

# CRS Report for Congress

Received through the CRS Web

## House Conferees: Selection

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A conference committee is composed of a House and a Senate delegation appointed to reconcile the differences between the versions of a measure passed by the two chambers. Congress usually uses a conference committee to resolve such disagreements on the more important, controversial, or complex measures. The members of each chamber's delegation are known as its conferees or, more formally, "managers." This fact sheet discusses how House conferees are selected.

**Discretion of Speaker.** House Rule I, clause 11, empowers the Speaker to appoint the House delegation to each conference committee. He usually does so immediately after the House has voted to disagree with the Senate version (or insist on the House version) and request a conference (or agree to one requested by the Senate). Although the rule lays down certain general guidelines for appointing conferees, the Speaker's exercise of discretion in doing so cannot be limited by motion or challenged through a point of order.

**Size of Delegation.** The Speaker determines the size and party ratio of the House delegation. There is no fixed or required size, for each chamber's conferees vote as a unit in conference, so that neither can outvote the other. In the 107<sup>th</sup> Congress (2001-2002), House conference delegations varied from three to 65 Members, but most fell between eight and 25 (for appropriation bills, usually 15). Names of conferees appear in the *Congressional Record* issue for the date of their appointment and, on a continuing basis, in the *Calendars of the House* and the on-line Legislative Information System.

**Composition.** Rule I, which permits the Speaker to appoint Delegates as well as Members, directs him to name as conferees Members "primarily responsible for" the measure in question. Normally, he names members of the reporting committee, based on lists submitted by its chair and ranking minority member. These submissions may follow consultations with the Speaker about the delegation's size and party ratio. They generally reflect committee seniority, but not always strictly, and they generally include the Members who managed the measure on the floor. The Speaker does not always restrict himself to these lists, however. The rule directs him as well to appoint a majority of House conferees who support the chamber's position on the measure, and permits him to determine, for this purpose, what the "House position" is.

A provision of Rule I also has the effect of encouraging the Speaker to name sponsors of major floor amendments as conferees, even if they are not members of the

reporting committee. The Speaker may exercise this authority particularly when the committee was hostile to the amendments in question. Also, the Speaker sometimes appoints conferees from committees that were not responsible for a measure, especially when the matters in conference include Senate provisions not germane to the House bill, or other provisions that fall within those panels' jurisdiction. Appointments of this kind create no jurisdictional precedent for the future.

**Limited-Purpose Conferees.** For measures that were referred to more than one committee, the Speaker frequently names a panel of conferees from each committee of referral, so as to "represent the interest of" each (Wm. Holmes Brown, *House Practice* (Washington: GPO, 1996), p. 314). Usually, the Speaker authorizes panels from committees other than the one of primary jurisdiction to negotiate only on specified matters, or on provisions falling within the jurisdiction of that committee. Conferees whose authority is restricted in this way may be called "limited-purpose" conferees; those authorized to negotiate on the entire bill, "general" conferees.

**Kinds of Limited-Purpose Conferees.** Some limited-purpose conferees may be named as "additional" conferees, to negotiate along with the general conferees on the specified matters. For example, a Member might be named an additional conferee only for a floor amendment he or she had sponsored. Alternatively, a Member may be named in lieu of one of the general conferees only for the negotiation of a specified matter.

Instead of "additional" conferees, a panel of limited-purpose conferees may be named as the "sole" conferees on the matters specified. (In this case, the other conferees' authority must also be limited, so that they may not negotiate on these matters.) This situation may occur when the committee from which the panel is drawn exercises jurisdiction over a limited portion of the bill, or over a nongermane Senate amendment. On other occasions, separate panels of conferees from the same committee may be named to negotiate on different portions of the bill. In any of these cases, different panels may have overlapping memberships.

**Changes in Conference Delegations.** Under Rule XXII, clause 7(c), the House may entertain a motion to discharge an entire delegation of conferees (or, alternatively, to instruct them). The motion is in order only with one day's notice, and only after House conferees have been appointed for more than 20 calendar days, including 10 legislative days (normally, each day the House meets is one legislative day). During the last 6 days of a session, they must have been appointed for more than 36 hours.

A conferee may resign only with the consent of the House (often given by unanimous consent, pursuant to a written request to the Speaker or by request of another Member, typically a leader of the conferees). The Speaker, however, may fill vacancies on a conference delegation, and also possesses discretion to remove conferees or name additional ones at any point. He may also at any time alter the grouping of limited-purpose conferees, or further specify the subjects they are authorized to address. If a second conference becomes necessary (because the first conference cannot agree or its report is rejected), the Speaker usually reappoints the same conferees, but may at his discretion alter the makeup of the delegation.