsylvania, presented the conference report on the bill (H. R. 591) to indemnify the President and other persons for suspending the writ of habeas corpus and acts done in pursuance thereof. This report was signed by two of the House conferees. The third, Mr. George H. Pendleton, of Ohio, had not signed the report, and when it was presented made a point of order that the report was not as ordered by the committee.

It appeared from the debate that the committee had approved as a part of the report a paragraph; but that this was not to be inserted if an investigation should show that it would involve a certain question of order. After this point had been ascertained, the chairman saw the conferees individually and the paragraph which

[1] Second session Thirty-second Congress, Journal, p. 106; Globe, p. 230.

[2] Second session Thirty-third Congress, Journal, p. 425; Globe, p. 863.

[3] First session Thirty-fifth Congress, Journal, p. 675.

[4] Second session Fifty-eighth Congress, Record, p. 5538.

[5] Third session Thirty-seventh Congress, Journal, p. 514; Globe, p. 1355.

had been provisionally approved was dropped. The point of order made was that a committee of conference, like any other committee, could report only what had been determined in an actual assembly of the committee.

After debate the Speaker[1] said that it had always been held that that was the report of a committee of conference which was signed by a majority of the conferees. The Manual provided:

> If it is disputed that a report had been ordered in by a committee, the question of reception must be put to the House.

Therefore he put the question "Shall the report be received as the report of the committee?" and there appeared, yeas 88, nays 42. So the report was received.

**6498.** On June 19, 1878,[2] Mr. John D. C. Atkins, of Tennessee, who was chairman of the managers of the conference on the sundry civil appropriation bill, did not sign the conference report, which carried $5,500,000 to pay the Halifax fisheries award. Mr. Atkins was also chairman of the Committee on Appropriations. The report came to the House signed by the two remaining members of the managers, Messrs. Abram S. Hewitt, of New York, and Eugene Hale, of Maine. No question was raised as to the reception of the report.

**6499. Form of conference report wherein the House recedes from its amendment to a Senate bill.—**On February 28, 1907,[3] in the Senate, Mr. Porter J. McCumber, of North Dakota, presented this conference report, which was agreed to:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7840) granting an increase of pension to Lewis A. Towne having met, after fall and free conference have agreed to recommend and do recommend to their respective Houses as follows:
>
> That the House recede from its amendment.
>
> P. J. McCumber,
> N. B. Scott,
> Jas. P. Tallaferro,
> *Conferees on the part of the Senate.*[4]
> John C. Chaney,
> E. S. Holliday,
> *Conferees on the part of the House.*

**6500. Form of conference report wherein the Senate recedes from certain of its amendments to a House bill, while the House recedes from its disagreement as to others and agrees to certain others with amendment.**

**The signature of a majority of the managers of each House is sufficient for a conference report.**

On February 9, 1907,[5] in the Senate, Mr. Eugene Hale, of Maine, presented a conference report as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24538) making appropriations for the diplomatic and consular service for the

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[1] Galusha A. Grow, of Pennsylvania, Speaker.

[2] Second session Forty-fifth Congress, Record pp. 4887, 4889.

[3] Second session Fifty-ninth Congress, Record p. 4248.

[4] The word "managers" is more properly used instead of "conferees" in drawing a report. In debate either word is used.

[5] Second session Fifty-ninth Congress, Record, p. 2631.

fiscal year ending June 30, 1908, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, and 3.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and Wee to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the sum named in lines 5 and 6 of said amendment and insert in lieu thereof the following: "one hundred thousand dollars;" and the Senate agree to the same.

EUGENE HALE,
S. M. CULLOM,
*Managers on the part of the Senate.*[1]
R. G. COUSINS,
C. B. LANDIS,
WM. M. HOWARD,
*Managers on the part of the House.*[2]

**6501.** On February 22, 1907,[3] in the Senate, Mr. Shelby M. Cullom, of Illinois, presented the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21574) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 13, 14, 15, 23, * * * etc.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, * * * etc.

* * * * * * *

That the House recede from its disagreement to the amendment of the Senate numbered 224, and agree to the same with an amendment as follows:

In lieu of the number proposed insert "5;" and insert the words "Sec. 4" before the matter substituted for the amendment of the Senate numbered 222; and the Senate agree to the same.

S. M. CULLOM,
F. E. WARREN,
*Managers on the part of the Senate.*
LUCIUS N. LITTAUER,
L. F. LIVINGSTON,
*Managers on the part of the House.*

[In this case only two of the three conferees of each House signed the report.]

**6502.** On February 22, 1907,[4] in the Senate, Mr. Moses E. Clapp, of Minnesota, offered the following:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5290) providing for the allotment and distribution of Indian tribal funds, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

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[1] Very frequently one of the three managers does not sign the report. It is necessary, however, that two of the three shall sign.

[2] Conference reports are drawn up in duplicate, and in that which is presented to the House the names of the House managers are signed first.

[3] Second session Fifty-ninth Congress, Record, pp. 3602, 3603.

[4] Second session Fifty-ninth Congress, Record, pp. 3622, 3623.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out insert the following:

*"Provided further,* That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government at time of such apportionment and allotment."

And the Senate agree to the game.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 2. That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe."

And the Senate agree to the same.

MOSES E. CLAPP,
GEO. SUTHERLAND,
W. J. STONE,
*Managers on the part of the Senate.*
JOHN F. LACEY,
CHARLES H. BURKE,
WM. T. ZENOR,
*Managers on the part of the House.*

**6503. Form of conference report on House amendments to a Senate bill, where the House recedes from some of its amendments and the Senate recedes from its disagreement as to others.—**On February 8, 1907,[1] the following conference report was presented in the House:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6364) entitled "An act to incorporate the National Child Labor Committee," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

E. L. TAYLOR, Jr.,
SAMUEL W. SMITH,
T. W. SIMS,
*Managers on the part of the House.*
JOHN C. SPOONER,
A. O. BACON,
*Managers on the part of the Senate.*

**6504. Form of conference report in a case wherein the House had disagreed to a Senate amendment to a House amendment to a Senate bill.**

**Form of statement accompanying report of the House managers of a conference.**

[1] Second session Fifty-ninth Congress, House Report No. 7570.

**On February 26, 1907,[1] Mr. Francis W. Cushman, of Washington, presented a conference report as follows:**

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the bill S. 925, "An act authorizing the construction of a steam vessel for the Revenue-Cutter Service of the United States," having met, after full and free conference, have Weed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to the amendment of the House.

JAMES R. MANN,
FRANCIS W. CUSHMAN,
W. H. RYAN,
*Managers on the part of the House.*
S. B. ELKINS,
GEO. C. PERKINS,
S. R. MALLORY,
*Managers on the part of the Senate.*

Accompanying this report, Mr. Cushman presented a written statement as follows:

The original bill as it passed the Senate authorized the construction of one revenue cutter for use in the Puget Sound waters.

This bill was amended in the House by striking out all of said bill after the enacting clause and inserting provisions authorizing the construction of four (4) vessels for the Revenue-Cutter Service at a total cost not to exceed $650,000, and amending the title of said bill to conform with said amendment.

The Senate agreed to the amendment of the House with an amendment which in substance authorized the construction of one additional boat, to wit: One motor boarding boat for the port of Galveston, Tex.

The Senate now recedes from this Senate amendment. The effect of this is to eliminate from the bill the provision for the one motor boarding boat for the port of Galveston, Tex., and leaves the bill providing for the four revenue-cutter vessels. This leaves the bill in exactly the same form as it passed the House.

JAMES R. MANN,
FRANCIS W. CUSHMAN,
W. H. RYAN,
*Conferees[2] on the part of the House.*

**6505. The statement accompanying a conference report should be in writing and signed by at least a majority of the House managers.—**On April 13, 1880,[3] Mr. Philip B. Thompson, of Kentucky, presented a conference report on the bill (S. 885) providing for taking the census, when Mr. Omar D. Conger, of Michigan, called for the detailed statement called for by the rule.

A question at once arose as to the nature of the statement called for by the rule, then recently adopted.

After debate the Speaker pro tempore[4] said:

In construing an amended statute it is necessary to take into consideration the statute previous to its amendment. Before the amendment of this rule conference reports were submitted and signed by the conferees, and it was customary to call on any member of the conference committee to make explanation of the effect of the report if adopted. The Chair understands the new part of the rule was

[1] Second session Fifty-ninth Congress, Record, p. 4000.

[2] The more frequent form uses the word "Managers" instead of "Conferees."

[3] Second session Forty-sixth Congress, Record, p. 2367.

[4] William M. Springer, of Illinois, Speaker pro tempore.

intended to change that practice, and therefore in construing the language of that new part of the rule, namely:

"And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate."

it is necessary to give effect to that additional provision. In order to give effect to it the Chair understands it has reference to something in addition to the report of the conference committee, something to accompany that report, an explicit detailed statement, which, of course, could not be the report itself.

Whether that additional detailed statement should be made verbally or in writing may be a question open to some doubt; but, in view of the fact that this detailed statement must be made by the referees as a statement accompanying the report, the Chair is of the opinion that it must come with the sanction, of the conferees; not a statement of one of the managers of the conference, but a statement of all of them, or a majority of them, and to be a statement of all of them, or a majority of them, it must be in writing, detailed and sufficiently explicit that Members of the House, on the reading of it, can understand the changes to be effected and the actual purport of the conference report. The Chair therefore is of the opinion that, in presenting a conference report, it must be accompanied by a detailed statement in writing, signed by the conferees themselves or a majority of them, giving their explanation of the changes made in their own report. This report not being accompanied by such detailed statement in writing, signed by the respective conferees, the Chair sustains the point of order and holds that the report is not in order under the rule.

**6506.** On the calendar day of March 3, 1901,[1] but the legislative day of March 1, Mr. Theodore E. Burton, of Ohio, presented the conference report on the river and harbor bill.

Mr. William P. Hepburn, of Iowa, having raised a question of order as to the statement accompanying the report, the Speaker[2] said:

The House will observe that the rule does not say that the statement shall be signed. The statement that there was a statement would seem to be sufficient. The Chair is advised, and, in his own recollection, presented reports himself in which the statement was not signed, although it is usually the case that the statement is signed.

**6507. A conference report may not be received without the accompanying statement required by the rule.—**On December 20, 1890,[3] Mr. Thomas H. Carter, of Montana, as a privileged question, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 8049) to provide for the disposition of the abandoned Fort Ellis military reservation in Montana, submitted a report.

The report having been read, Mr. John H. Rogers, of Arkansas, made the point of order that as no statement accompanied the report it could not, under the rules, be now considered.

The Speaker[4] sustained the point of order.

**6508.** On May 28, 1896,[5] Mr. Benson Wood, of Illinois, submitted a conference report on the bill (H. R. 2604) to increase the pension of Caroline A. Hough.

Mr. Eugene F. Loud, of California, raised the point of order that no statement accompanied the report.

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[1] Second session Fifty-sixth Congress, Record, p. 3578.

[2] David B. Henderson, of Iowa, Speaker.

[3] Second session Fifty-first Congress, Journal, p. 75.

[4] Thomas B. Reed, of Maine, Speaker.

[5] First session Fifty-fourth Congress, Record, p. 5865.

The Speaker[1] held that such a statement was required, and the report was withdrawn.

**6509.** On February 1, 1897[2] Mr. Newton M. Curtis, of New York, presented a conference report on the Military Academy appropriation bill.

Mr. Joseph W. Bailey, of Texas, insisted that there should be a written statement,[3] as required by the rule.

There being no such statement the Speaker[1] held:

The gentleman from Texas [Mr. Bailey] makes the point that the conference report can not be received in the absence of a written statement of the House conferees, as required by the rules. The Chair sustains the point.

**6510.** On May 2, 1902[4] Mr. Joseph V. Graff, of Illinois, presented a conference report on the bill (H. R. 7018) for the relief of Robert J. Spottswood, etc.

The report having been read, Mr. Eugene F. Loud, of California, raised the question of order that the written statement required by the rules did not accompany the report.

There being no statement, the Speakers[5] said:

The rules axe explicit on this matter. A written statement must accompany the report. The gentleman will please recall his report until the statement is furnished.

**6511. It is for the House and not the Speaker to determine whether detailed statement accompanying a conference report is sufficient to comply with the rule.—**On February 28, 1887,[6] the conferees on the river and harbor appropriation bill presented with their report a statement, as required by the rule,[7] and it was read.

Thereupon Mr. William P. Hepburn, of Iowa, made the point of order that the statement was meager in its character and not a compliance with the rule.

The Speaker[8] decided:

The rule requires the managers of the conference on the part of the House to make this detailed statement. But the Chair does not feel it is in the province of the Chair to determine whether that report is sufficient or not. That is for the House to determine. Another rule requires that when committees report back to the House bills, resolutions, etc., such bills, etc., shall be accompanied by reports in writing. It frequently happens that a committee does nothing more than recommend in one or two lines the passage or rejection of a measure. And the objection has sometimes been made that these reports are insufficient, but that has been held to be a question which the Chair can not decide. The Chair can not assume the responsibility of examining all the reports and determining whether they axe sufficient.[9] That is involved in the question now pending whether the House will consider the report, If it is thought that the statement is insufficient and that that is a reason why the House should not consider the report, that, of course, will control the votes of the gentlemen on the floor.

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[1] Thomas B. Reed, of Maine, Speaker.

[2] Second session Fifty-fourth Congress, Record, p. 1412.

[3] It was so held early in the history of the rule, and at the same time Speaker pro tempore William M. Springer, of Illinois, ruled that the statement should be signed by the managers on the part of the House. (Second session Forty-sixth Congress, Journal, pp. 1016, 1017; Record, pp. 2365, 2367).

[4] First session Fifty-seventh Congress, Record, p. 4978.

[5] David B. Henderson, of Iowa, Speaker.

[6] Second session Forty-ninth Congress, Record, p. 2437; Journal, pp. 770, 771.

[7] Rule XXIX. See section 6443 of this volume.

[8] John G. Carlisle, of Kentucky, Speaker.

[9] Mr. Speaker Carlisle ruled this way again in 1899. (Second session Fiftieth Congress, Journal. p. 414; Record, p. 1488.)

**6512.** On December 4, 1894,[1] Mr. James D. Richardson, of Tennessee, presented a conference report on the bill (H. R. 2650) providing for the public printing, etc.

The report and accompanying statement having been read, Mr. John De Witt Warner, of New York, made the point that the statement was not sufficiently explicit, and that the report therefore should not be received.

The Speaker[2] overruled the point of order, holding that the rule required that there should accompany each conference report a detailed statement or explanation; but, as was held in the Forty-ninth Congress, it was not for the Chair to determine whether the submission of a paper purporting to be a detailed statement of the effect of a conference report was sufficient compliance with the rule. The House might, if it desired, receive the report without any detailed statement whatever.[3]

**6513. While the Chair may not pass upon the completeness of the written statement accompanying a conference report, he may require it to be in proper form.—**On March 2, 1883,[4] Mr. Benjamin Butterworth, of Ohio, presented the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Army appropriation bill (H. R. 7077).

The accompanying, statement having been read, Mr. Edward S. Bragg, of Wisconsin, made the point of order that the accompanying statement was not in compliance or conformity with Rule XXIX, and also the further point of order that the report itself was not in compliance with the said rule.

The Speakers[5] overruled the point of order, on the ground that it was not for the Chair to decide whether a conference report and accompanying statement was or not in strict conformity with said rule, that being a question of fact.

On March 3, 1883,[6] Mr. William D. Kelley, of Pennsylvania, made a report from the committee of conference on the disagreeing votes of the two Houses on the Senate amendments to the bill (H. R. 5538) to reduce internal revenue taxation.

Mr. Thomas M. Bayne, of Pennsylvania, made the point of order against the report that it was not accompanied by such a detailed statement as was required by the rule.

After debate the Speaker said:

> The Chair is ready to dispose of this question. * * * On yesterday the Chair did say, as has been stated by the gentleman from Massachusetts [Mr. Robinson], that it was not called on to decide the effect of a report. The point of order was made by the gentleman from Wisconsin [Mr. Bragg], that the conference report itself was not sufficiently explicit. The Chair declined to go into that question, declined to undertake to analyze the report, and decide for the House or the conferees what language should be used in it. That is as far as the Chair went on the occasion referred to. * * * The question is presented whether this conference report can be received from the conferees at all without an accompanying statement, and under the rule it is perfectly clear that it can not.

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[1] Third session Fifty-third Congress, Journal, pp. 15 and 16.

[2] Charles F. Crisp, of Georgia, Speaker.

[3] See, however, section 6507 of this chapter, wherein, when the case was directly presented, the Speaker held that a report unaccompanied by a statement should not be received.

[4] Second session Forty-seventh Congress, Journal, p. 563; Record, p. 3638.

[5] J. Warren Keifer, of Ohio, Speaker.

[6] Journal, pp. 610, 611; Record, p. 3711.

Then the question is whether there is an accompanying statement. At the time the point of order was made the Chair was not able to ascertain anything that purported to be an accompanying statement was in existence. Since that point of order was made a paper has been furnished at the desk which is entitled "Index to changes proposed by the committee of conference," which seems to be signed by a majority of the conferees on the part of the House. But this does not purport to be an accompanying statement giving any sort of effect to proposed changes. The Chair thinks there should bean accompanying statement and the report can not be received until there is one for consideration.

Mr. Kelley thereupon presented a written statement signed by the majority of the conferees on the part of the House.

Mr. John G. Carlisle, of Kentucky, made the point of order that the statement was not sufficiently complete.

The Speaker said:

The Chair can not pass upon the effect of a statement or the question as to whether or not it covers all that it might contain; or hold that it should be more full and explicit and embody all that every Member of the House might desire it to embody. The Chair believes this to be a statement entitled to be called such under the rule; and although, as the Chair has said, it may not go to the extent that every gentleman might desire, the Chair thinks it is nevertheless a statement within the meaning of the rule, and therefore overrules the point of order.

**6514. Form of statement to accompany a report of managers of a conference to the House.—**On February 26, 1907,[1] Mr. Walter I. Smith, of Iowa, presented a conference report accompanied by a statement in form as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23821) making appropriations for fortifications and other works of defense submit the following written statement explaining the effect of the action agreed upon and recommended in the accompanying conference report on each of said amendments:

On amendment numbered 1: Appropriates $900,000, instead of $700,000, as proposed by the House, and $1,200,000, as proposed by the Senate, for construction of fire-control stations and accessories.

* * * * * * *

On amendment numbered 11: Strikes out the appropriation of $600,000, proposed by the House, for construction of seacoast batteries in the Hawaiian and Philippine Islands.

On amendments numbered 12 and 13: Appropriates, respectively, for construction of seacoast batteries for Hawaiian Islands $200,000, and for construction of seacoast batteries in the Philippine Islands $500,000.

WALTER I. SMITH,
J. WARREN KEIFER,
JOHN J. FITZGERALD,
*Managers on the part of the House.*

**6515.** February 27, 1907,[2] Mr. Theodore E. Burton, of Ohio, presented the following statement to accompany a conference report:

The House conferees on H. R. 24991, making appropriations for the construction, repair, and preservation of certain public works on-rivers and harbors, and for other purposes, would respectfully report that they have reached an agreement with the Senate conferees, and recommend that the conference report on the bill filed herewith be adopted.

The total appropriations and authorizations in the bill as passed by the House was $84,198,138. The amount added by the Senate amendments was $8,685,334. As agreed upon in conference these additions have been reduced to $2,815,294, making the total amount carried by the bill in appropriations and authorizations $87,013,432.

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[1] Second session Fifty-ninth Congress, Record, p. 3999.

[2] Second session Fifty-ninth Congress, Record, p. 4174.

Aside from items of appropriation, the two main differences between the House and the Senate were in the provision for the acquisition of necessary land for the construction of a canal in St. Marys River, Michigan. Upon this an agreement has been reached which is set forth in the conference report. The Senate provision sought to authorize the acquisition of all land and waters between the existing canal in St. Marys River and the international boundary line. The question of the acquisition of this land is much embarrassed by conflicting claims of title. The provision as agreed upon provides only for the acquisition of the land immediately needed for the new canal and lock appropriated for in this bill, but seeks to prevent the creation of rights which will hereafter embarrass the Government in case, as is probable, other canals and locks may be required to meet the growing demands of traffic.

The Senate added as section 6 a provision authorizing the Secretary of War to approve a change of plans or of location in or over any navigable water of any pier, wharf, bridge, or other structure which has heretofore been or may hereafter be approved by the Secretary of War upon application by the parties interested, provided that such change shall be within the original authorization for such structure, etc., is stricken out, and this section is made to apply only to a bridge across the Hudson or North River at New York City.

THEODORE E. BURTON,
B. B. DOVENER,
J. H. BANKHEAD,
*Managers on the part of the House.*