

dress or articles of impeachment or a bill, with amendments, or a vote of the House, or concurrence in a vote, or a message from the King were sometimes communicated by way of conference. 6 *Grey*, 128, 300, 387; 7 *Grey*, 80; 8 *Grey*, 210, 255; 1 *Torbuck's Deb.*, 278; 10 *Grey*, 293; 1 *Chandler*, 49, 287. But this is not the modern practice. 8 *Grey*, 255.

§ 559. Obsolete provision as to conference on first reading.

A conference has been asked after the first reading of a bill. 1 *Grey*, 194. This is a singular instance.

The House has no procedure conforming to this provision.

#### SEC. XLVII—MESSAGES

§ 560. Messages sent only when both Houses are sitting.

Messages between the Houses are to be sent only while both Houses are sitting. 3 *Hats.*, 15. \* \* \*

Formerly this rule was observed (V, 6603, 6604), but since the 62d Congress messages have been received by the House when the Senate was not in session (VIII, 3338). Clause 2 of rule II was added in the 97th Congress, and amended in the 111th Congress, to authorize the Clerk to receive messages at any time that the House is not in session (H. Res. 5, Jan. 5, 1981, p. 98) or in recess (H. Res. 5, Jan. 6, 2009, p. \_\_).

§ 561. Messages received during debate.

\* \* \* They are received during a debate without adjourning the debate. 3 *Hats.*, 22.

In the House messages are received during debate, the Member having the floor yielding on request of the Speaker.

In Senate the messengers are introduced in any state of business, except: 1. While a question is being put. 2. While the yeas and nays are being called. 3. While the ballots are being counted. The first case is short; the second and third are

§ 562. Reception of messages during voting, in absence of a quorum, etc.

cases where any interruption might occasion errors difficult to be corrected. So arranged June 15, 1798.

In the House messages are not received while a question is being put or during a vote by division. However, they are received during the call of the yeas and nays, during consideration of a question of privilege (V, 6640–6642), during a call of the House (V, 6600), during debate on a motion to approve the Journal (Sept. 13, 1965, p. 23607), and before the organization of the House (V, 6647–6649). But the Speaker exercises discretion about interrupting the pending business (V, 6602).

In the House, as in Parliament, if the House be in committee when a messenger attends, the Speaker takes the chair to receive the message, and then quits it to return into committee without any question or interruption. *4 Grey, 226.*

§ 563. Informal rising of Committee of the Whole to receive a message.

§ 564. Salutation of messengers by the Speaker.

Messengers are not saluted by the Members, but by the Speaker for the House. *2 Grey, 253, 274.*

The practice of the House as to reception of messages is founded on this paragraph of the parliamentary law and on the former joint rules (V, 6591–6595). The Speaker, with a slight inclination, addresses the messenger, by title, after the messenger, with an inclination, has addressed the Speaker (V, 6591).

If messengers commit an error in delivering their message, they may be admitted or called in to correct their message. *4 Grey, 41.* Accordingly, March 13, 1800, the Senate having made two amendments to a bill from the House, their Secretary, by mistake, delivered one only, which being inadmissible by itself, that House disagreed, and notified the Senate of their disagreement. This produced a discovery of the mistake. The Secretary was sent to the other House to correct his mistake, the

§ 565. Correction and return of messages.

correction was received, and the two amendments acted on de novo.

A request of one House for the return of a bill messaged to the other, or the request of one House to correct an error in its message to the other, may qualify as privileged in the House or may be disposed of by unanimous consent (III, 2613; V, 6605; Deschler, ch. 32, § 2; Oct. 1, 1982, p. 27172; May 20, 1996, p. 11809). For example: (1) the House by unanimous consent agreed to a request from the Senate for the return of a Senate bill, to the end that the Senate effect a specified (substantive) change in its text (May 7, 1998, p. 8386) or to the end that the bill be recommitted to committee (July 15, 2004, p. \_\_); (2) the House by unanimous consent directed its Clerk to correct an error in a message to the Senate (V, 6607); (3) the House, upon receipt of a request by the Senate to return a bill during consideration of the conference report accompanying that bill, laid the conference report aside and agreed to the Senate request (V, 6609); (4) the House requested the return of a message indicating passage of a Senate joint resolution after learning that both Houses had previously passed an identical House Joint Resolution, so that it could indefinitely postpone action thereon (Nov. 16, 1989, p. 29587); (5) the Speaker laid before the House as privileged a message from the Senate requesting the return of a message where it had erroneously appointed conferees to a bill after the papers had been messaged to the House, so that the message could be changed to reflect the appointment of Senate conferees (May 20, 1996, p. 11809); (6) the Speaker laid before the House as privileged a message from the Senate requesting the return of a Senate bill that included provisions intruding on the constitutional prerogative of the House to originate revenue measures (Oct. 19, 1999, p. 25901; Sept. 28, 2004, p. \_\_; Sept. 30, 2004, p. \_\_); (7) where the engrossment failed to depict certain action of the House, the House considered and agreed to a privileged resolution requesting the Senate to return the engrossment of a House bill (July 15, 2004, p. \_\_) and a House-passed Senate bill (Oct. 8, 2004, p. \_\_); (8) the Speaker laid before the House as privileged a message from the Senate requesting the return of Senate amendments to a House bill where the engrossment failed to properly depict the action of the Senate (July 12, 2005, p. \_\_).

As soon as the messenger who has brought bills from the other House has retired, the Speaker holds the bills in his hand; and acquaints the House “that the other House have by their messenger sent certain bills,” and then reads their titles, and delivers them to the Clerk to be safely kept

§ 566. Disposal of messages after reception.

till they shall be called for to be read. *Hakew., 178.*

In the House the message goes to the Speaker's table for disposition under clause 2 of rule XIV. The Speaker does not acquaint the House, because it has already heard the message.

It is not the usage for one House to inform the other by what numbers a bill is passed. *10 Grey, 150.* Yet they have sometimes recommended a bill, as of great importance, to the consideration of the House to which it is sent. *3 Hats., 25.* \* \* \*

§ 567. Information by message as to bills passed.

The Houses of Congress do not communicate by what numbers a bill is passed, or otherwise recommend their bills.

\* \* \* Nor when they have rejected a bill from the other House, do they give notice of it; but it passes sub silentio, to prevent unbecoming altercations. *1 Blackst., 183.*

§ 568. Information by message as to rejection of bills.

But in Congress the rejection is notified by message to the House in which the bill originated.

In the two Houses of Congress the fact of the rejection of a bill is messaged to the House in which the bill originated, as in the days of Jefferson, although the joint rule requiring it has disappeared (IV, 3422; V, 6601). And in a case wherein the House had stricken the enacting words of a Senate bill, the Senate was notified that the bill had been rejected (IV, 3423; VII, 2638; Oct. 4, 1972, pp. 33785-87).

A question is never asked by the one House of the other by way of message, but only at a conference; for this is an interrogatory, not a message. *3 Grey, 151, 181.*

§ 569. Questions asked by conference, not by message.

In 1798 the House asked of the Senate a question by way of conference, but this appears to be the only instance (V, 6256).

When a bill is sent by one House to the other, and is neglected, they may send a message to remind them of it. 3 *Hats.*, 25; 5 *Grey*, 154. But if it be mere inattention, it is better to have it done informally by communication between the Speakers or Members of the two Houses.

§ 570. Messages as to neglected bills.

It does not appear that either House of Congress has by message reminded the other of a neglected bill.

Where the subject of a message is of a nature that it can properly be communicated to both Houses of Parliament, it is expected that this communication should be made to both on the same day. But where a message was accompanied with an original declaration, signed by the party to which the message referred, its being sent to one House was not noticed by the other, because the declaration being original, could not possibly be sent to both Houses at the same time. 2 *Hats.*, 260, 261, 262.

§ 571. Messages from the President to the two Houses.

The King having sent original letters to the Commons afterward desires they may be returned, that he may communicate them to the Lords. 1 *Chandler*, 303.

A message of the President of the United States is usually communicated to both Houses on the same day when its nature permits (V, 6590); but an original document accompanying can, of course, be sent to but one House (V, 6616, 6617). The President having by inadvertence included certain papers in a message, was allowed to withdraw them (V, 6651). In the House the Speaker has the discretion, which is rarely exercised, to suspend a roll call in order to receive a message from the President.