of Virginia, made the following inquiry:

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

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

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

§ 18. Signatures

Majority of Managers of Each House

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

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

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

The Clerk read as follows:

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

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

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

The report explained that a conference was prevented by the Senate managers' insistence that they bring to the conference expert advisors who were not Senators, despite the objections of the House managers. The report concluded with the following paragraph and signatures:

> That a conference has been prevented by the unyielding refusal of the managers on the part of the Senate to hold same under conditions consistent with the proper conduct of an executive session and free from the presence and participation of an outsider, who was not an employee of Congress and who is objectionable to the managers on the part of the House, all in derogation of the right and privilege of the managers on the part of the House and of the dignity and independence of the House.
>
> GEORGE HUDDLESTON,
> JOHN G. COOPER,
> PEHR G. HOLMES,
> *Managers on the part of the House.*

Mr. Sam Rayburn, of Texas, raised a point of order against the report on the grounds that it was not a report of a conference committee since it was not signed by a majority of the Senate conferees:

> Mr. Speaker, I make the point of order that the paper read is not a report of the conference committee; that a conference report or a disagreement must be signed by a majority of the Members of the House conference committee and of the Senate conference committee and that this statement or paper has no standing in the House.

Mr. Huddleston conceded this point, and admitted that the purported report was filed to forestall action under Rule XXVIII clause 1 ½(a)[16] to instruct or discharge the conferees for failing to submit a report within 20 days of their appointment:

> Mr. Speaker, this report is presented as a "report from the managers on the part of the House." The question involved is whether or not the managers on the part of the House may make a report without the cooperation and coaction of the managers on the part of the Senate—that is to say, is a report signed only by the House managers a "report" within the meaning of the rule? This is the parliamentary question involved.

The Speaker summarized the arguments presented by Mr. Rayburn and Mr. Huddleston, and then rendered a decision:

> THE SPEAKER: The gentleman from Alabama [Mr. Huddleston] has presented a paper which purports to be a report signed by three of the House conferees on S. 2796, from which it appears that the conferees have not been able up to this time to reach an agreement. The gentleman from Texas [Mr. Rayburn] makes the point of order that this paper cannot be considered as a

16. See Rule XXVIII clause 1(c), *House Rules and Manual* § 910 (1997).

report, inasmuch as the Senate conferees have not affixed their signatures. The gentleman from Alabama frankly states that he has filed this statement for the purpose of forestalling any action that may be taken under rule XXVIII, which rule authorizes any Member as a matter of the highest privilege to move to discharge and appoint conferees or to instruct conferees after a period of 20 days has elapsed from the time of their appointment when they have failed to make a report on the matter committed to them. The Chair does not think that the rules of the House can be circumvented in that manner. The Chair believes that the House should adhere to forms and practice in matters of this kind. As the Chair has previously stated, this rule was adopted by the House to preserve the authority of the House to exercise control over its conferees when a sufficient time has elapsed and no report has been made by the conference committee. So far as the Chair is aware, the conferees on the part of either body have never heretofore attempted to file a formal report of disagreement without the acquiescence of a majority of the conferees of the other body. . . .

A committee of conference is a joint committee composed of managers appointed on the part of each House. The managers of each House vote the sentiment of the House which they represent. In casting their votes they do so as separate committees and nothing may be agreed upon without the concurrent action of the two committees composing this joint committee, commonly called the "conference committee."

In instant case, the gentleman from Alabama admits that this purported report which he has presented has not been agreed to by the managers on the part of the Senate. Under such circumstances, the Chair does not believe that it is a report within the meaning of our parliamentary practice, and the Chair, therefore, sustains the point of order.

Signatures Validate Report

§ 18.2 A conference report is received if signed by a majority of the managers of each House, and the Speaker will not look behind the signatures to determine whether the report has incorporated all the agreements informally made in conference.

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

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

17. 119 CONG. REC. 42034, 42035, 93d Cong. 1st Sess.

during the conference held on this legislation.

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

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

Speaker Carl Albert, of Oklahoma, gave the following ruling:

THE SPEAKER: The Chair is prepared to rule. . . .

The gentleman from Indiana has made the further point of order that the conference report is not properly before the House because a subsection of the report, allegedly agreed to in conference is not contained in the report submitted to the two Houses.

The Chair, of course, has no knowledge of how this agreement was reached. The only information the Chair has on what was agreed to in conference is derived from the conference report. The Chair does note that the subsection allegedly omitted was not contained in the Senate bill and thus the managers had the authority, under clause 3, rule XXVIII to eliminate that provision if they so desired.

Volume 5 of Hinds' Precedents section 6497, states that "A conference report is received if signed by a majority of the managers of each House." The Chair has examined the report and the papers and finds that it is signed by 6 of the 10 managers on the part of the House and by all 7 managers on the part of the Senate. The Chair can only observe that the report is here in a legal manner.

The Chair therefore overrules the point of order.

§ 18.3 The Chair has no knowledge of how a conference report is reached, and he cannot impeach the names of the managers on the part of the two Houses.

On June 19, 1948,[18] after Mr. Walter G. Andrews, of New York, called up the conference report on S. 2655, the Selective Service Act of 1948, Mr. Vito Marcantonio, of New York, rose to a point of order.

MR. MARCANTONIO: Mr. Speaker, I make the point of order that the document which has just been presented is not the report of any conference. It is not the product of a full and free conference as required in Jefferson's Manual. I make my point of order based on the proposition that there has never been a valid conference—specifically, that there has never been a valid meeting on the part of the managers on the part of the House.

I would like at this time, first, to present the facts chronologically.

Yesterday the House voted, under suspension of the rules, to send the bill

18. 94 CONG. REC. 9253, 9268, 9269, 80th Cong. 2d Sess.

to conference, and the House conferees were appointed. A motion was made in the other body for the same purpose. Extended debate was held on that motion. This morning the motion to send the Senate bill to conference and disagree with the House amendments and authorizing the appointment of conferees was adopted. Immediately, before there was any time for a meeting, a physical meeting to take place between the managers on the part of the House and the managers on the part of the Senate, this document before you, Mr. Speaker, was filed and acted upon in the Senate. Physically there were some meetings. The meetings that took place yesterday, Mr. Speaker, all of the meetings that took place yesterday were prior to the adoption of the motion in the other body to send this bill to conference. How could they have been valid meetings? They could not have been valid meetings because there were no managers in existence on the part of the Senate. The Members of the other body who met with the House conferees were not managers on the part of the other body, therefore those meetings had no validity whatsoever. It is true that at those meetings the provisions of the document which we have before us were agreed upon. It is likewise true that the people who participated in those meetings on behalf of the other body were Members who were subsequently appointed as managers for the other body, but throughout those meetings they were not there as managers who had been appointed; in fact all the while they were participating in those meetings they had not as yet been authorized by the other body to be there. They had no authority to act.

Speaker Joseph W. Martin, Jr., of Massachusetts, ruled:

The Chair is ready to rule.

On page 770, volume 5, of Hinds' Precedents, section 6497 states:

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

The Chair has examined the report and the papers and finds that it is signed by five of the managers on the part of the Senate and six of the seven managers on the part of the House.

The Chair has no knowledge, of course, how this report was reached, but the Chair cannot impeach the names of the managers on the part of the two Houses. Furthermore, the Senate having already received the report, and according to a message heretofore received by the House has officially adopted it, the Chair feels that under the circumstances the report is properly before the House for such action as the House may see fit to take. The Chair overrules the point of order.

Parliamentarian's Note: This precedent and the following one (§ 18.4) predated the "open conference requirement" inserted in Rule XXVIII clause 6, in 1975 (and amended in 1977 and 1979). See *House Rules and Manual* § 913d (94th Congress).

Informal Conference Meetings

§ 18.4 The Speaker has no knowledge of informal meetings of conference committees prior to their appointment, and where a conference report before the House contained the signatures of all the managers he held that the report was properly before the House.

On Aug. 9, 1954,[19] after Mr. John M. Vorys, of Ohio, called up the conference report on H.R. 9678, the Mutual Security Act of 1954, Mr. H. R. Gross, of Iowa, rose with a point of order.

MR. GROSS: Mr. Speaker, I make the point of order that certain Members of the House of Representatives exceeded their authority in connection with the conference report on the bill H.R. 9678; that therefore the pending conference report is improperly before the House. . . .

Mr. Speaker, I make the point of order that even before the papers were received from the other body, requesting a conference on the part of the House, before authority was given by the House for a conference, and well before the formal appointment of conferees on the part of the House, certain Members of the House of Representatives had apparently designated themselves as conferees and entered into agreement on one or more substantial issues in disagreement in connection with the bill H.R. 9678; that such agreement or agreements were entered into even before the House of Representatives formally and officially convened at 12 o'clock noon on August 4, 1954, and gave assent to a conference. . . .

Mr. Speaker, I can find no precedent which permits Members of the House to enter into a conference without first obtaining authority from the House for so doing. The weight of all precedents governs from the initial authority for a conference, the appointment of conferees and their conduct flow therefrom. . . .

THE SPEAKER:[20] The Chair wishes to state on the gentleman's point of order that he has no cognizance of informal meetings that may have been held. As a matter of fact, he would not know what Members were doing if they met informally in a group to discuss any specific subject. All the Chair can do is to take the report that is here. All 10 signatures are on the conference report. The conference report is here in a legal manner.

Therefore, the Chair overrules the point of order.

Requirement for Formal Conference Meeting

§ 18.5 While the Chair does not normally look behind signatures of conferees to determine the propriety of conference procedure, if proposed

19. 100 CONG. REC. 13787, 13802, 83d Cong. 2d Sess.

20. Joseph W. Martin, Jr. (Mass.).

conferees have signed a conference report before they have been formally appointed in both Houses and do not meet formally in open session after such appointment, the conference report is subject to automatic recommittal to conference under Rule XXVIII clause 6.

On Dec. 20, 1982,[1] when the conference report on H.R. 5002[2] was called up for consideration, a point of order was raised against the report.

MR. [JOHN B.] BREAUX [of Louisiana]: Mr. Speaker, pursuant to the order of the House of December 17, 1982, I call up the conference report on the bill (H.R. 5002) to improve fishery conservation and management, and ask for its immediate consideration.

The Clerk read the title of the bill. . . .

POINT OF ORDER

MR. [GLENN M.] ANDERSON [of California]: Mr. Speaker, I have a point of order.

THE SPEAKER PRO TEMPORE:[3] The gentleman was on his feet and will state his point of order.

MR. ANDERSON: I make a point of order against the conference report on H.R. 5002 because the Senate conferees were not formally appointed at the time the conferees met. This procedure violates House rule XXVIII, clause 6, which requires an open meeting of the conferees. In this case there was never a valid conference meeting because the Senate conferees were not appointed at the time the conference met.

According to the rules on the conference report, it should be considered as rejected.

I would also like to point out that several of the conferees signed the signature sheets of the conference report prior to the premature meeting of the House and Senate conferees. This is clearly an improper procedure, so they actually signed the report prior to a conference. It was, if not illegal, a very improper procedure because there was no conference because the Senators were not conferees at the time, it was not an existent conference, and because they were not appointed until the next day.

That is my point of order, Mr. Speaker.

THE SPEAKER PRO TEMPORE: Does the gentleman from Louisiana care to respond?

MR. BREAUX: Yes, I do, Mr. Speaker.

I would only point out that I did not have any control over the Senate procedures. I would only say to the Speaker that the House does not have any control over the speakers of the other body.

I would only note for the Speaker's consideration that the conference report, when filed in the House, was done

1. 128 CONG. REC. 32896, 97th Cong. 2d Sess.
2. The Fishery Conservation and Management Improvement Act.
3. Thomas S. Foley (Wash.).

subsequent to the necessary action in appointing the conferees by the Senate.

MR. ANDERSON: But the Senators that we met with were not conferees. It was wholly an improper conference.

THE SPEAKER PRO TEMPORE: The Chair notes that pursuant to the Senate message of yesterday, the conferees were not named until yesterday, so the Chair is prepared to rule, unless either gentleman wishes to make a further statement.

MR. BREAUX: This Member is certainly willing to abide by the rules.

THE SPEAKER PRO TEMPORE: The Chair sustains the point of order based on the concession that a conference formally appointed by both Houses did not meet in open session following appointment.

Pursuant to clause 6(b), rule XXVIII, the conference report is considered as rejected, the House considered to have insisted upon disagreement to the Senate amendment, and the Chair is authorized to appoint conferees without intervening motion.

APPOINTMENT OF CONFEREES ON H.R. 5002

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees: Messrs. Biaggi, Anderson, Breaux, Studds, Snyder, McCloskey, and Pritchard.

There was no objection.

Taking Exception to Particular Amendment

§ 18.6 Two House conferees (minority members) signed a conference report and accompanying statement with a notation following their names that they excepted from one of the Senate amendments upon which the other conferees had reached an agreement.

On May 8, 1963,[4] Mr. Albert Thomas, of Texas, upon being recognized by Speaker John W. McCormack, of Massachusetts, called up the conference report on H.R. 5517, supplemental appropriations, fiscal 1963. The report and explanatory statement were signed by the managers on the part of the House in the following manner:

ALBERT THOMAS,
MICHAEL J. KIRWAN,
CLARENCE CANNON,
FRANK T. BOW
(Except as to No. 47),
EARL WILSON
(Except as to No. 47),
Managers on the Part of the House.

Signatures on a Conference Report—Exceptions

§ 18.7 Managers at a conference sometimes attempt to disassociate themselves from one aspect of an agreement and in one case, the state-

4. 109 CONG. REC. 8037, 88th Cong. 1st Sess.

ment of the managers was used to express their exceptions from the total report.

Rule XXVIII clause 1(d), requiring a joint statement by the managers of the House and the Senate became a part of the rules with the implementation of the Legislative Reorganization Act of 1970.(5)

In the 95th Congress, in an unusual case, the statement accompanying the conference report on H.R. 3474, the Energy Research and Development appropriations for fiscal year 1976, disclosed that certain of the House managers "excepted" from certain parts of the agreement. However, a majority of the managers did sign without equivocation. The form of the statement is carried here.(6)

Mr. [Olin E.] Teague [of Texas] submitted the following conference report and statement on the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 94–696)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, 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 House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: . . .

And the Senate agree to the same.

OLIN TEAGUE,
MELVIN PRICE,
JOHN YOUNG,
THOMAS N. DOWNING,
KEN HECHLER,
DON FUQUA,
GEORGE E. BROWN, Jr. . . .
BARRY M. GOLDWATER, Jr.,
MANUEL LUJAN, Jr.,
Managers on the Part of the House.

JOHN O. PASTORE,
HENRY M. JACKSON,
STUART SYMINGTON . . .
Managers on the Part of the Senate. . . .

5. See 84 Stat. 1140, § 125(b) which became a part of the standing rules with the adoption of H. Res. 5 (117 CONG. REC. 144, 92d Cong. 1st Sess., Jan. 22, 1971).

6. 121 CONG. REC. 39089, 39097, 39110, 94th Cong. 1st Sess., Dec. 8, 1975.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474), Energy Research and Development Administration Authorization Act, 1976, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report: . . .

D. OPPOSITION TO SECTIONS 102 AND 103 BY REPRESENTATIVE KEN HECHLER

Representative Ken Hechler, although he signed the conference report on the part of the House, emphasized that he is strongly opposed to two sections of the conference recommendation which were not in the bill passed by the House on June 20, 1975—Sections 102 and 103. He opposes Section 102 which establishes a new program, using the public lands free of any bonus, or royalty, for the demonstration of production of oil from shale by in situ methods. He also opposes Section 103 which establishes a new $6 billion loan guarantee program to provide financial assistance to private industry to build synthetic fuels and other commercial demonstration plants.

E. RESERVATION TO SECTIONS 102 AND 103 BY GEORGE E. BROWN, JR.

Representative George E. Brown, Jr., although he signed the Conference Report on the part of the House, emphasized that he did so with the reservation that the House should have the opportunity to work its will by separate vote on Sections 102 and 103.

F. RESERVATION TO SECTIONS 102 AND 103 BY BARRY M. GOLDWATER, JR.

Representative Barry M. Goldwater, Jr., although he signed the Conference Report on the part of the House, emphasized that he did so with reservations about enacting at this time Sections 102 and 103, the two major new sections added by the Senate, and the additional reservation that the House should be allowed to have a separate vote on each section.

MANAGERS FOR THE NONNUCLEAR PORTION OF THE JOINT STATEMENT

OLIN E. TEAGUE,
KEN HECHLER . . .
GEORGE E. BROWN, Jr. . . .
BARRY M. GOLDWATER, Jr.,
Managers on the Part of the House.

HENRY M. JACKSON,
FRANK CHURCH . . .
Managers on the Part of the Senate.

Authority of Conferees To "Agree in Part"

§ 18.8 A majority of House conferees must, by their signatures, agree to the provisions of a conference report for it to be valid; but those not necessary to that majority sometimes indicate exceptions to certain agreements by notations on the signature sheets.

The accepted practice in the House, and in the Senate, is for the managers to either sign a conference report, without qualification, to show that the matters in conference have been reconciled, or to refuse to sign if total agreement has not been reached.

In the instance here cited, a majority of the conferees appointed as exclusive conferees on certain issues separated by jurisdictional lines did sign, unqualifiedly. A total of 14 committees were represented in the list of conferees appointed to the conference on H.R. 3, the Trade and International Policy Act of 1987. Five conferees were appointed from the Committee on Government Operations on sections 461 through 471 of the House bill; five were named from the Committee on Science, Space and Technology on these same provisions. Of these ten, six signed in complete agreement. A minority of four indicated exception from a portion of the agreement.

The manner of indicating the exceptions is illustrated by the portion of the signature sheets printed in the Record of Apr. 20, 1988.[7]

From the Committee on Government Operations, for consideration of sections 461 through 471 of the House bill, and sections 1030 through 1033 and 3801 through 3809 of the Senate amendment, and modifications committed to conference:

JACK BROOKS
(Except for the Competitiveness Policy Council provided for in sections 461 through 471 of the House bill, sections 3801 through 3809 of the Senate amendment, and sections 5201 through 5210 of the Conference Report),
JOHN CONYERS, Jr.,
STEVE NEAL,
FRANK HORTON
(Except for the Competitiveness Policy Council provided for in sections 461 through 471 of the House bill, sections 3801 through 3809 of the Senate amendment, and sections 5201 through 5210 of the conference report).

From the Committee on Science, Space, and Technology, for consideration of sections 461 through 471 and 904 of the House bill, and sections 2305, 3801 through 3809, and 3909 of the Senate amendment, and modifications committed to conference:

ROBERT A. ROE,
DOUG WALGREN,
GEORGE E. BROWN, Jr.

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7. 134 CONG. REC. 7820, 7821, 100th Cong. 2d Sess.

(Except for sections 461 through 471 of the House bill, and sections 3801 to 3809 of the Senate amendment),

MANUEL LUJAN, Jr.,

SHERWOOD BOCHLERT

(Except for sections 461 to 471 of the House bill and sections 3801 to 3809 of the Senate amendment) . . .

Validity of Signature Where Conferee Signs "With Exceptions"

§ 18.9 The practice of conferees signing a conference report "with an exception" was the subject of discussion in the House.

When the conference report was filed on H.R. 2100, the National Defense Authorization Act, fiscal 1992, 1993, on Nov. 13, 1991,[8] the *Congressional Record* incorrectly printed the signature sheets of the conferees. The error made it appear that a majority of the conferees on the part of the House had signed the report with an exception to one part of the agreement relating to the F–14 fighter program. A portion of the signature sheets is shown here.

From the Committee on Armed Services, for Consideration of the entire House bill and Senate amendment, and modifications committed to conference:

LES ASPIN,
G. V. MONTGOMERY,
BEV BYRON,
NICHOLAS MAVROULES,
EARL HUTTO . . .

For all provisions of the conference report except those relating to the F–14:

OWEN PICKETT,
H. MARTIN LANCASTER,
JOHN TANNER,

For all provisions of the conference report except those relating to the F–14:

MICHAEL R. MCNULTY,
GLEN BROWDER,
GENE TAYLOR,
WILLIAM L. DICKINSON,
FLOYD SPENCE,
LARRY J. HOPKINS,
BOB DAVIS . . .

The placement of the colon, for example, in the exception stated above the signature of Michael R. McNulty, of New York, made it appear that all the names which followed McNulty were also endorsing the exception. Such was not the case. There were only three signatures that did not reflect complete agreement to the totality of the report.

When the special order waiving points of order against the conference report was called up on Nov. 18, 1991, there was discussion

8. 137 CONG. REC. 31803, 102d Cong. 1st Sess.

about the propriety of conferees signing with exceptions. While the practice has been permitted in both the House and Senate, there is no clear precedent about whether such a conditional signature can be counted when computing the number of signatures necessary to achieve a majority. A portion of the discussion on Nov. 18, 1991,[9] during the debate on H. Res. 281, which waived points of order against the conference report on H.R. 2100, is carried here.

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Speaker, let me say I would like to rise to make an important clarification with regard to the signature pages accompanying H.R. 2100, the National Defense Authorization Act for fiscal years 1992 and 1993.

Mr. Speaker, it is not unprecedented, but it is certainly unusual, to have conditional signatures on the conference report. Normally you need a majority of signatures on a conference report for it to be accepted by the conferees.

We have a listing here of the signatures to the conference report, and it lists a number of names, some of which are followed by expressions of opposition to specific provisions.

First, this kind of approach is very confusing; second, it is very unusual. And third, it is setting a very bad precedent.

If I might have the attention of my chairman just to clarify a point, am I correct in my interpretation that the exceptions listed refer to all the signatures immediately above it? Is that the chairman's understanding?

MR. [LES] ASPIN [of Wisconsin]: Mr. Speaker, will the gentleman yield?

MR. DICKINSON: I yield to the gentleman from Wisconsin.

MR. ASPIN: Mr. Speaker, I do not think that is what it means. I think that the display here is not correct. I think it is only one of the Members that is listed here.

Is the gentleman looking at page 308 of the report?

MR. DICKINSON: Reclaiming my time, no, Mr. Speaker.

Mr. Speaker, I rise to make an important clarification with regards to the signature pages accompanying H.R. 2100, the fiscal year 1992 Defense authorization conference report. As you can see, three of my Democrat colleagues on the Armed Services Committee have qualified their support for the conference report by indicating, on the actual signature pages, specific conference provisions that they do not support.

The first point I wish to make is technical. When one looks at these pages, they could be misinterpreted as meaning that large groups of committee members were qualifying their support for the conference report. Adding to the confusion is the fact that when the conference report was printed in the *Congressional Record* last Thursday, November 14, the signature pages appeared differently than they do in the printed copy of the report (H.

9. 137 CONG. REC. 32574, 32575, 102d Cong. 1st Sess.

Rept. 102–311), and appeared in a form that clearly indicated that large groups of conferees had explicitly qualified their support. Therefore, I just want to set the record straight on one point; the qualifying remarks on the F–14 and B–1B programs refer only to the Members whose name appears immediately above the comment and not to entire blocks of Members.

The second point I wish to make is process oriented. The idea of explicitly qualifying one's support for a conference report, in the report itself, is unacceptable to me and should be unacceptable to all of us—no signature is worth the precedent this action is setting. Every conferee who signed this conference report, on both sides of the aisle, objects to specific provisions in it—myself included. In addition, four of my committee Republican conferees refused to sign the conference report because of their objection to specific provisions. If we are going to start addressing Member's individual political concerns by allowing explicit qualifications, many of us, especially in the minority party, will start taking a different tact next year.

At least on the Republican side of the aisle, we have been trying unsuccessfully for years to have those Members who refuse to sign the conference report listed as such in the actual report. If the committee does not put a stop to this questionable practice of Members explicitly qualifying support, there is certainly no reason why Members should be prevented from explicitly stating their opposition directly in the conference report.

In conclusion, I hope my chairman will work with me to address this problem in the future. Otherwise, it will not be long before the signature pages of our conference reports are many pages long with each and every Member indicating what they support and what they oppose in excruciating detail. In essence, we will have found a back door form of submitting additional and dissenting views on a conference report. This defeats the purpose of conference reports and should be stopped.

PARLIAMENTARY INQUIRIES

MR. [GERALD B. H.] SOLOMON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[10] The gentleman will state it.

MR. SOLOMON: Mr. Speaker, is it possible to resolve this in a parliamentary inquiry? I do not have any time.

MR. DICKINSON: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. DICKINSON: Mr. Speaker, I would like to know the meaning of the signatures on the conference report as set out in the conference report on H.R. 2100, where there are conditional signatures at the end of the conference report excepting some Members to a portion of it and excepting others as to different portions.

Either we have a majority of signatures on the conference report or we do not. I was asking the chairman, since I think he is probably the author, what it means.

THE SPEAKER PRO TEMPORE: The Chair understands that three of the

10. Ronald D. Coleman (Tex.).

signators did so with a statement of exception. The form in which the signatures were printed in the Record made it appear that more than 3 Members did so.

MR. DICKINSON: Mr. Speaker, if I might proceed further in my parliamentary inquiry, it makes no sense. It does not say what the Speaker has indicated was the intent. That is not what it says here.

And there are other additional exceptions to different names following. I just want a clarification as to what this is and what the procedure is. I do not know the correct forum in which to address this.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that his point under these circumstances is not in the nature of a parliamentary inquiry.

MR. DICKINSON: May I ask, Mr. Speaker, if this is a parliamentary inquiry, would it be possible under a unanimous consent at the present time to get 5 minutes to address this particular problem so that it will not be taken off the allotted time?

THE SPEAKER PRO TEMPORE: The Chair would only advise the gentleman that the time is controlled by the gentleman from Tennessee and the gentleman from New York.

MR. SOLOMON: Mr. Speaker, would it be possible for the gentleman to yield to me for a colloquy with the manager of the rule on that side of the aisle?

THE SPEAKER PRO TEMPORE: Who yields time?

MR. [BART] GORDON [of Tennessee]: Mr. Speaker, I yield 3 minutes to the gentleman from Alabama [Mr. Dickinson].

MR. DICKINSON: Mr. Speaker, if I might take this time to ask my chairman, what does this mean?

MR. ASPIN: Mr. Speaker, will the gentleman yield?

MR. DICKINSON: I yield to the gentleman from Wisconsin.

MR. ASPIN: Mr. Speaker, this is my understanding. First of all, the rule does allow Members to sign a conference report with some proviso saying they signed with exceptions.

The second point is that there are three Members who signed with exceptions, not as one might tell by this.

The gentleman from New York [Mr. Hochbrueckner] signed for all provisions of the conference report except failure to include the F–14 program. The gentleman from Virginia, Owen Pickett "for all provisions of the conference report except those relating to the F–14," and the gentleman from New York [Mr. McNulty] "for all provisions of the conference report except those relating to the F–14." The rest of the Members signed the conference report without any reservation.

Mr. Aspin then pointed out that even with the three "exceptions," a majority of the House managers did sign the report.

Therefore, we got more signatures than we needed. But as the gentleman knows, the Members from New York, in particular the gentleman from New York [Mr. Hochbrueckner] and the gentleman from New York [Mr. McNulty], were interested in the F–14 program.

The gentleman from Virginia, who is also interested in Navy aviation, although not specifically in Grumman,

was also interested in the F–14 program.

So they signed it with this reservation which is their right under the law.

MR. DICKINSON: Mr. Speaker, reclaiming my time. If this is the procedure we are to follow in the future, I can see us having a conference report with signatures excepting every member because he does not agree to specific provisions. If a Member does not agree to everything in here, he just does what was done here, which is very unusual, pick out these things that he does not like and say, "I except that," are we going to do this next year?

MR. ASPIN: Mr. Speaker, if the gentleman will continue to yield, these three gentlemen are exercising their rights under the rule. . . .

It is not my choice that they sign with that provision. The rule allows them to do that and, as I say, I do not know what the legal standing of those signatures are. So we made sure we had more signatures even without, even if we did not count these three gentlemen, we had enough signatures to file the rule.

MR. DICKINSON: Mr. Speaker, I can see that we are creating a thicket for the future there that Brer Rabbit sure would like to be thrown in.

I thank the gentleman for such explanation as there was, and I thank the gentleman from Tennessee for his indulgence on time.

Parliamentarian's Note: For a conference report to be valid, a majority of all conferees must sign on all issues committed to conference and included in the report. In the instance noted here, the Record copy of the signature sheets was printed so that it appeared the report was invalid. The record copy, showing a colon after each of the three excepting phrases, made it appear that all the conferees listed thereafter were excepting to the F–14 disposition as carried in the report, rather than just the first Member following the stated exception. The original signature sheets, which were at the desk and examined by the Chair, were unambiguous.

It has long been well established that members of a conference committee may not file separate views.(11) There are documented instances where conferees have signed a report with conditional approval or dissent.(12) In these cases, however, none of the excepted signatures were necessary for a majority, and so the question of whether such a signature could be counted has never been settled by a decisive precedent.

Managers From Two Committees

11. See 8 Cannon's Precedents § 3302.
12. See 5 Hinds' Precedents §§ 6489–6496, 6538.

§ 18.10 Managers on the part of the House, appointed from two different standing committees to confer with representatives of the Senate on a bill containing both authorization and tax features, signed both the conference report and the statement as two distinct groups, following the respective portions of the report and statement to which they had agreed.

On May 12, 1970,[13] Speaker John W. McCormack, of Massachusetts, recognized Mr. Harley O. Staggers, of West Virginia, for the purpose of submitting the conference report and statement on H.R. 14465, the Airport and Airway Development and Revenue Act of 1970. These signatures of the managers from the Committee on Interstate and Foreign Commerce appeared at the end of title I of the conference report:

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
J. J. PICKLE,
W. L. SPRINGER,
SAM DEVINE,
ALBERT WATSON,
Managers on the Part of the House.

Title II of the report was signed by the following members from the Committee on Ways and Means:

W. D. MILLS,
HALE BOGGS,
JOHN C. WATTS,
JOHN W. BYRNES,
JACKSON E. BETTS,
Managers on the Part of the House.

The sections of the statement on titles I and II of the bill were similarly signed by the members of the two committees.

§ 18.11 Managers on the part of the House, appointed from two different standing committees to confer with Senate conferees on separate titles of a Senate bill and House amendment, signed both the conference report and the joint statement as two distinct groups.

On Dec. 14, 1971,[14] Speaker Carl Albert, of Oklahoma, recognized Mr. Wayne L. Hays, of Ohio, for the purpose of submitting the conference report and statement on S. 382, the Federal Election Campaign Act of 1971. The report and the statement were signed by

13. 116 CONG. REC. 15202–17, 91st Cong. 2d Sess.

14. 117 CONG. REC. 46791–801, 92d Cong. 1st Sess.

the managers on the part of the House as follows:

WAYNE L. HAYS,
WATKINS M. ABBITT,
KEN GRAY,
JAMES HARVEY,
WM. L. DICKINSON,
Managers on the Part of the House as to Titles III, IV, and V of the House Amendment.

HARLEY O. STAGGERS,
TORBERT H. MACDONALD,
LIONEL VAN DEERLIN,
SAMUEL L. DEVINE,
ANCHER NELSEN,
Managers on the Part of the House as to Titles I and II of the House Amendment.[15]

Signature Sheets Must Reflect on Which Portions Conferees Participated

§ 18.12 Where the Speaker appoints conferees on a multi-jurisdictional bill and names some conferees with general authority but limiting the sections and titles on which other managers may confer, the signature sheets accompanying the conference report and statement must reflect precisely the portions of the bill on which they have conferred and agreed.

The form of the conference report on H.R. 7765, the Omnibus Budget Reconciliation Act of 1980, along with a portion of the signature sheets is carried here.[16] The signatures in this instance were arranged so that the general conferees from the Committee on the Budget signed only once, signifying their agreement on the total bill; however, the limited conferees had to sign for each area on which they were appointed.

Mr. Giaimo submitted the following conference report and statement on the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the first concurrent resolution on the budget for the fiscal year 1981:

CONFERENCE REPORT (H. REPT. NO. 96–1479)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7765) to provide for reconciliation pursuant to section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

15. Messrs. Hays, Abbitt, Gray, Harvey, and Dickinson were members of the Committee on House Administration; Messrs. Staggers, Macdonald, Van Deerlin, Devine, and Nelsen were members of the Committee on Interstate and Foreign Commerce.

16. See 126 CONG. REC. 31342, 31370, 96th Cong. 2d Sess., Dec. 1, 1980.

That the Houses recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—SHORT TITLE AND DECLARATION OF PURPOSE

SHORT TITLE

SEC. 101. This Act may be cited as the "Omnibus Reconciliation Act of 1980".

PURPOSE

SEC. 102. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives and the Senate pursuant to directions contained in section 3 of the First Concurrent Resolution on the Budget for the fiscal year 1981 (H. Con. Res. 307, 96th Congress), and pursuant to the reconciliation requirements which were imposed by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

TITLE II—SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS . . .

And the Senate agreed to the same.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

ROBERT N. GIAIMO,
THOMAS L. ASHLEY,
WILLIAM M. BRODHEAD,
LEON E. PANETTA,
Managers on the Part of the House.

For consideration of the entire bill (including title I through title IX of the House bill, section 1 through title IX of the Senate amendment, and the title of the bill):

ERNEST F. HOLLINGS,
DANIEL PATRICK MOYNIHAN,
J. JAMES EXON,
HENRY BELLMON,
PETE V. DOMENICI,
Managers on the Part of the Senate . . .

For title II, subtitle A of the House bill and title I of the Senate amendment:

From the Committee on Education and Labor:

CARL D. PERKINS,
IKE ANDREWS,
GEORGE MILLER,
Managers on the Part of the House.

For title II, subtitle A of the House bill and title I of the Senate amendment:

From the Committee on Agriculture, Nutrition, and Forestry:

H. E. TALMADGE,
GEORGE MCGOVERN,
WALTER D. HUDDLESTON,
Managers on the Part of the Senate.

For title II, subtitle C of the House bill and title VII of the Senate amendment:

From the Committee on Education and Labor:

CARL D. PERKINS,
WILLIAM D. FORD,
JOHN BRADEMAS,
MARIO BIAGGI,
JOHN M. ASHBROOK,
JOHN BUCHANAN,
Managers on the Part of the House.

Adding Signature After Filing and Printing

§ 18.13 The House agreed to a unanimous-consent request that a Senator be permitted to sign a conference report notwithstanding the filing and printing of such report.

On Aug. 25, 1950,[17] the following occurred in the House:

> MR. [KARL] STEFAN [of Nebraska]: Mr. Speaker, I ask unanimous consent that notwithstanding the filing and printing of the conference report, Senator Wherry may be permitted to sign the report on the general provisions and the general reduction sections including chapters 10(a) and 11 of the bill H.R. 7786, making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes.
>
> THE SPEAKER:[18] Is there objection to the request of the gentleman from Nebraska?
>
> There was no objection.

Example of Complicated Signature Sheets Filed With Conference Report

§ 18.14 The signature pages on a complex conference report must show that managers of the two Houses have reached agreement on each area of disagreement; and thus remains true where a lengthy Senate amendment in the nature of a substitute must be reconciled with an equally long House text.

The conference report on the Omnibus Budget Reconciliation Act of 1981 was filed in the House on July 29, 1981.[19] A portion of the signature sheets, as carried in the *Congressional Record*, are presented here to show the variety of jurisdictional designations which were utilized in showing that all areas in disagreement were reconciled.

> Mr. [James R.] Jones of Oklahoma submitted the following conference report and statement on the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982.
>
> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3982) to provide for reconciliation pursuant to section 301 of the first concurrent resolution on the budget for the fiscal year 1982, 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 disagreement to the amendment of

17. 96 CONG. REC. 13487, 81st Cong. 2d Sess.
18. Sam Rayburn (Tex.).
19. 127 CONG. REC. 18263, 18372, 18446, 18448, 18450, 18453–55, 97th Cong. 1st Sess. (H.R. 3982).

the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Omnibus Budget Reconciliation Act of 1981".

TABLE OF CONTENTS

Title I. Agriculture, forestry, and related programs.
Title II. Armed services and defense-related programs.
Title III. Banking, housing, and related programs.
Title IV. District of Columbia. . . .
Title XXIV. Unemployment compensation.
Title XXV. Trade adjustment assistance.
Title XXVI. Low-income home energy assistance.
Title XXVII. Health professions.

PURPOSE

SEC. 2. It is the purpose of this Act to implement the recommendations which were made by specified committees of the House of Representatives and the Senate pursuant to directions contained in part A of title III of the first concurrent resolution on the budget for the fiscal year 1982 (H. Con. Res. 115, 97th Congress), and pursuant to the reconciliation requirements which were imposed by such concurrent resolution as provided in section 310 of the Congressional Budget Act of 1974.

TITLE I—AGRICULTURE, FORESTRY, AND RELATED PROGRAMS

Subtitle A—Food Stamp Program Reductions and Other Reductions in Authorization for Appropriations . . .

STATEMENT OF MANAGERS

SEC. 1199A. The managers on the part of the Senate and the House of Representatives are authorized to have printed in the *Congressional Record* at any time prior to midnight on July 31, 1981, a statement in explanation of the provisions of this title relating to matters within the jurisdiction of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce. Such statement shall be considered to have been filed at the same time and along with the conference report on the Omnibus Budget Reconciliation Act of 1981 (H.R. 3982); and shall be considered for all purposes to constitute the statement on the part of the managers with respect to such provisions.

The signature sheets were prepared as follows:

Solely for consideration of title I of the House bill (except that portion of section 1015 entitled "International Programs, Public Law 480", and the 9th, 14th, 15th, 16th and 17th paragraphs of such section 1015), and title I (except parts D and G and section 142) of the Senate amendment.

From the Committee on Agriculture:
E DE LA GARZA,
THOMAS S. FOLEY,
ED JONES,
GEORGE E. BROWN, Jr. (except for sections 1015, 1021, 1027, and 1029 of the House bill and section 112 of the Senate amendment) . . .
TOM HARKIN (only for sections 1001–14 and 1021 of the House bill and

sections 151–169 of the Senate amendment) . . .
RON MARLENEE (only for section 1015 of the House bill and sections 511–13 and 516–19 of the Senate amendment),
Managers on the Part of the House.

From the Committee on Agriculture, Nutrition, and Forestry:
JESSE HELMS,
S. I. HAYAKAWA,
DICK LUGAR,
THAD COCHRAN,
WALTER D. HUDDLESTON,
PATRICK LEAHY,
Managers on the Part of the Senate. . . .

Solely for consideration of title V, section 5001, subtitles A and B (except sections 5112, 5130, 5131, and 5133), subtitle C, chapter 1, subchapters B and C (except section 5397), subtitle C, chapter 1, subchapter E, and subtitle C, chapter 2, subchapter B of the House bill, and title XI, section 1101–8(16) through (19), part B (except section 1117(e)), and parts C, D, F, and G (except sections 1137 and 1163 and subparts 2 and 3 of part D) of the Senate amendment.

INDEX

Area A: (1) sections 5101, 5104, 5105, 5109, 5113, 5114, 5117, 5120, 5121, 5122, 5124, 5125, 5126, 5132, 5140, 5143, and 5211(2)–5211(12) of the House bill. . . .
Area D: (1) sections 5102, 5108, 5111, 5127, 5129, 5134, 5136, 5137, 5138, 5211(15), and 5211(16) of the House bill. . . .

From the Committee on Education and Labor:
CARL D. PERKINS,
AUGUSTUS F. HAWKINS (solely for area C),
WILLIAM D. FORD (solely for areas A and D) . . .
LAWRENCE J. DENARDIS (solely for area D),
Managers on the Part of the House . . .

Solely for consideration of title VI, subtitle D, chapter 15, subtitle E, chapter 1 (except subchapter I, and (in section 6531(a)) paragraph (1) and the first sentence following paragraph (5) of the proposed new section 17), and subtitle E, chapter 2, subchapter C of the House bill, and title IV, parts A, B, and E and sections 421, 422, and 423 of the Senate amendment.

From the Committee on Energy and Commerce:
JOHN D. DINGELL,
RICHARD OTTINGER . . .
CARLOS J. MOORHEAD,
Managers on the Part of the House.

From the Committee on Commerce, Science, and Transportation:
BOB PACKWOOD,
BARRY GOLDWATER,
HARRISON SCHMITT,
HOWARD W. CANNON,
DANIEL INOUYE,
Managers on the Part of the Senate.

Solely for consideration of title IX, subtitle C; and title XI, subtitle B, chapter 4 of the House bill.

From the Committee on Merchant Marine and Fisheries:
WALTER B. JONES . . .
From the Committee on Public Works and Transportation:
JAMES J. HOWARD . . .
Managers on the Part of the House.

From the Committee on Environment and Public Works:
JAMES ABDNOR,

ROBERT T. STAFFORD,
JOHN H. CHAFEE . . .
Managers on the Part of the Senate.

For consideration of the entire House bill and Senate amendment (including sections 1 and 2 of the House bill and section 1 of the Senate amendment).

From the Committee on the Budget:
JAMES R. JONES,
NORMAN Y. MINETA,
STEPHEN J. SOLARZ,
LEON E. PANETTA,
RICHARD A. GEPHARDT,
LES ASPIN,
DELBERT L. LATTA,
RALPH REGULA,
BUD SHUSTER,
BOBBI FIEDLER,
Managers on the Part of the House.

From the Committee on the Budget:
PETE V. DOMENICI,
RUDY BOSCHWITZ,
ERNEST F. HOLLINGS,
LAWTON CHILES,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3982) entitled, "An Act to Provide for Reconciliation Pursuant to Section 301 of the First Concurrent Resolution on the Budget for Fiscal Year 1982," submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment.

The joint statement of managers which follows was prepared by the Committees on Jurisdiction, but is arranged by title of the conference agreement. A brief overview by the Committees on the Budget appears at the beginning.

STATEMENT OF BUDGET COMMITTEE MANAGERS

By approving the First Budget Resolution for Fiscal Year 1982, which included reconciliation instructions, Congress continued and expanded its efforts to maintain control over Federal expenditures. Those reconciliation instructions directed fourteen Senate and fifteen House committees to report legislation achieving unprecedented reductions which impact on Federal spending during fiscal years 1981, 1982, 1983 and 1984.

The provisions of the Omnibus Budget Reconciliation Act of 1981 are the culmination of the work of the committees in complying with the reconciliation directives. Real savings have been achieved which compare favorably with the reconciliation bills as passed by the House and Senate.

The managers for the Committees on the Budget wish to acknowledge the extraordinary efforts of the conference participants, particularly the chairmen and ranking Members of the House and Senate committees, in achieving these savings.

What follows in this statement of managers is a title by title explanation of the conference agreement. This explanation has been prepared