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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 House and Senate versions of a measure passed by both. 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 report discusses how House conferees are selected. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

Discretion of Speaker

House Rule I, clause 11, empowers the Speaker to appoint the House delegation to each conference committee. The Speaker usually does so immediately after the House has voted to request or agree to a conference. The rule sets out some general guidelines for appointing conferees, but the Speaker's exercise of discretion in doing so cannot be limited by motion or challenged through a point of order. Once appointed, names of conferees can be found in the *Congressional Record* for the date of appointment, as well as in the *Calendars of the House* and the on-line Legislative Information System (LIS).

Size of Delegation

The Speaker determines the size and party ratio of the House delegation, but usually consults with leaders of the reporting committee, and perhaps with party leaders, before doing so. The majority party always has a majority of conferees, and the total number is usually odd. There is no fixed or required size, for each chamber's conferees vote as a unit in conference, so that neither side can outvote the other. In the 109th Congress (2005-2006), House conference delegations averaged 22 Members. Most appropriation bills had 15-19 conferees, but delegations on other bills were either smaller (3-13) or larger (21-70).

Composition

Rule I permits the Speaker to appoint Delegates as well as Members as conferees. It directs the Speaker to name Members "primarily responsible for" the measure in question. It also requires that a majority of House conferees should support the chamber's position on the measure, but permits the Speaker to determine, for this purpose, what the "House position" is. Normally, the Speaker names members of the reporting committee, based on lists submitted by its chair and ranking minority member. These lists generally reflect committee seniority, but not always strictly, and they generally include the Members who managed the measure on the floor. The Speaker, however, does not always restrict the appointments made to the lists submitted.

A provision of Rule I 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.

Limited 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 (*House Practice*, p. 314). Usually, the Speaker authorizes panels from additional committees 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” conferees; those authorized to negotiate on the entire bill, “general” conferees. In the 109th Congress, most conferences on other than appropriation bills, especially the larger ones, had this structure, and most panels from other than the primary committee consisted of just three Members.

Kinds of Limited Conferees

Some limited 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. A Member may also be named in lieu of another conferee only for the negotiation of a specified matter. A third possibility is that limited conferees be named as “sole” conferees on the matters specified. (In this case, the other conferees’ authority must also be limited in such a way that they cannot negotiate on these matters.) This form of appointment may occur when the committee from which the panel is drawn has jurisdiction over a limited portion of the bill, or over a nongermane Senate amendment. Sometimes, also, separate panels of conferees from the same committee may be named to negotiate on different portions of the bill. Especially in this case, 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 equal to days of session). During the last six days of a session, they must instead have been appointed only 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. The Speaker may also at any time alter the grouping of limited 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 also, at discretion, alter the makeup of the delegation.

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