MR. BROWN: Mr. President, I ask for the yeas and nays.

THE PRESIDING OFFICER: Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

THE PRESIDING OFFICER: The clerk will call the roll. . . .

If there are no other Senators desiring to vote, on this vote the yeas are 43, the nays are 57. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the appeal is rejected.

MR. [GEORGE J.] MITCHELL [of Maine]: Mr. President, I move to reconsider the vote by which the appeal was rejected.

MR. [PATRICK J.] LEAHY [of Vermont]: I move to lay that motion on the table.

The motion to lay on the table was agreed to.

§ 20. Statements Accompanying Report

Parliamentarian's Note: A report of a conference committee must be printed as a report of the House, and must be accompanied by the explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement must be sufficiently detailed and explicit to inform the House as to the effect which the amendments or proposition contained in such report will have upon the measure to which those amendments or propositions relate.(14)

Sufficiency of the joint statement is a matter for the House to determine in its vote on the conference report, and not for the Speaker to determine on a point of order.

Proposed Action on Amendments in Disagreement

§ 20.1 Although the rules do not require the managers of a conference to set out in their explanatory statement proposed action on amendments in disagreement, they may do so if they desire.

On June 19, 1941,(15) Speaker Sam Rayburn, of Texas, recognized Mr. John J. Cochran, of Missouri, who made the following remarks in regard to H.R. 4590:

MR. COCHRAN: Mr. Speaker, in order to advance my thought, I am referring specifically to the Department of the Interior appropriation bill, which will undoubtedly be considered today.

14. Rule XXVIII clause 1(d), *House Rules and Manual,* § 911 (1997).

15. 87 CONG. REC. 5352, 77th Cong. 1st Sess.

The conference report on that bill indicates that the Senate receded in 10 instances and the House receded on 89 amendments. There are in disagreement 38 amendments. The conference report and statement explain the amendments that have been agreed to. After the House has disposed of the amendments that have been agreed to en bloc we will then take up individually the amendments in disagreement. The conference report simply states that those amendments are in disagreement, but upon investigation I have determined that in many instances a majority of the conferees have already agreed that when those amendments are reached a motion will be made to recede and concur with an amendment. Naturally amendments in disagreement taking them as a whole are most important. I feel that the conferees not only on appropriation bills, but on all other bills where amendments are in disagreement and a motion is to be made to recede and concur, with an amendment that has already been agreed to by the conferees, then that motion should be printed in the conference report, so that the Members of the House may have an opportunity to intelligently examine the amendment and take such action as they deem advisable when it is reached. . . .

THE SPEAKER: . . . The Chair knows of no ruling of any Speaker or of anything in the rules or precedents of the House, that would require a conference committee to file more than what they considered to be a detailed statement of agreement made in the conference. Explanatory statements are made in the statement accompanying a conference report, but it is, so far as the Chair knows, entirely within the hands of the managers as to what they will include in the statement. The Chair cannot see how, under the rules of the House, members of a conference committee can be forced to include something in their statement that they do not want to include, and that would be the position of the Chair upon this matter at this time.

It occurs to the Chair, however, that the managers certainly under the rules would have the power to include in the statement accompanying a conference report the additional information suggested by the gentleman from Missouri in his parliamentary inquiry.

Joint Statement and Legislative History

§ 20.2 Example of a joint statement of managers accompanying a conference report which incorporated by reference legislative history from House and Senate committee reports on the pending bill and "related legislation."

H.R. 956, the Product Liability Legal Reform Act, had been reported by the Committee on the Judiciary and then referred sequentially to the Committee on Commerce. Commerce did not report H.R. 956 but filed a report on a similar measure, H.R. 917. Conferees were named from both

committees and the inclusion of portions of the legislative history from both versions of the bill in part reflects the jurisdictional dispute between the two on the subject of product liability.

A portion of the joint statement showing the manner in which the committee reports were incorporated by reference is excerpted from the Record of Mar. 14, 1996,[16] and included here.

CONFERENCE REPORT ON H.R. 956, COMMON SENSE PRODUCT LIABILITY LEGAL REFORM ACT OF 1996

Mr. [Henry J.] Hyde [of Illinois] submitted the following conference report and statement on the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–481)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 956), to establish legal standards and procedures for product liability litigation, 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:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the "Common Sense Product Liability Legal Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents is as follows: . . .

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE . . .

The conferees incorporate by reference in this Statement of Managers the legislative history reflected in both House Report 104–64, Part 1 and Senate Report 104–69. To the extent not otherwise inconsistent with the conference agreement, those reports give expression to the intent of the conferees. (The conferees also take note of House Report 104–63, Part 1, which contains supplementary legislative history on a related bill.) . . .

From the Committee on the Judiciary, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

HENRY HYDE,
JAMES SENSENBRENNER, Jr.,
GEORGE W. GEKAS,
BOB INGLIS,
ED BRYANT,

From the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

TOM BLILEY,
MICHAEL OXLEY,
CHRISTOPHER COX,
Managers on the Part of the House.

LARRY PRESSLER,

16. 142 CONG. REC. 4784, 4790, 4793, 104th Cong. 2d Sess.

SLADE GORTON,
TRENT LOTT,
TED STEVENS,
OLYMPIA SNOWE,
JOHN ASHCROFT,
J.J. EXON,
JOHN D. ROCKEFELLER,
Managers on the Part of the Senate.

Minority Views

§ 20.3 A statement of the managers on the part of the House accompanies conference reports but minority views do not accompany such reports.

On June 1, 1949,[17] the following occurred in the House:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that the House conferees on the reorganization bill may have until midnight tonight to file a report. . . .

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Is there any minority report?

MR. MCCORMACK: Well, we have not agreed, but I ask that the conferees may have until midnight tonight in case there is a report.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, reserving the right to object, would that include the right of the minority to file a report?

MR. MCCORMACK: Yes. I will also ask that that be included.

THE SPEAKER:[18] Well, there are no minority views on a conference report.

Mr. HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HOFFMAN of Michigan: May not the conferees express their views? They can do it on the floor, then, can they not, if they can get recognition.

THE SPEAKER: A statement of the managers on the part of the House accompanies the conference report.

§ 20.4 Minority views are not in order on a conference report; but the majority of the managers may, in the statement accompanying the report, indicate exceptions taken by certain conferees.

On Dec. 6, 1967,[19] Speaker John W. McCormack, of Massachusetts, recognized Mr. Emanuel Celler, of New York, for the purpose of calling up the conference report on H.R. 6111, a bill providing for the establishment of a Federal Judicial Center. By unanimous consent, the statement of the managers on the part of the House was read in lieu of the report. The last paragraph of the statement read as follows:

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17. 95 CONG. REC. 7096, 81st Cong. 1st Sess.

18. Sam Rayburn (Tex.).

19. 113 CONG. REC. 35135–37, 90th Cong. 1st Sess.

Representative MacGregor and Representative McClory, although they signed the conference report, emphasize their exceptions to two portions of the amendment. They would except as to that part of section 620 that locates the Federal Judicial Center in the judicial branch of the Government rather than in the Administrative Office of the United States Courts, and except as to that part of section 625 that authorizes the Director to appoint and fix the compensation of professional personnel rather than to require the Board to appoint and fix the compensation of such personnel.

Content of the Statement of Managers

§ 20.5 The Statement of Managers which must accompany a conference report is an informative document, is not voted on, and may contain such matter as the conferees of the House and Senate may jointly determine—and a tribute to a deceased staff member who had a major impact on the legislation has been included.

On Aug. 25, 1980,[20] the statement accompanying the conference report on H.R. 5192, the education amendments of 1980, carried a tribute to the associate general counsel of the Committee on Education and Labor.

Mr. [William D.] Ford of Michigan submitted the following conference report and statement on the bill (H.R. 5192), an act to amend and extend the Higher Education Act of 1965, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 96–1251)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5192) to amend and extend the Higher Education 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:

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:

That this Act may be cited as the "Education Amendments of 1980". . . .

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. 5192) to amend and extend the Higher Education Act of 1965, 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:

20. 126 CONG. REC. 22946, 22987, 96th Cong. 2d Sess.

IN MEMORIAM

The conferees note with great sadness the absence from our deliberations of Mr. William F. Gaul, Associate General Counsel of the House Committee on Education and Labor.

Mr. Gaul has provided a central thread of informed judgment and wise counsel throughout all previous conference committee deliberations on the Higher Education Act from its original enactment in 1965 through the amendments of 1968, 1972, and 1976.

Mr. Gaul worked tirelessly on the House version of this reauthorizing legislation through its enactment last November. But shortly thereafter, he was stricken by a fatal illness which confined him to hospital quarters during our conference committee deliberations.

We have greatly missed his good and wise counsel in our deliberations. We wish he could have been with us. But most of all, we wish to record, as a part of this conference report, our great and continuing indebtedness to Mr. Gaul for the extraordinary contributions he had made throughout the last fifteen years to the creation, development, and refinement of the Higher Education Act.

On behalf of the millions of postsecondary students and the thousands of postsecondary institutions who have and will continue to benefit from the Higher Education Act, we wish to state that Mr. William F. Gaul's leadership role in constructing this legislation will be greatly noted and long remembered.

Legal Effect of Language in Statement of Managers

§ 20.6 On occasion the House has referenced conditions specified in the statement of managers accompanying a conference report in an amendment to an amendment in disagreement, thus elevating the referenced portion of the statement to the status of law.

Under Rule XXVIII clause 1(d),[1] the statement of managers which is required to accompany a conference report is to be jointly prepared by the managers of the two Houses, and shall be sufficient to inform the House as to the effect the amendments or propositions contained in such report will have on the measure to which those amendments or propositions relate. Such statement is explanatory and for guidance in interpreting the explicit provisions in the conference report, but does not have the status of law. By incorporating certain conditions spelled out in such a statement into an amendment, those conditions can be, in a sense, elevated to the status of law. The type of motion which has been used to accomplish this result is illustrated by the motion offered to an amendment in disagreement to H.R. 4624, the

1. *House Rules and Manual* § 911 (1997).

Veterans Affairs and Housing and Urban Development Appropriations Act of 1995, conference report in 1994, which is carried here.[2]

MOTION OFFERED BY MR. STOKES

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Stokes moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein with an amendment, as follows:

In lieu of the matter proposed by said amendment, insert the following: ": *Provided further*, That notwithstanding the language preceding the first proviso of this paragraph, $289,500,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103–715) accompanying H.R. 4624, except for the grant of $500,000 for the Earth Conservatory for the acquisition of land near Wilkes-Barre, PA".

MR. [JOHN] LEWIS of California (during the reading): Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the Record.

THE SPEAKER PRO TEMPORE:[3] Is there objection to the request of the gentleman from California?

There was no objection.

Reading Statements and Reports

§ 20.7 The statement of the managers accompanying a conference report is not read after the reading of the report itself.

On July 23, 1946,[4] the following occurred in the House:

MR. [BRENT] SPENCE [of Kentucky]: Mr. Speaker, I call up the conference report on the joint resolution (H.J. Res. 371) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the joint resolution.

THE SPEAKER:[5] Is there objection to the request of the gentleman from Kentucky? . . .

MR. [JESSE P.] WOLCOTT [of Michigan]: Do I correctly understand, Mr. Speaker, that if objection is made to the reading of the statement in lieu of the report, that in that case the joint resolution will be read and then the statement will be read?

THE SPEAKER: If the request made by the gentleman from Kentucky is objected to, then the conference report will be read.

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2. 140 CONG. REC. 24324, 103d Cong. 2d Sess., Sept. 12, 1994.
3. Michael R. McNulty (N.Y.).
4. 92 CONG. REC. 9754, 9765, 79th Cong. 2d Sess.
5. Sam Rayburn (Tex.).

MR. WOLCOTT: If objection is made to that request, will the resolution be read and then the statement be read?

THE SPEAKER: The conference report will be read. The only thing before the House now is the conference report.

MR. WOLCOTT: In view of the fact that there is no additional time, and it is apparent that no additional time will be granted, I think the Members should have an opportunity to read the joint resolution or hear it read. For that reason, I object.

THE SPEAKER: The Clerk will read the conference report.

The Clerk read the conference report. . . .

MR. WOLCOTT: Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House be read.

MR. SPENCE: I object, Mr. Speaker.

THE SPEAKER: Objection is heard.

§ 20.8 The statement of the managers accompanying a conference report is not read after the reading of the report itself. And although the statement may by unanimous consent be read in lieu of the report, if objection is made to the reading of the statement in lieu of the conference report, the Clerk reads the report.

On the legislative day of Sept. 25, 1961,[6] the Speaker Pro Tempore, John W. McCormack, of Massachusetts, recognized Mr. Albert Thomas, of Texas, who called up the conference report on the supplemental appropriations bill for fiscal 1962.

MR. THOMAS: Mr. Speaker, I call up the conference report on the bill (H.R. 9169) and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report. . . .

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

MR. [JOHN] TABER [of New York]: Mr. Speaker, I object.

The Clerk read the conference report.

Withdrawal of Conference Report Pending Completion of Reading the Report

§ 20.9 When a conference report is called up for consideration in the House, the statement of the managers may be read in lieu of the report by unanimous consent; and if there is objection, the Clerk proceeds to read the report; but the manager may withdraw the report at any

6. 107 CONG. REC. 21518–28, 87th Cong. 1st Sess., Sept. 27, 1961 (Calendar Day).

time before action is taken thereon.

Until the new rules were adopted for the 96th Congress,[7] every conference report had to be read to initiate its consideration. This reading requirement could be dispensed with by unanimous consent or by other parliamentary means, and often for the sake of clarity, the request was made to read the statement of the managers in lieu of the report.

In the illustration included here, the objection to dispensing with the reading of the report was motivated by a desire to put off consideration until another day. The following proceedings occurred on July 18, 1977:[8]

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I call up the conference report on the bill (H.R. 6138) to provide employment and training opportunities for youth, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:[9] Is there objection to the request of the gentleman from Kentucky?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Clerk will read the conference report.

The Clerk proceeded to read the conference report.

MR. PERKINS (during the reading): Mr. Speaker, I again ask unanimous consent that the statement of the managers be read in lieu of the report.

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

MR. BAUMAN: Mr. Speaker, reserving the right to object, it is after 5:30.

Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: Objection is heard.

The Clerk will read.

The Clerk continued to read the conference report.

MR. PERKINS (during the reading): Mr. Speaker, I withdraw the conference report at this time.

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7. See H. Res. 5, 125 CONG. REC. 7–16, 96th Cong. 1st Sess., Jan. 15, 1979. This change is now embodied in Rule XXVIII clause 2(c), *House Rules and Manual* § 912d (1997). See also § 25.7, infra.

8. 123 CONG. REC. 23459, 23460, 95th Cong. 1st Sess.

9. James C. Wright, Jr. (Tex.).