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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. The members of each chamber’s delegation are known as its conferees or, alternatively, managers. Congress might opt to use a conference committee to resolve disagreements on controversial or complex measures or after an exchange of amendments between the two chambers proves unsuccessful. This report specifically focuses on how House conferees are selected. For a more expansive discussion of procedures on going to conference, see CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*.

House Rule I, clause 11, empowers the Speaker to appoint the House delegation to each conference committee. The rule sets out general guidelines for appointing conferees, as follows:

- “the Speaker shall appoint no less than a majority who generally supported the House position as determined by the Speaker;”
- “shall name those who are primarily responsible for the legislation;” and
- “shall, to the fullest extent possible, include the principal proponents of the major provisions of the bill or resolution passed or adopted by the House.”

The Speaker’s exercise of discretion in naming conferees cannot be limited by motion or challenged through a point of order.¹

The Speaker usually appoints conferees immediately after the House has voted to request or agree to a conference but may do so, in part or in whole, at a later date.² Once appointed, names of conferees and their date of appointment can be found in several sources, including the *Congressional Record*, the *Calendars of the House*, and Congress.gov.

Size of Delegation

The Speaker determines the size and party ratio of the House delegation but usually consults with leaders of the reporting committee(s), and perhaps with the majority and minority leaders, before doing so. A majority of the conference delegation will always be selected from members of the majority party. As a result, the total number of conferees is usually odd. There is no fixed or required size; each chamber’s conferees vote as a unit in conference so that neither side can outvote the other. That is to say, majority support is needed separately from each chamber’s conferees to approve a proposal put before the committee.

House conference delegations can vary greatly in size, with a minimum of three members (two from the majority and one from the minority). In recent Congresses, delegations have ranged from as few as five to as many as 74. The greater the complexity and scope of a bill, the more conferees one might expect the Speaker to appoint.

¹ *Congressional Record*, vol. 123, (October 12, 1977), pp. 33434-33435. *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Sixteenth Congress*, H.Doc. 115-177, 115th Cong., 2nd sess., [compiled by] Thomas J. Wickham, Parliamentarian (Washington: GPO, 2019), §637, pp. 361-363.

² For example, the Speaker might appoint conferees from the primary committee of jurisdiction first to negotiate over the entire text and later appoint conferees from other committees to consider specified text within their jurisdiction. Similarly, the Speaker could appoint majority party members first, naming minority party members after choosing to consult with the minority leader on recommendations.

Composition

As previously noted, Rule I empowers the Speaker to appoint conferees. More specifically, the rule 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, is not bound to appointing conferees from the lists submitted.

Members who are not on the reporting committee can also be appointed as conferees. For example, the Speaker might deem it appropriate to appoint sponsors of major floor amendments as conferees, regardless of whether or not they are members of the reporting committee. This type of appointment might particularly occur 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 in relation to the bill in conference.³

Rule III, clause 3(b), further permits the Speaker to appoint Delegates and the Resident Commissioner as conferees.

Limited Conferees

In some scenarios, the Speaker will appoint conferees and authorize them to negotiate only on specified matters. Conferees whose authority is restricted in this way may be called “limited” conferees; those authorized to negotiate on the entire bill are called “general” 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.⁴ Usually, the Speaker authorizes these panels as limited conferees for provisions falling within the jurisdiction of that committee. As previously mentioned, the Speaker also sometimes names sponsors of floor amendments as conferees or names members from committees to negotiate on Senate amendments not germane to the House measure. Appointments by the Speaker, particularly on larger bills, often include panels of limited conferees, typically consisting of just three Members (two from the majority party and one from the minority), in addition to the appointed core of general conferees.

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

³ *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Sixteenth Congress*, §637, pp. 361-363.

⁴ Charles W. Johnson, John V. Sullivan, and Thomas J. Wickham Jr., *House Practice: A Guide to the Rules, Precedents, and Practices of the House* (Washington: GPO, 2017), ch. 13 (“Conferences Between the Houses”), §7, p. 346.

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 its entire delegation of conferees (or, alternatively, to instruct them).⁵ The motion is in order only with one day's notice and only after House conferees have been appointed for more than 45 calendar days, including 25 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.⁶

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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This report was originally written by Richard S. Beth, a specialist on legislative procedure who has since retired from CRS. The author listed is available to answer questions on the topic.

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⁵ The House must also be in possession of the papers—the bill and any amendments submitted to conference—for it to discharge its conferees.

⁶ In contemporary practice, adjournment resolutions are usually not approved until very shortly before the adjournment takes place. As a result, it is difficult to know when the “last six days” of a session begin and, therefore, when this exception would apply.

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