DON EDWARDS,
MIKE SYNAR,
Managers on the Part of the House.

§ 16. Privilege of Filing; When in Order

Filing of Report as Privileged

§ 16.1 The filing of a conference report while the House is in session is a privileged matter and the presentation of such a report does not require unanimous consent.

On Aug. 1, 1968,[14] after Mr. Graham B. Purcell, of Texas, submitted a conference report and statement on H.R. 16363, a bill to clarify and amend the Poultry Products Inspection Act, Mr. Wiley Mayne, of Iowa, raised the following objection:

> Mr. Speaker, I wish to object to the filing of the conference report on the ground that it is not in proper form. I am a conferee and I have not had an opportunity to see the report.
>
> THE SPEAKER PRO TEMPORE:[15] That is a matter that the gentleman should take up with the gentleman from Texas.
>
> The Chair has no knowledge of the conference report except that it is being filed.
>
> MR. MAYNE: Mr. Speaker, I wish to have the record made clear that I do object to its filing for the reason that it is not in the proper form.
>
> THE SPEAKER PRO TEMPORE: The gentleman's statement will appear in the Record.

§ 16.2 Notwithstanding the recommittal of a conference report to a committee of conference with instructions, the subsequent conference report is filed as privileged, given a new number and otherwise treated as a new and separate report.

On May 8, 1963,[16] the House voted to recommit the conference report, House Report No. 275, on H.R. 5517, a supplemental appropriations bill. On May 14, 1963,[17] Speaker John W. McCormack, of Massachusetts, recognized Mr. Albert Thomas, of Texas, to call up House Report No. 290.

> MR. THOMAS: Mr. Speaker, I call up the conference report on the bill (H.R. 5517) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, and ask unanimous consent that the statement

14. 114 CONG. REC. 24806, 90th Cong. 2d Sess.
15. Chet Holifield (Calif.).
16. 109 CONG. REC. 8043, 88th Cong. 1st Sess.
17. *Id.* at p. 8502.

of the managers on the part of the House be read in lieu of the report. . . .

CONFERENCE REPORT (H. REPT. NO. 290)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5517) making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

Printing Report in Record

§ 16.3 By unanimous consent, the House waived the requirement that a conference report be printed in the Record in accordance with Rule XXVIII clause 2.[18]

On June 26, 1959,[19] the following proceedings occurred in regard to H.R. 7523, a bill providing for a one-year extension of existing corporate taxes:

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I ask unanimous consent that the conferees may have until midnight Saturday night next to file a conference report on the bill H.R. 7523, and that rule XXVIII relating to printing in the Record in this instance be waived.

THE SPEAKER:[20] Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Parliamentarian's Note: The report was printed in the daily Record, however, since it was filed before the Record went to press, Mr. Mills had anticipated that the report would not be filed in time to make this deadline.

Printing of Conference Report in Congressional Record

§ 16.4 Where the House grants permission for the filing of a conference report on a day when the House will not be in session, the report and the accompanying statement are printed in the *Congressional Record*, under a special heading, if there is a Record printed on that day because of a Senate session.

Rule XXVIII clause 2(a)[1] mandates that a conference report be printed in the *Congressional Record* before House consideration is in order. The *Congressional Rec-*

18. *House Rules and Manual* § 912a (1997).
19. 105 CONG. REC. 11961, 86th Cong. 1st Sess.
20. Sam Rayburn (Tex.).
1. *House Rules and Manual* § 912(a) (1997).

ord for Jan. 23, 1976,[2] provides an example of the practice described.

The House was not in session today. Its next meeting will be held on Monday, January 26, 1976, at 12 o'clock noon.

CONFERENCE REPORT ON S. 2718, RAIL SERVICES ACT OF 1975

Pursuant to an order of the House on Thursday, January 22, 1976, the conference report on the bill (S. 2718) to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes, is herewith printed, as follows:

[Submitted by Mr. Staggers]

CONFERENCE REPORT (H. REPT. NO. 94–781)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the text of the bill (S. 2718) to improve the quality of rail services in the United States through regulatory reform, coordination of rail services and facilities, and rehabilitation and improvement financing, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

Who May File

§ 16.5 A conference report is filed by a manager on the part of the House at the conference, and it takes unanimous consent for a Member, not a conferee, to submit the report for printing under the rule.

On Dec. 1, 1977,[3] Mr. Richard L. Ottinger, of New York, a member of the committee which reported the measure but not named as a conferee, asked permission of the House to file a conference report on behalf of another.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 9418, HEALTH PROFESSIONS EDUCATION AMENDMENTS OF 1977

MR. OTTINGER: Mr. Speaker, I ask unanimous consent, on behalf of the chairman of the Committee on Interstate and Foreign Commerce, to file a conference report on the bill (H.R. 9418) to amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools receiving capitation grants under such Act, and for other purposes.

THE SPEAKER PRO TEMPORE:[4] Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 9418, HEALTH PROFESSIONS EDUCATION AMENDMENTS OF 1977

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2. 122 CONG. REC. 804, 94th Cong. 2d Sess.

3. 123 CONG. REC. 38271, 95th Cong. 1st Sess.

4. Sidney R. Yates (Ill.).

Mr. Ottinger (on behalf of Mr. Staggers) filed the following conference report and statement on the bill (H.R. 9418) to amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools receiving capitation grants under such Act.

§ 16.6 Where conferees from two standing committees of the House were appointed to consider separate titles of a bill, their report was filed by the chairman of the committee which had originally reported the bill to the House.

On May 12, 1970,[5] Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, was recognized by Speaker John W. McCormack, of Massachusetts, to submit House Report No. 91–1074. The Record carries the following entry:

Mr. Staggers submitted the following conference report and statement on the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes: . . .

Parliamentarian's Note: Managers had been appointed from the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means.[6]

Authority To File by Midnight on a Future Day

§ 16.7 By unanimous consent, the House took from the Speaker's table a House bill with Senate amendments thereto, disagreed with the Senate amendments, agreed to a conference, and granted the conferees until midnight the following Tuesday (four calendar days from the date of the request) to file a report.

On June 18, 1959,[7] the following occurred in the House:

MR. [FRED] MARSHALL [of Minnesota]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7175) making appropriations for the Department of Agriculture and Farm Credit Administration for the fiscal year ending June 30, 1960, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

5. 116 CONG. REC. 15202, 15203, 91st Cong. 2d Sess.

6. 116 CONG. REC. 5713, 91st Cong. 2d Sess., Mar. 3, 1970.

7. 105 CONG. REC. 11268, 11269, 86th Cong. 1st Sess.

THE SPEAKER:[8] Is there objection to the request of the gentleman from Minnesota? The Chair hears none and appoints the following conferees: Messrs. Whitten, Marshall, Cannon, Andersen of Minnesota, and Taber.

MR. MARSHALL: Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on the bill H.R. 7175 may have until midnight June 22 in which to file a report.

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

There was no objection.

Filing Conference Report During Special Orders

§ 16.8 A conference report, which is privileged for filing under the rules, can be presented during special orders.

Under Rule XXVIII clause 1(a): "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."

Normally, the leadership permits no legislative business during the period set aside for "special order" speeches at the end of the day. However, the Chair does entertain unanimous-consent requests for late filing of reports having privilege. The following discussion, on Feb. 6, 1984,[9] shows the current practice.

THE SPEAKER PRO TEMPORE:[10] Under a previous order of the House, the gentleman from Michigan (Mr. Siljander) is recognized for 60 minutes.

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, will the gentleman yield for a unanimous-consent request?

MR. [MARK] SILJANDER [of Michigan]: I yield to the gentleman from Kentucky.

MR. PERKINS: Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

MR. [ROBERT S.] WALKER [of Pennsylvania]: I reserve the right to object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Pennsylvania reserves the right to object.

MR. WALKER: Reserving the right to object, Mr. Speaker, it is my understanding this has been cleared by the minority side and that it is possible to have it cleared.

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8. Sam Rayburn (Tex.).

9. 130 CONG. REC. 1902, 1903, 98th Cong. 2d Sess.

10. Harry M. Reid (Nev.).

THE SPEAKER PRO TEMPORE: The Chair's understanding is that the Speaker's statement dealt with calling up legislation, not filing a report. That is my understanding.

MR. WALKER: So we do have a precedent, then, that we can file conference reports during the special order time, that that is going to be permitted, that kind of business is going to be permitted during special order time?

THE SPEAKER PRO TEMPORE: The filing of a conference report can be done at any time as a matter of right before the House, before the House adjourns.

MR. WALKER: The gentleman from Pennsylvania is simply, under my reservation of right to object, is simply trying to find out just where we stand on all of these rulings that we had thrown at us over the last couple of weeks, and I am trying to make certain I have an understanding of how we are operating here, and that is my only concern.

On the substance of the gentleman's request, I understand that has been cleared and there is no problem. I am simply trying to clarify what we are all about here.

Is it now my understanding that filing conference reports will be one of those items of business always permitted under special orders, under the time allotted for special orders?

THE SPEAKER PRO TEMPORE: It has always been the practice of the House and is still the practice of the House.

MR. WALKER: I thank the Speaker and I withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

During Adjournment of House

§ 16.9 By unanimous consent, the House may permit the managers on the part of the House to have until midnight on a certain day to file a conference report, the report to be printed in the Record even though the House is not in session on that day.

On Aug. 3, 1961,[11] the following occurred in regard to H.R. 7445, the 1962 appropriations bill for independent offices:

MR. [ALBERT] THOMAS [of Texas]: Mr. Speaker, I ask unanimous consent that the managers on the part of the House at the conference of the two Houses on the bill H.R. 7445 may have until midnight Friday, August 4, to file a conference report thereon, and that said report may be printed in the *Congressional Record* notwithstanding the fact that the House may not be in session.

THE SPEAKER:[12] Is there objection to the request of the gentleman from Texas?

There was no objection.[13]

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11. 107 CONG. REC. 14544, 87th Cong. 1st Sess.

12. Sam Rayburn (Tex.).

13. See also 108 CONG. REC. 14841, 87th Cong. 2d Sess., July 26, 1962; and 105 CONG. REC. 14742, 86th Cong. 1st Sess., July 30, 1959.

Parliamentarian's Note: The House adjourned from Thursday until Monday, the Senate from Friday until Monday. The conference report was printed in the Record for Friday, under a separate heading following the Senate proceedings.

§ 16.10 The House granted permission for the filing with the Clerk of conference reports notwithstanding the adjournment or recess of the House.

On June 5, 1936,[14] Mr. John J. O'Connor, of New York, made the following request:

> Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment or recess of the House until June 15, 1936, it may be in order to file conference reports with the Clerk for printing under the rules.
>
> THE SPEAKER:[15] Without objection, it is so ordered.
>
> There was no objection.[16]

Filing Conference Report on Day House Does Not Meet

§ 16.11 Where an order of the House permits a conference report to be filed on a day the House will not be in session, a request can be made to print a special Record for that day in which the report can be printed.

The following unanimous-consent request illustrates the mechanism sometimes used to expedite consideration of a conference report:[17]

> MR. [SAM M.] GIBBONS [of Florida]: Mr. Speaker, I ask unanimous consent that the conferees on the bill, H.R. 4170, the Deficit Reduction and Tax Reform Act of 1984, have until 12 noon on Saturday, June 23, 1984, to file a conference report to accompany the bill, and that there be an additional part of today's *Congressional Record* printed to contain the conference report.

Parliamentarian's Note: The controlling rule here is Rule XXVIII clause 2(a),[18] which specifies that a conference report can be considered on the third calendar day after filing but "only if such report and accompanying statement shall have been printed in

14. 80 CONG. REC. 9123, 74th Cong. 2d Sess.
15. William B. Bankhead (Ala.).
16. *Parliamentarian's Note:* The House adjourned from June 8 to June 15, 1936, pursuant to H. Con. Res. 53.
17. See 130 CONG. REC. 18012, 98th Cong. 2d Sess., June 22, 1984.
18. *House Rules and Manual* § 912a (1997).

the daily edition of the *Congressional Record* for the day on which . . . filed."

§ 16.12 A conference report was, by unanimous consent, filed on a day when the House was not in session and printed under a separate heading in the Record.

On July 10, 1970,[19] the following appeared in the *Congressional Record:*

> Pursuant to an order of the House on Thursday, July 9, 1970, the conference report on the bill (S. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965, is herewith printed, as follows:
>
> CONFERENCE REPORT (H. REPT. NO. 91–1292)
>
> The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: . . .

Parliamentarian's Note: The House had adjourned from July 9 until July 13.

During Recess

§ 16.13 The House stood in recess pending the preparation and filing of a conference report.

On Oct. 21, 1965,[20] Speaker Pro Tempore Hale Boggs, of Louisiana, made the following statement:

> Under the previous unanimous-consent agreement, the Chair declares a recess subject to the call of the Chair.
>
> Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

After the recess, the House received a message from the Senate transmitting the official papers and the signed conference report, which stated in part:

> The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate Nos. 27 and 55 to the bill (H.R. 8370), "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1966, and for other purposes."
>
> And agrees to the conference report.

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19. 116 CONG. REC. 23790–92, 91st Cong. 2d Sess.

20. 111 CONG. REC. 27846, 89th Cong. 1st Sess.