

Chapter 30

Messages Between the Houses

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Research References

5 Hinds §§ 6590-6662
8 Cannon §§ 3333-3353
Deschler-Brown Ch 32 §§ 1, 2
Manual §§ 330, 560-569, 873, 874

§ 1. In General; Uses

The House of Representatives and the Senate communicate and coordinate their activities by sending formal messages to each other. These messages between the two Houses constitute the sole source of official information regarding actions taken by the other House. 8 Cannon §§ 3342, 3343. The Chair does not take public notice of the proceedings of the Senate unless they are formally brought to the attention of the House by message from the Senate. Deschler-Brown Ch 32 § 2.14.

Messages between the House and Senate are used for a variety of legislative purposes:

- To indicate the final disposition by one House of a bill originating in the other.
- To convey the official papers accompanying a bill from one House to the other.
- To transmit the action of one House on an amendment of the other.
- To request the return of a bill.
- To convey information relating to a committee of conference and a report relating thereto.
- To transmit information relating to the election of an officer and other organizational matters.
- To indicate House or Senate action on a vetoed bill.
- To convey information or documents relating to an impeachment proceeding or electoral count.

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- To dispose of questions regarding a breach of privilege by one House against the other.

Such messages also have been used on rare occasions to transmit or exchange confidential information between the two Houses. 5 Hinds § 5250.

The Clerk or a subordinate delivers the messages of the House to the Senate. Senate messages are delivered to the House by the Secretary of the Senate or a subordinate. 5 Hinds § 6592.

§ 2. Reception of Messages

The refusal of one House to receive a message from the other is a breach of the practice of comity between the two Houses. Deschler-Brown Ch 32 § 1.3. The reception of a message from the Senate is a highly privileged matter and may interrupt the consideration of a bill, even though the previous question has been ordered thereon. Deschler-Brown Ch 32 § 1.4; 5 Hinds § 6602. Messages are received during debate, the Member having the floor yielding at the request of the Speaker. *Manual* § 561. Such a message may be received in the absence of a quorum and pending a motion for a call of the House. *Manual* § 562; 8 Cannon § 3339. The Speaker may receive the message even before the approval of the Journal. *Manual* § 562.

A message from the Senate may not be received when the House is in the Committee of the Whole, but the Committee may rise (formally or informally) to permit the reception of such messages. *Manual* § 564.

Whereas it was formerly the custom to transmit messages only when both Houses were sitting (5 Hinds §§ 6601, 6602), the present practice permits the reception of messages regardless of whether the other House is in session (8 Cannon § 3338). Clause 2(h) of rule II permits the reception by the Clerk of messages from the President or Senate notwithstanding the recess or adjournment of the House.

§ 3. Messages Relating to Bills

Generally

The House ordinarily does not take formal notice of Senate action on bills until such action has been communicated in the normal parliamentary manner. 3 Hinds § 2656; *Manual* § 528a; but see 100-1, Dec. 11, 1987, p 35049.

Messages from the Senate concerning House bills with Senate amendments or Senate bills that require action by the Committee of the Whole go to the Speaker's table and may be referred to the appropriate standing committees in the same manner as public bills introduced in the House.

Manual § 873. Those which do not require consideration in the Committee of the Whole may be laid before the House for consideration pursuant to clause 2 of rule XIV. *Manual* § 874; see SENATE BILLS; AMENDMENTS BETWEEN THE HOUSES.

Senate messages giving notice of measures passed or approved are entered in the Journal and published in the *Congressional Record*. *Manual* § 815.

Requests for the Return of a Bill

A message from the Senate requesting that the House return a bill must be presented to the House for consideration. Deschler-Brown Ch 32 § 2.9. A request of the Senate for the return of a bill to correct an error is treated as privileged in the House and may be disposed of by unanimous consent or by motion. *Manual* § 565. When a request of the Senate for the return of a bill is treated as privileged, the Chair may immediately put the question on the request without debate. Deschler-Brown Ch 32 § 2.8. The House may by unanimous consent agree to a request of the Senate for the return of a Senate bill even where the bill has been referred to a House committee. Deschler-Brown Ch 32 § 2.2. A request of the House for return of a bill messaged to the Senate is not privileged where no error is involved, as it cannot be a substitute for reconsideration. 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. *Manual* § 565. For a discussion of reconsideration of a vote, see RECONSIDERATION.

§ 4. Errors; Lost Documents

A proposition to correct an error in a message by one House to the other presents a question of privilege. 3 Hinds § 2613. One House may correct an error in its message to the other, the receiving House concurring in the correction. 5 Hinds § 6607. If the Clerk of the House or Secretary of the Senate commits an error in delivering a messaged document, such officer may be directed to correct it. In one instance, where the Secretary had delivered only one of two Senate amendments to a House bill, the mistake was not discovered until after the House had disagreed to the Senate amendment. The Senate then directed the Secretary to correct the mistake, the correction was received, and the House acted on the two amendments *de novo*. 5 Hinds § 6590. In another instance, where a figure was changed in the enrolling process in the Senate after the House had concurred in a Senate amendment and cleared the measure for the President, a concurrent resolu-

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tion ratifying such enrollment was agreed to by the Senate (but not taken up in the House). 109-2, S. Con. Res. 80, Feb. 8, 2006, pp 1208, 1209.

Where an official document intended for delivery to the Senate is lost and cannot be retrieved, the preparation of official duplicates thereof may be provided for pursuant to concurrent resolution. Such resolutions are privileged for consideration. In such cases the Clerk attests to the authenticity of an existing printed copy or duplicate original. *Manual* § 704.