Hello CAN Coordinators!

As ESEA makes its way through Congress, it is important for you to know the process so you can advocate appropriately. This CAN DO features a special highlighted topic on the process of how a bill goes through conference.

Defining a Conference Committee

For a bill to become an act it must be passed by both houses. In many cases, the second house frequently amends and returns the bill to the house of origin making it a very lengthy process at times.

Some History! Conference committees are among the oldest of lawmaking procedures, and they date as far back as the early days of the British Parliament. In America, colonial legislatures used conference committees.

A conference committee in reality is composed of separate committees from the Senate and the House of Representatives. As separate committees, they vote separately, not only on the final product but on any supplementary questions put to a vote.

Appointing Conferees

The Senate President and House Speaker agree upon the number of conferees. Each house usually appoints its conferees (also known as managers) immediately after deciding to go to conference. They generally are appointed from the committee that handled the bill but sometimes the President or Speaker will go outside the committee to select one or more conferees. Usually this occurs when the House/Senate has so amended the bill during floor consideration that the bill may no longer resemble the bill reported from the committee. Then, those who shaped the bill during floor consideration may more easily speak for the House/Senate in the conference committee.

The House and Senate do not have to appoint the same number of managers, and they frequently do not. House conferees vote as a delegation, as do Senate conferees, and a majority of each delegation must sign the conference report. Thus,
three Representatives have the same voting power in conference as 30 Senators. Each house is likely to appoint a larger number of conferees when the bill involves the jurisdiction of more than one of its standing committees.

### Rules and Reports

Conference committee meetings are open to the public unless the conferees vote to close them, and the House must vote to authorize its conferees to do so. Both chambers also have guidelines concerning conference discussions. According to House Rule XXII, managers "should endeavor to ensure" that meetings only occur if every House manager has been given notice and an opportunity to attend. The House rule also explicitly states that all matters in disagreement are open to discussion at a conference meeting. Beyond these guidelines, there are virtually no House or Senate rules governing conference meetings. Conferees select their own chairman and usually work without formal rules on quorums, proxies, debate, amendments, and other procedural matters.

However, the House and Senate have important, and roughly the same, rules governing what decisions conferees can make. Conference committees are established to resolve disagreements between the House and Senate over their versions of the same bill. Therefore, the authority of conferees is limited to matters in disagreement. As a general rule, they may not change a provision on which both houses agree, nor may they add anything that is not in one version or the other. Conferees are to reach agreements within the "scope" of the differences between the House and Senate positions. For example, if the House appropriates $10 million for some purpose and the Senate amends the bill by increasing the appropriation to $20 million, the conferees exceed their authority if they agree on a number that is less than $10 million or more than $20 million.

When the conferees reach full agreement, their staffs prepare a conference report that states how they propose to resolve each of the disagreements. Accompanying the report itself is a joint explanatory statement (also known as the statement of managers) which describes the various House and Senate positions and the conferees' recommendations in more detail.

A majority of the House managers and a majority of the Senate managers must sign both the conference report and the joint explanatory statement. Each chamber then debates and votes on the conference report in turn.
Taking it to the Floor

At the conclusion of a successful conference, the papers usually change hands. The conferees from the house that requested the conference bring the papers into conference and then turn them over to the conferees from the other house. Thus, the house that agreed to the conference normally acts first on the conference report.

The Senate usually considers a conference report by unanimous consent although, if necessary, a Senator can make a non-debatable motion to consider it. The report may be called up at any time after it is filed, but it is not in order to vote on the adoption of a conference report unless it has been available to Members and the general public for at least 48 hours before the vote.

When considered on the Senate floor, a conference report is debatable under normal Senate procedures

A point of order may be made against a conference report at any time that it is pending on the Senate floor. If a point of order is sustained against a conference report on the grounds that conferees exceeded their authority, either by violating the "scope" rule then there is a special procedure to strike out the offending portion(s) of the conference recommendation and continue consideration of the rest of the proposed compromise.

Conference reports are not amendable. Each report is a compromise proposal for resolving a series of disagreements; the House prevails on some questions, the Senate on others. If the House and Senate were free to amend the report, they might never reach agreement. At the end of debate, therefore, each house votes on whether to agree to the report as a whole.

When/If the House and Senate agree to the conference report, the bill is enrolled (printed on parchment in its final form) and presented to the President for his approval or disapproval.