Chapter CCLXVI.[1]

PRIVILEGE AND FORM OF CONFERENCE REPORTS.

1. Decisions illustrating high privilege of. Sections 3291–3294.
2. Signing of, by the managers. Section 3295.
3. Forms of, in present practice. Sections 3296, 3297.

3291. Consideration of a conference report has precedence of a motion to go into the Committee of the Whole for the consideration of a general appropriation bill.—[On May 5, 1908,[2] Mr. James A. Tawney, of Minnesota, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.]

Mr. John H. Foster, of Indiana, offered, as preferential, a motion for the consideration of the conference report on the bill (S. 29) for the control of tuberculosis in the District of Columbia.

Mr. Champ Clark, of Missouri, the minority leader, submitted that the motion to go into the Committee of the Whole for the consideration of a general appropriation bill was preferential.

The Speaker[3] held that the consideration of a conference report was of higher privilege and recognized Mr. Foster to call up the report, which was considered and agreed to.

3292. Consideration of conference reports is in order on days devoted to District of Columbia business under the rules.—[On February 27, 1911,[4] a Monday set apart under the rules for the consideration of business reported by the Committee on the District of Columbia, Mr. Samuel W. Smith, of Michigan, moved that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of District of Columbia business on the calendar.]

Mr. Frederick H. Gillett, of Massachusetts, interposed and demanded recognition to call up for consideration the conference report on the legislative, executive, and judicial appropriation bill.

The Speaker[3] held that the conference report took precedence of District of Columbia business in order on that day, and recognized Mr. Gillett to call up the conference report.

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[1] Supplementary to Chapter CXXXVI.
[2] First session Sixtieth Congress, p. 5766.
[3] Joseph G. Cannon, of Illinois, Speaker.
[4] Third session Sixty-first Congress, Record, p. 3589.

3293. On Monday, May 13, 1912,[1] a day set apart by the rules for the consideration of bills reprted by the Committee on the District of Columbia, Mr. Ben Johnson, of Kentucky, proposed to call up the bill (S. 2224) to regulate the height of buildings in the District of Columbia, reported by that committee.

Mr. William W. Rucker, of Missouri, interposed a request that the Speaker lay before the House a conference report on the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. Johnson having demanded, as the regular order, that the House proceed to the consideration of bills on the calendar reported by the District of Columbia, the Speaker[2] held that conference reports took precedence of business in order on District Monday.

3294. A conference report displaces consideration of a report from a special committee and may interrupt debate, but a Member so taken from the floor is entitled to recognition when the privileged matter has been disposed.—On March 3, 1919,[3] Mr. Ben Johnson, of Kentucky, from the special committee appointed to investigate and report on the personnel, finances, character, and activities of the National Security League, had concluded the reading of the report of the committee, when, pending recognition of Mr. Joseph Walsh, of Massachusetts, to present minority views, Mr. James R. Mann, of Illinois, rose to a parliamentary inquiry.

In response to Mr. Mann's inquiry, the Speaker[2] held that it would be in order to call up a conference report at any time during the proceedings and that a conference report so called up would displace the report of the special committee. In reply to a further inquiry from Mr. Mann, the Speaker also held that a conference report so called up would take a Member debating the special report from the floor, but after disposition of the conference report the Member interrupted would be entitled to recognition to resume debate.

Thereupon, Mr. Walsh was recognized to read the minority report from the special committee, when Mr. Henry D. Flood, of Virginia, called up the conference report on the diplomatic and consular appropriation bill.

On the following day,[4] the conference report having been disposed of, the Speaker recognized Mr. Walsh to conclude debate interrupted when the conference report was called up.

3295. Conference reports must be signed by the managers.—On May 18, 1910,[5] in the Senate, Mr. Jonathan P. Dolliver, of Iowa, proposed to submit a conference report on the agricultural appropriation bill.

Mr. Eugene Hale, of Maine, raised the question of order that the report could not be received, because it was not in proper form in that it had not been signed by the managers.

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[1] Second session Sixty-second Congress, Record, p. 6345.

[2] Champ Clark, of Missouri, Speaker.

[3] Third session Sixty-fifth Congress, Record, p. 4925.

[4] Record, p. 5035.

[5] Second session Sixty-first Congress, Record, p. 6443.

The President pro tempore [1] sustained the point of order and ruled:

The Chair is of the opinion that the conference report should have been signed even under the statement made by the Senator from Iowa. The Senate must have before it a report signed by the conferees. That is the opinion of the Chair.

3296. While conference reports must be written in duplicate, it is the practice to prepare conference reports on appropriation bills in triplicate, and on occasion all conference reports have been required in triplicate.— On February 19, 1913,[2] Mr. John J. Fitzgerald, of New York, asked unanimous consent for the consideration of a concurrent resolution requiring all conference reports to be made in triplicate, one copy to be delivered to the enrolling clerk of the House in which the respective bills originated.

Pending his request, Mr. Fitzgerald explained:

The object is to facilitate the work of the enrolling room during the remaining days of the session. The practice of the Committee on Appropriation has been three copies of their conference reports. That has been of such great advantage that the enrolling clerks have requested that it be extended to all conference reports. The purpose of this is to enable the enrolling clerks to start their work. The comparison will be made with the original.

Mr. James R. Mann, of Illinois, demurred:

It does not seem to me that there is any occasion for requiring a copy of every conference report to be delivered to the enrolling clerk, unless it be on appropriation bills. That might be desirable. Many of the Members of the House who go on conference committees do not have clerks who are thoroughly familiar with requirements of this sort, and I do not see any necessity of it. I suppose the purpose of it is to have copies of the appropriation bills. Why not confine it to that?

I am not at all certain that it will work successfully, although I am willing to try it on appropriation bills. Copies of conference reports are not always the same, but when a conference report is presented to the Senate it is printed, and when it is presented to the House it is printed at some time or other. If there are errors, they are discovered. Here is a proposition to deliver another conference report to the enrolling room which never is presented to either body. If there is an error in it, of course the error will be copied into the enrolled bill.

The enrolling clerks are not going to compare an enrolled bill with two original conference reports. When you deliver a paper in triplicate, each one is an original. I have no objections, if you confine this to the appropriation bills.

Thereupon, Mr. Fitzgerald withdrew the resolution, and on the following day [3] presented it in this form:

Resolved, That the managers on the part of the House shall, during the remainder of this session, present with all conference reports an extra copy for the use of the enrolling clerk.

By unanimous consent, the resolution was considered and agreed to without debate.

3297. Conference reports in citing amendments must refer to the engrossed copies of the bill and amendments and not to reprints.—On December 22, 1916,[4] the House was considering the conference report on the bill (H. R.

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[1] William P. Frye, of Maine, President pro tempore.

[2] Third session Sixty-second Congress, Record, p. 3467.

[3] Record, p. 3056.

[4] Second session Sixty-fourth Congress, Record, p. 680.

407) to provide for stock-raising homesteads, when Mr. James R. Mann, of Illinois, to whom time had been yielded for debate, said:

Mr. Speaker, without making any criticism of the conference report, but merely for the purpose of calling the attention of Members to the method of making up the conference report, I want to make a little statement. When the House passes a bill, the bill is engrossed and sent to the Senate. That is the only official copy of the bill, the engrossed copy, which accompanies all communications between the two Houses. If the Senate adds amendments, those amendments are engrossed, and reference is made in page and line to the original engrossed copy of the House, and when the two Houses finally act that original engrossed copy with amendments which might be added goes to the enrolling clerk and he makes up the enrolled bill from that. As a matter of convenience we print the House bill with Senate amendments, Senate amendments numbered and interlined in the bill in italics, but that is not the official copy that goes to the engrossing clerk, and where an amendment is offered, as in this case in the conference report, by reference to this unofficial copy instead of the official copy, the clerk has to guess at what the two Houses mean when he goes to enroll the bill, and it is never safe for the enrolling clerk to guess at what goes in the enrolled bill. Now, in this case reference is made to page 3, line 12, after the word "areas" insert the following: "of the character herein described;" but there is no such word as "areas" on page 3, line 12, of the engrossed copy of the bill. Then again page 9, line 22, after the word "lands" add the following. There is no such word as "lands" on page 9, line 22, of the copy of the bill which goes to the clerk to be enrolled. I imagine in this case the clerk will be able to guess correctly and enroll the bill correctly, and yet members of the conference committee, or their clerks, ought to be very careful when they refer to page and line of the engrossed bill to have the engrossed bill to properly refer to, so that mistakes will not occur, and then the error be laid to the enrolling clerk of one of the Houses.