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THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 261, the gentleman from Louisiana [Mr. Livingston] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. Obey] will be recognized for 30 minutes. . . .

MR. LIVINGSTON: . . . Mr. Speaker, I am offering a motion to dispose of these amendments. The first two are not controversial and make improvements to the CR and my motion is to concur with these amendments, for they are fine. The modification to the Simpson-Istook-McIntosh language unfortunately is technically insufficient and therefore, is not acceptable. There is agreement that we can not get an acceptable version on this matter agreed to on this CR. Therefore, my motion is to delete the Senate proposed modification and to delete the underlying Simpson-Istook-McIntosh language, so that it hopefully will be addressed at another time.

§ 6. Appointment by the Speaker

The rule giving the Speaker the authority to appoint all select and conference committees[6] leaves the number to his discretion. Since the 93d Congress, the same rule has specified that no less than a majority of those named generally support the House position during House proceedings on the bill. In 1977, the rule again was amended to direct the Speaker to name "Members who are primarily responsible for the legislation" and "to the fullest extent feasible" include those Members who are the principal proponents of major provisions.[7]

Discretion of Speaker

§ 6.1 The designation of conferees is within the discretion of the Speaker; but in making his appointments, he normally consults with the chairman of the committee having jurisdiction of the bill.

On Oct. 14, 1966,[8] Mr. Adam C. Powell, of New York, asked unanimous consent that the minority conferees on H.R. 13161, a bill to strengthen programs of assistance to elementary and secondary schools, be excused and that the Speaker be empowered to appoint new minority conferees. Mr. Gerald R. Ford, of Michigan, reserving the right to object asked

6. See Rule X clause 6(f), *House Rules and Manual* § 701e (1997).

7. See § 6.3, infra.

8. 112 CONG. REC. 26996, 89th Cong. 2d Sess.

whether Mr. Powell was going to submit the names of the new conferees. Speaker John W. McCormack, of Massachusetts, stated:

> As the gentleman from Michigan knows, the Chair makes the appointment. The Chair always seeks the counsel and advice of the chairman, assuming that the chairman has in turn conferred with the members of his own committee on both sides. The Chair will state that he has four names.

Influence of Committee Chairman

§ 6.2 The Speaker stated that in appointing conferees he would be willing to accept the suggestions of the chairman of the committee in charge of the bill being sent to conference.

On July 17, 1935,[9] John J. McSwain, of South Carolina, the Chairman of the Committee on Military Affairs, which reported H.R. 8632 (the Tennessee Valley Authority bill), asked unanimous consent to take the bill from the Speaker's desk and to agree to a conference requested by the Senate. The following discussion then took place concerning the selection of conferees:

> MR. [MAURY] MAVERICK [of Texas]: Mr. Speaker, reserving the right to object, an agreement was made by certain Members of the Military Affairs Committee to have five conferees, with unfriendly people on this committee. As one of the friends of the T.V.A., I was not invited, and as far as I know Mr. Thomason, of Texas, and Mr. Wilcox, of Florida, and Mr. Hill of Alabama, also friends of the T.V.A., were not there. I think it is wrong. I think this is a bad precedent to put unfriendly men on the conference committee; it may hold things up, and it does not appear to me as fair—I will not be a party to any agreement unfriendly to the purposes of the great T.V.A. program. . . .
>
> MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, I reserve the right to object, to ask this question: I would like to see the personnel of the conference committee appointed according to the way the majority of the House voted, and the personnel should be so appointed so that a majority of the committee will favor the majority position of the House.

After this discussion, Speaker Joseph W. Byrns, of Tennessee, stated:

> After all, the Chair appoints the conferees. The Chair is always willing to accept the suggestions made by the chairman of the committee which has charge of the bill, assuming that the members who are appointed will stand for the House measure because they represent the House in the conference.

9. 79 CONG. REC. 11319, 74th Cong. 1st Sess.

Speaker's Discretion in Appointing Conferees

§ 6.3 In determining whether at least a majority of the managers which the Speaker has appointed to represent the House at a conference have "generally supported the House position"—the guideline established by Rule X clause 6(f)—the Speaker is not required to consider the conferees' positions on certain items in dispute during the consideration of the bill in the House.

The provision in Rule X dealing with the Speaker's authority to appoint Members to select committees was modified at the beginning of the 95th Congress with respect to the guidelines for appointing Members to conference committees. In the 95th Congress, the pertinent part of the rule provided: "In appointing members to conference committees the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker. The Speaker shall name Members who are primarily responsible for the legislation and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House."(10)

The Speaker adhered to the guideline in the second sentence quoted above by naming Mr. J. J. (Jake) Pickle, of Texas, as a conferee since he had been the proponent of the provision described in the appointment. The point of order was not directed to the naming of this additional conferee—not a member of the reporting committee—but to the question of whether the named managers were generally in support of the House position. The conferees, the point of order, and the debate and response thereto, are carried here.(11)

THE SPEAKER:(12) The Chair appoints the following conferees: Messrs. Perkins, Dent, Phillip Burton, Gaydos, Clay, Biaggi, Zeferetti, Quie, Erlenborn, and Ashbrook; and an additional Member, Mr. Pickle, solely for the consideration of section 12 of the House bill and modifications thereof committed to conference.

POINT OF ORDER

MR. [JOHN N.] ERLENBORN [of Illinois]: Mr. Speaker, I make a point of

10. Rule X clause 6(f), *House Rules and Manual* § 701e (1997).
11. See 123 CONG. REC. 33434, 33435, 95th Cong. 1st Sess., Oct. 12, 1977.
12. Thomas P. O'Neill, Jr. (Mass.).

order against the naming of the conferees as not being in compliance with the provisions of section 701(e), rule X of the Rules of the House.

THE SPEAKER: Does the gentleman from Illinois (Mr. Erlenborn) wish to be heard on his point of order?

MR. ERLENBORN: Yes, Mr. Speaker.

Mr. Speaker, rule X, section 701(e) provides in part:

> In appointing members to conference committees the Speaker shall appoint no less than a majority of members who generally supported the House position as determined by the Speaker.

Mr. Speaker, as I pointed out in debate earlier today, the three items in contention between this body and the other body are the rate structure, the tip credit, and the small business amendment. Every one of the majority Members, with the exception of the gentleman from Pennsylvania (Mr. Gaydos), did not support the House position during the consideration of the bill on the floor.

I will admit, Mr. Speaker, that all of the Members who were present did vote for the passage of the bill. The passage of the bill is not in contention. Those items that are in contention between this body and the other body are the three items that I have mentioned, and the majority of the conferees named by the Speaker are not among those Members who supported the majority position in the House.

THE SPEAKER: Does the gentleman from Kentucky (Mr. Perkins) wish to be heard on the point of order?

MR. [CARL D.] PERKINS [of Kentucky]: I do, Mr. Speaker.

Mr. Speaker, there were numerous amendments offered to the minimum wage bill. Perhaps the major amendment that was adopted was the one increasing the exceptions from $250,000 to $500,000 for small businesses. The Speaker has taken care of that situation by appointing the gentleman from Texas (Mr. Pickle).

If we were to follow the argument of the gentleman from Illinois (Mr. Erlenborn), as it might apply to a situation in which some 30 or 40 Members outside the committee had offered amendments, I would think that it would set a precedent that this House could not live with.

But notwithstanding that, the Members who have been suggested to the Speaker by myself as chairman of the Committee on Education and Labor, the seven ranking members of the Subcommittee on Labor Standards, headed by the gentleman from Pennsylvania (Mr. Dent), voted for the majority of the amendments that were offered to the bill on the floor of the House. By and large, all the conferees suggested to the Speaker generally supported the legislation, and that is the rule.

We must look at this picture as a whole and not pick out one or two select amendments that the gentleman from Illinois (Mr. Erlenborn) is primarily interested in and overlook all the other amendments that the other members supported and that the suggested conferees supported.

Therefore, Mr. Speaker, it is my contention that the point of order raised by the gentleman from Illinois (Mr. Erlenborn) is without merit and should be overruled.

THE SPEAKER: The Chair is ready to rule.

This is the judgment of the Chair concerning the following language: "The Speaker shall appoint no less than a majority of Members who generally supported the House position as determined by the Speaker, and the Speaker shall name Members who are primarily responsible for the legislation and shall, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House."

That language is found in clause 6(e) of rule X of the Rules of the House.

In the opinion of the Chair, after looking over the list of conferees, and in view of the fact that the Chair has only had one additional request to name a conferee—and that is the gentleman from Texas (Mr. Pickle), whom the Chair has named as a limited conferee—the Members that the Chair has named as conferees meet the qualification of being "primarily responsible for the legislation."

The Chair's appointment under the remaining provisions of the rule is ultimately a matter within his discretion, which the Chair feels he has properly exercised, and there is nothing in the rule requiring the Chair to consider the conferees' positions solely on the matter in dispute.

The Chair overrules the point of order.

§ 6.4 Instance where the Speaker declined to name as a conferee a Member not of the reporting committee who had successfully sponsored a major amendment and offered a successful motion to instruct to preserve that amendment in conference.

The Speaker's designation of conferees under the guidelines set forth in Rule X clause 6(f)[13] is within his discretion. When H.R. 5840, the Export Administration Amendments of 1977, was considered in the House on Apr. 20, 1977, the amendment offered by Mr. Stewart B. McKinney, of Connecticut, was adopted by a voice vote.[14] Two other amendments were adopted, one also sponsored by a noncommittee Member, by voice votes. There is no documentation of whether or not Mr. McKinney explicitly requested to be named as a conferee.[15]

MR. [CLEMENT J.] ZABLOCKI [of Wisconsin]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5840) to amend the Export Administration Act of 1969 in order to extend the authorities of that act and improve the administration of export controls under that act, and to strengthen the antiboycott provisions of

13. *House Rules and Manual* § 701e (1997).
14. 123 CONG. REC. 11441, 11449, 95th Cong. 1st Sess.
15. See 123 CONG. REC. 14087, 14088, 14091, 95th Cong. 1st Sess., May 10, 1977.

that act, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[16] Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MOTION OFFERED BY MR. MCKINNEY

MR. MCKINNEY: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. McKinney moves that the Managers on the part of the House, at the Conference on the disagreeing votes of the two Houses on the bill H.R. 5840, be instructed to insist upon section 110 of the House-passed bill.

THE SPEAKER PRO TEMPORE: The Chair recognizes the gentleman from Connecticut (Mr. McKinney) for 1 hour in support of his motion. . . .

So the motion was agreed to. . . .

THE SPEAKER PRO TEMPORE: The Chair appoints the following conferees: Messrs. Zablocki, Fascell, Rosenthal, Hamilton, Bingham, Ryan, Solarz, Broomfield, Buchanan, and Whalen.

Discretion of the Chair (Senate)

§ 6.5 The Vice President stated that in the future, he would exercise some discretion in the appointment of conferees.

On Apr. 9, 1935, the Vice President, John Nance Garner, of Texas, after appointing Senate conferees on the District of Columbia appropriations bill, stated:[17]

> The Chair would like to make a statement concerning the future policy of the present occupant of the chair in the matter of appointing conferees.
>
> It has been the custom for a long time for the Senator having charge of an important House bill which passes the Senate with amendments, to ask for a conference with the House of Representatives and that the Chair appoint the conferees on the part of the Senate. He sends to the Chair the names of the conferees. So far as the Record shows, the occupant of the chair appoints the conferees, whereas, as a matter of fact, he exercises no discretion and does not even see the names of the conferees until they are sent to the Chair.
>
> Hereafter the present occupant of the chair expects to exercise some discretion in the matter of selecting conferees when the Senate authorizes him to make the appointments.
>
> The Chair mentions this now so that no Senator in the future may think he is slighted or otherwise discriminated against if he asks unanimous consent that the Chair appoint conferees and sends up his list, and those named on the list are not appointed. The Chair merely desires to give notice of his course in the future.

16. B. F. Sisk (Calif.).

17. See 79 CONG. REC. 5296, 5297, 74th Cong. 1st Sess.

After the Vice President's statement, there was some discussion of the method of appointing Senate conferees. During the discussion, Senator Joseph T. Robinson, of Arkansas, observed:

> . . . Without doubt, the Senate has the right to elect all its committees; but the practice has arisen, by unanimous consent, of the Chair appointing conferees, and those appointments are made on the recommendation of the Senator in charge of the bill.

Appointments by Speaker Pro Tempore

§ 6.6 *Parliamentarian's Note:* An appointed or designated Speaker Pro Tempore may, by unanimous consent, appoint conferees.

On Dec. 22, 1970,[18] after Mr. Otto E. Passman, of Louisiana, asked unanimous consent to agree to the further conference requested by the Senate on H.R. 17867, a foreign assistance appropriation bill, Speaker Pro Tempore Carl Albert, of Oklahoma, stated:

> Is there objection to the request of the gentleman from Louisiana? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Passman, Natcher, Mrs. Hansen of Washington, and Messrs. Cohelan, Long of Maryland, McFall, Mahon, Shriver, Conte, Reid of Illinois, Riegle, and Bow.[19]
>
> There was no objection.

Reappointment of Same Conferees for Further Conference

§ 6.7 The Speaker may appoint the same conferees who have reported back from a previous conference in disagreement.

On July 30, 1963,[20] Representatives Wright Patman, of Texas, Albert Rains, of Alabama, Abraham J. Multer, of New York, William A. Barrett, of Pennsylvania, Clarence E. Kilburn, of New York, William B. Widnall, of New Jersey, and James Harvey, of Michigan—the managers on the part of the House at the conference on H.R. 3872 (extending the Export-Import Bank Act)—reported that they had been unable to reach an agreement with their Senate counterparts. After the House agreed to a motion offered by Mr. Patman

18. 116 CONG. REC. 43398, 91st Cong. 2d Sess.

19. See also 113 CONG. REC. 34135, 34136, 90th Cong. 1st Sess., Nov. 29, 1967; 108 CONG. REC. 23032, 87th Cong. 2d Sess., Oct. 10, 1962; and 95 CONG. REC. 11583, 11584, 81st Cong. 1st Sess., Aug. 16, 1949.

20. 109 CONG. REC. 13631, 13636, 88th Cong. 1st Sess.

that the House insist on its disagreement to the amendment of the Senate and ask for a further conference, Speaker John W. McCormack, of Massachusetts, appointed the same conferees who had reported back in disagreement.

THE SPEAKER: The Chair appoints the following conferees: Messrs. Patman, Rains, Multer, Barrett, Kilburn, Widnall, and Harvey of Michigan.

Number of Conferees

§ 6.8 The number of Members appointed to act as managers on the part of the House at a conference is within the discretion of the Speaker, and a large number have been appointed where it is necessary to reflect divergent views on the legislation.

On Dec. 12, 1969,[1] Mr. Carl D. Perkins, of Kentucky, asked unanimous consent that the House insist on its amendment to S. 3016, the Economic Opportunity Act Amendments of 1969, and request a conference thereon with the Senate. After the Clerk read the title of the bill, Speaker John W. McCormack, of Massachusetts, stated:

Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Mr. Perkins, Mrs. Green of Oregon, Messrs. Pucinski, Brademas, O'Hara, Carey, Hawkins, William D. Ford, Hathaway, Meeds, Mrs. Mink, Messrs. Clay, Ayres, Quie, Reid of New York, Erlenborn, Scherle, Dellenback, Esch, and Steiger of Wisconsin.

Parliamentarian's Note: While only 20 conferees are listed, four additional conferees were appointed, by unanimous consent, on subsequent days, making a total of 24.

§ 6.9 The Speaker may appoint an equal number of majority and minority conferees.

On Feb. 16, 1966,[2] the following proceedings occurred:

MR. [JOHN L.] MCMILLAN [of South Carolina]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3314) to require premarital examinations in the District of Columbia, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

THE SPEAKER:[3] Is there objection to the request of the gentleman from South Carolina?

1. 115 CONG. REC. 38877, 38878, 91st Cong. 1st Sess.
2. 112 CONG. REC. 3176, 89th Cong. 2d Sess.
3. John W. McCormack (Mass.).

The Chair hears none, and appoints the following conferees: Messrs. Whitener, Williams, Horton, and Roudebush.[4]

Alternate Conferees

§ 6.10 The Speaker may be authorized to appoint alternate managers on a conference committee to serve in lieu of managers unavoidably absent.

On Aug. 16, 1950,[5] the following proceedings occurred regarding H.R. 7786, a general appropriation bill:

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I ask unanimous consent that the Speaker appoint four alternate managers on the part of the House at the conference with the Senate on House bill 7786 to serve in lieu of managers unavoidably absent.

THE SPEAKER:[6] Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. Bates of Kentucky, Passman, McGrath, and Furcolo.

Appointment of Replacement Conferees

§ 6.11 Upon the death of a Member who has been appointed to a conference committee, the Speaker appoints a replacement.

The Speaker's statement, placed in the *Congressional Record* on Sept. 11, 1984,[7] is self-explanatory.

APPOINTMENT OF CONFEREE ON S. 38, H.R. 1904, H.R. 5167 AND S. 2496

THE SPEAKER:[8] The Chair appoints the gentleman from California, Mr. Hawkins, as a conferee to fill the vacancies caused by the death of Representative Perkins of Kentucky on the following conferences:

S. 38, Longshoremen's and Harbor Workers' Compensation Act amendments;

H.R. 1904, Child Abuse Amendments of 1984;

H.R. 5167, Department of Defense Authorization Act; and

S. 2496, Adult Education Act Amendments of 1984.

§ 6.12 Under the earlier practice (before 1993), the Speaker could appoint additional conferees, after the original appointment, only

4. Representatives Whitener and Williams were members of the majority party; Representatives Horton and Roudebush were members of the minority party.
5. 96 CONG. REC. 12607, 81st Cong. 2d Sess.
6. Sam Rayburn (Tex.).
7. 130 CONG. REC. 24790, 98th Cong. 2d Sess.
8. Thomas P. O'Neill, Jr. (Mass.).

with the permission of the House.

Conferees had been named to represent the House at the conference with the Senate on the bill H.R. 5383, the Age Discrimination in Employment Act Amendments of 1977, earlier in the day on Oct. 25, 1977.[9] One majority conferee had inadvertently been omitted from the list read by the Chair. The request carried here illustrates two points: first, the Speaker Pro Tempore can appoint a conferee only by unanimous consent; and second, the consent of the House was at that time required for the Chair to add (or remove) conferees after the original appointment.

In adding the name of the additional conferee, the Chair also fixed his rank on the conference committee, reflecting the practice of recognizing committee seniority in the appointment of managers.

MR. [JOHN] BRADEMAS [of Indiana]: Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint one additional conferee on the bill H.R. 5283, to amend the Age Discrimination in Employment Act of 1967 to extend the age group of employees who are protected by the provisions of such act, and for other purposes.

THE SPEAKER PRO TEMPORE:[10] Is there objection to the request of the gentleman from Indiana?

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Speaker, reserving the right to object, could the gentleman from Indiana tell us why this is necessary?

MR. BRADEMAS: Mr. Speaker, will the gentleman yield?

MR. ROUSSELOT: Mr. Speaker, I am happy to yield to the distinguished gentleman.

MR. BRADEMAS: Mr. Speaker, I will respond to the gentleman that I am advised by the chairman of the Committee on Education and Labor that inadvertently the name of one of the persons who was to have been named a House conferee was omitted. It is for that reason that I make the unanimous-consent request.

MR. ROUSSELOT: Mr. Speaker, I withdraw my reservation of objection.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Indiana? The Chair hears none and, without objection, appoints the gentleman from California (Mr. Hawkins) as an additional conferee, to rank immediately after the gentleman from Kentucky (Mr. Perkins).

There was no objection.

Senate Notification

9. 123 CONG. REC. 35029, 95th Cong. 1st Sess. Both the request of Mr. Brademas and the insert in the *Congressional Record* carry an incorrect number and year for the bill. The correct number and year are shown in the text above.

10. Abraham Kazen, Jr. (Tex.).

§ 6.13 The Speaker directs the Clerk to notify the Senate of the appointment of additional House conferees.

On Sept. 20, 1972,[11] the following proceedings occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional conferees on the part of the House at the conference with the Senate on the bill S. 976 to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes.

THE SPEAKER:[12] Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Eckhardt and Ware.

The Clerk will notify the Senate of the action of the House.

Authority of Speaker Pro Tempore To Appoint Conferees

§ 6.14 While a Member designated by the Speaker as Speaker Pro Tempore may exercise the authority to appoint conferees, only with the unanimous consent of the House, an elected Speaker Pro Tempore can make such appointments by virtue of his office.

Where an objection was raised to the appointment of conferees by a designated Speaker Pro Tempore, the House proceeded to elect a Speaker Pro Tempore so the managers on the part of the House could be named.

On June 21, 1984,[13] the Majority Leader, James C. Wright, Jr., of Texas, was administered the oath as Speaker Pro Tempore to facilitate the appointment of conferees on the Department of Defense Authorization Act, 1985. The proceedings were as follows:

APPOINTMENT OF CONFEREES ON H.R. 5167, DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1985

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5167) to authorize appropriations for fiscal year 1985 for the military functions of the Department of Defense, to prescribe military personnel levels for that fiscal year for the Department of Defense, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

There was no objection.

11. 118 CONG. REC. 31418, 92d Cong. 2d Sess.
12. Carl Albert (Okla.).
13. 130 CONG. REC. 17707, 17708, 98th Cong. 2d Sess.

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees——

MR. [DICK] CHENEY [of Wyoming]: Mr. Speaker, I reserve the right to object.

THE SPEAKER PRO TEMPORE: The gentleman reserves a right to object to the Chair's appointment of conferees?

MR. CHENEY: That is correct, Mr. Speaker.

Mr. Speaker, it is my understanding that one of the individuals to be appointed to serve on the conference from the House on the Defense authorization bill is not a member of the appropriate committee. I wonder if the Chair could clarify that for me.

THE SPEAKER PRO TEMPORE: The Chair will tell the gentleman that the Members to be appointed are those who were designated by Speaker O'Neill, and they are Members designated under the rule, members of the committee, and for purposes of specific amendments, as the rules of the House provide, when requested by the author of a specific amendment, the author of that specific amendment may be appointed to the conference expressly and solely for purposes of consideration of that amendment.

MR. CHENEY: Further reserving the right to object, it is my understanding, to be specific, that the gentleman from Oregon [Mr. AuCoin], who is not a member of the Armed Services Committee, is being appointed as a member of the conference specifically with respect to the MX.

I wonder if the Chair could confirm that for me.

THE SPEAKER PRO TEMPORE: The Chair would simply declare that the Speaker's designation of conferees is not for that reason subject to challenge, and whomever the Speaker has asked this presiding officer to appoint, will be appointed.

MR. CHENEY: Further reserving the right to object, Mr. Speaker, it is indeed my understanding under rule 10, clause 6, section F, that the Speaker does indeed have that authority, but the gentleman in the chair, obviously, is currently serving in that capacity but has asked for unanimous consent that we proceed with the appointment of the conferees.

I am deeply concerned about the precedent of appointing someone to serve on a conference committee who is not a member of the authorizing committee, and on that basis, I would be constrained to object to the appointment of conferees.

ELECTION OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING THE ABSENCE OF THE SPEAKER

MR. [GILLIS W.] LONG of Louisiana: Mr. Speaker, I offer a privileged resolution (H. Res. 531) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 531

Resolved, That the Honorable Jim Wright, a Representative from the State of Texas, be, and he is hereby, elected Speaker pro tempore during the absence of the Speaker.

Resolved, That the President and the Senate be notified by the Clerk of the election of the Honorable Jim Wright as Speaker pro tempore during the absence of the Speaker.

THE SPEAKER PRO TEMPORE: The question is on the resolution.

MR. CHENEY: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 148, not voting 55, as follows: . . .

SWEARING IN OF HON. JIM WRIGHT AS SPEAKER PRO TEMPORE DURING ABSENCE OF THE SPEAKER

THE SPEAKER PRO TEMPORE (MR. WRIGHT): Will the dean of the House please come forward and administer the oath of office?

Mr. Wright assumed the chair and took the oath of office administered to him by the gentleman from Mississippi [Mr. Whitten].

ORDER OF BUSINESS

MR. [WILLIAM E.] DANNEMEYER [of California]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The Chair will recognize the gentleman from California [Mr. Dannemeyer] later. At this moment the Chair is appointing conferees.

APPOINTMENT OF CONFEREES ON H.R. 5167

THE SPEAKER PRO TEMPORE: The Chair appoints the following conferees on H.R. 5167:

From the Committee on Armed Services: Messrs. Price, Bennett, Stratton, Nichols, Daniel, Montgomery, Aspin, Dellums, Dickinson, Whitehurst, Spence, Mrs. Holt, Mr. Hillis, and Mr. Badham.

Although not on the Committee on Armed Services, Mr. Les AuCoin, of Oregon, was appointed as one of the conferees "solely for consideration" of certain designated provisions in the House bill and the Senate amendment.(14)

§ 6.15 Under a standing rule adopted in the 103d Congress, the Speaker may appoint additional conferees or remove conferees after his initial appointment; but when this action is taken by a Speaker Pro Tempore, it requires unanimous consent.

Following the rather intricate appointment of conferees on the Budget Reconciliation Act of 1994, certain corrections and additions were called to the attention of the Speaker before the House met on the next day. The additions and corrections were initially announced by a designated Speaker Pro Tempore, but when a Member reserved the right to object to the unanimous-consent request put by the Chair, and indicated a desire for a prolonged discussion, the Speaker resumed the Chair which changed the parliamentary situation from one requiring consent to

14. 130 CONG. REC. 17709, 98th Cong. 2d Sess., June 21, 1984.

one which could be exercised under the provision of Rule X clause 6(f).[15]

The pertinent proceedings of July 15, 1993,[16] are set out below.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2264, OMNIBUS BUDGET RECONCILIATION ACT OF 1993

THE SPEAKER PRO TEMPORE:[17] Without objection, the Chair appoints the following additional conferees on H.R. 2264, the Omnibus Budget Reconciliation Act of 1993:

As additional conferees from the Committee on Agriculture, for consideration of title I and section 9005 (a)–(c) and (f) of the House bill, and title I and section 5001, 5002 (a), (b) and (d), and 5003 of the Senate amendment, and modifications committed to conference: Messrs. de la Garza, Rose, Glickman, Volkmer, Penny, Roberts, Emerson, and Gunderson. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I reserve the right to object.

THE SPEAKER:[18] The Chair advises the gentleman from Pennsylvania [Mr. Walker] that these are the Speaker's additional appointments to the conference committee under rule X. Unanimous consent is not required under the rule, and consequently reservations of objection are not in order.

PARLIAMENTARY INQUIRY

MR. WALKER: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. WALKER: Just before the Speaker took the chair, the action before the House then was without objection that these appointments would be made. I understand rule X, but are we going to now revise the procedure on the floor, and is the Speaker announcing such?

THE SPEAKER: The gentleman is correct.

§ 6.16 A Speaker Pro Tempore was by unanimous consent authorized to appoint additional conferees on a bill.

On Apr. 29, 1948,[19] the following proceedings occurred in the House:

MR. [PAUL W.] SHAFER [of Michigan]: Mr. Speaker, I ask unanimous consent that the Speaker pro tempore be authorized to appoint two additional conferees on the bill (S. 1641) to establish the Women's Army Corps in the Regular Army, to authorize the enlistment and appointment of women in the Regular Navy and Marine Corps and the Naval and Marine Corps Reserve, and for other purposes.

THE SPEAKER PRO TEMPORE:[20] Is there objection to the request of the gentleman from Michigan? [After a

15. See *House Rules and Manual* § 701e (1997).
16. 139 CONG. REC. 15831, 15832, 103d Cong. 1st Sess.
17. John W. Olver (Mass.).
18. Thomas S. Foley (Wash.).
19. 94 CONG. REC. 5066, 80th Cong. 2d Sess.
20. Charles A. Halleck (Ind.).

pause.] The Chair hears none and, without objection, appoints the gentleman from New York [Mr. Andrews] and the gentleman from Texas [Mr. Johnson].

There was no objection.

Example of a Delayed Appointment of Conferees

§ 6.17 Instance where the Speaker did not announce his appointment of conferees until the second session of the Congress, where a conference had been requested in the first session, but where the number and variety of conferees was in dispute.

The appointment of conferees was delayed due to controversy over the composition of the conference on H.R. 2005, the Social Security Minor and Technical Changes Act of 1985. The House had requested a conference on Dec. 10, 1985, but achieving jurisdictional "balance" and reconciling opposing claims by several House committees delayed a decision. The list of conferees carried here[1] illustrates the diversity of jurisdictions which were involved in the superfund legislation.

THE SPEAKER:[2] Pursuant to the action of the House on December 10, 1985, the Chair appoints the following Superfund conferees on H.R. 2005:

From the Committee on Energy and Commerce, for consideration of titles I–III of the House amendment to the Senate amendment, and the entire Senate amendment, except for title II:

Messrs. Dingell, Florio, Eckart of Ohio, Ralph M. Hall, Tauzin; and

Mr. Swift (solely for sections 102, 103, 105, 111, 113, 115, 117, 120, 121, 122, 123, 124, and 127 of title I and title III of the House amendment to the Senate amendment, and modifications committed to conference including section 157 of the Senate amendment); and

Mr. Wyden (solely for sections 101, 104, 106, 107, 108, 109, 110, 112, 114, 116, 118, 119, 125, and 126 of title I and title II of the House amendment to the Senate amendment, and modifications committed to conference); and

Messrs. Broyhill, Lent, Ritter, and Fields.

From the Committee on Public Works and Transportation, for consideration of titles I, II (except for section 205) and IV of the House amendment to the Senate amendment, and title I of the Senate amendment, except for sections 110, 111, 127, 157, and 160 thereof:

Messrs. Howard, Anderson, Roe, Breaux, Mineta, Edgar, Snyder, Hammerschmidt, Stangeland, and Gingrich.

From the Committee on Public Works and Transportation, for consideration of title III of the House

1. 132 CONG. REC. 1943, 99th Cong. 2d Sess., Feb. 6, 1986.

2. Thomas P. O'Neill, Jr. (Mass.).

amendment to the Senate amendment, and sections 110, 111, 127, and 160 of title I of the Senate amendment:

Messrs. Anderson, Roe, Edgar, Snyder, and Hammerschmidt.

From the Committee on Ways and Means, for consideration of title V of the House amendment to the Senate amendment, and title II of the Senate amendment:

Messrs. Rostenkowski, Pickle, Rangel, Stark, Downey of New York, Russo, Pease, Duncan, Archer, Vander Jagt, and Frenzel.

From the Committee on Merchant Marine and Fisheries, for consideration of sections 104, 107, 108, 111, 113, 116, 121, and 122 of title I of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. Jones of North Carolina, Biaggi, Studds, Young of Alaska, and Davis.

From the Committee on Merchant Marine and Fisheries, for consideration of title IV of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. Jones of North Carolina, Biaggi, and Studds, Ms. Mikulski, and Messrs. Lowry of Washington, Tauzin, Young of Alaska, Davis, Lent, and Fields.

From the Committee on the Judiciary, for consideration of sections 107, 113, 117, 119, and 122 of title I and sections 203 and 206 of title II of the House amendment to the Senate amendment, and modifications committed to conference:

Messrs. Rodino, Glickman, Frank, Fish, and Kindness.

From the Committee on Armed Services, for consideration of section 213 of title II of the House amendment to the Senate amendment, and section 162 of title I of the Senate amendment:

Mr. McCurdy and Mr. Martin of New York.

Specific Conferees From Another Committee Appointed on Portion of Senate Amendment in Nature of Substitute

§ 6.18 Instance where the Speaker appointed as sole conferees for consideration of a portion of a Senate amendment only members from the committee having jurisdiction over that nongermane part, reserving until a later day the appointment of managers to cover the remainder of the Senate amendment.

H.R. 1197, the Vessel Tonnage Measurement Simplification Act, had been reported by the House Committee on Merchant Marine and Fisheries. The Senate amendment added two sections dealing with strip mining regulations, a matter within the jurisdiction of the Committee on Interior and Insular Affairs. Mr. Ashley's request (made in his capacity as Chairman of the Merchant Marine and Fisheries Committee) was

that the House would disagree to the total Senate amendment, so a valid conference could not be commenced until managers were appointed with authority to confer on the entirety of the amendment. The conferees from the membership of the Merchant Marine Committee were in fact appointed by the Speaker on the following day and given sole authority to negotiate on the other sections of the Senate amendment.[3]

APPOINTMENT OF CONFEREES ON H.R. 1197, TONNAGE MEASUREMENT SIMPLIFICATION ACT

MR. [THOMAS L.] ASHLEY [of Ohio]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1197) to simplify the tonnage measurement of certain vessels, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon. . . .

THE SPEAKER:[4] Is there objection to the request of the gentleman from Ohio?

MR. [NICK J.] RAHALL [II, of West Virginia]: Mr. Speaker, reserving the right to object, I would ask the distinguished gentleman from Ohio the parliamentary situation. As I understand it, the merchant marine jurisdiction will be separated entirely from the Surface Mining Act that has amendments that have been tacked on by the other body?

MR. ASHLEY: Mr. Speaker, will the gentleman yield?

MR. RAHALL: I yield to the gentleman.

MR. ASHLEY: I would say to my friend from West Virginia he described the situation with his customary accuracy. That is precisely what is going to happen. The conferees from the Merchant Marine and Fisheries Committee, being inexpert in the matter relating to the nongermane Senate amendment, will not be charged with responsibility of making decisions in that matter. Rather, the appropriate committee of jurisdiction conferees from the appropriate committee of jurisdiction will have that responsibility.

MR. RAHALL: All conferees on the surface mining amendments which were passed a second time by the Senate in order to attach it to this merchant marine bill, all of the conferees on that part of the legislation will be appointed by the House Interior and Insular Affairs Committee chairman?

MR. ASHLEY: The gentleman is right. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Ohio (Mr. Ashley)? The Chair hears none, and appoints the following conferees: Messrs. Udall, Bingham, Seiberling, Eckhardt, Carr, Kostmayer, Murphy of Pennsylvania, Rahall, Vento, Howard, Lujan, Young of Alaska, Symms, Marriott, and Cheney, with respect to disagreement with matters contained in sections 4 and 5 of the Senate amendment and modifications committed to conference.

3. 126 CONG. REC. 23548, 23549, 96th Cong. 2d Sess., Aug. 27, 1980.
4. Thomas P. O'Neill, Jr. (Mass.).

The Chair states further the Chair will appoint additional conferees on sections 1, 2, and 3 on tomorrow.

Parliamentarian's Note: The Speaker's appointment of the remaining conferees on the next day did not require unanimous consent, since the original appointment did not cover all the provisions of the Senate amendment committed to conference and the partial appointment left the conference committee incomplete. A motion to instruct the conferees remained a viable option until the final managers were named.

Additional Conferees

§ 6.19 By unanimous consent, additional conferees may be appointed subsequent to the original appointment.[5]

On July 24, 1972,[6] the following occurred in the House:

MR. [GEORGE P.] MILLER of California: Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint two additional managers on the part of the House to the conference on the disagreeing votes of the two Houses on the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

THE SPEAKER:[7] Is there objection to the request of the gentleman from California?

There was no objection.

THE SPEAKER: The Chair appoints as additional managers on the part of the House at the conference on the bill H.R. 14108 the following Members: Mr. Symington of Missouri, and Mr. Mosher of Ohio.[8]

Speaker Sometimes Reserves Right To Appoint Additional Conferees

§ 6.20 While ordinarily the Speaker adds new conferees to a list of those previously appointed by unanimous consent at the time of the subsequent appointment, he can reserve the right to make additional appointments and

5. Pursuant to a change in Rule X clause 6(f) in the 93d Congress, the Speaker was given the authority to add or remove House managers after his original appointment. H. Res. 5, 139 CONG. REC. 49, 103d Cong. 1st Sess., Jan. 5, 1993.
6. 118 CONG. REC. 24863, 92d Cong. 2d Sess.
7. Carl Albert (Okla.).
8. See, for example, 118 CONG. REC. 19909, 92d Cong. 2d Sess., June 7, 1972; 117 CONG. REC. 26442, 92d Cong. 1st Sess., July 21, 1971; 113 CONG. REC. 16199, 90th Cong. 1st Sess., June 19, 1967; 95 CONG. REC. 7733, 81st Cong. 1st Sess., June 15, 1949; and 94 CONG. REC. 222, 80th Cong. 2d Sess., Jan. 15, 1948.

delineate portions of the bill for specific conferees at the time of the original appointment.

It is often necessary to allow a conference to begin organizing before the final appointment of conferees and specific assignment of conference responsibilities. When the request was made on Aug. 7, 1987,[9] to go to conference on H.R. 3, the Trade and National Economic Policy Reform Act of 1987, a core group of conferees from 12 committees was appointed, along with the Majority Leader, as an additional conferee.

THE SPEAKER:[10] The Chair appoints the following conferees from the committees designated and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subjects of the various appointments.

From the Committee on Ways and Means: Messrs. Rostenkowski, Gibbons, and Duncan;

From the Committee on Agriculture: Messrs. de la Garza, Brown of California, and Roberts; . . .

From the Committee on Science, Space, and Technology: Messrs. Roe, Walgren, and Lujan; and

As an additional conferee: Mr. Gephardt.

There was no objection.

On Sept. 16, 1987,[11] the Speaker supplemented his original appointment, using the authority reserved when he made the initial appointment, by naming 156 conferees.

THE SPEAKER: On August 7, 1987, the Chair appointed conferees on H.R. 3, the omnibus trade bill. Pursuant to the order of the House of that day, the Chair will now supplement that initial appointment.

Accordingly, the Chair appoints the following Members from the committees designated, including both the Members initially appointed and Members newly appointed, as conferees and specifies particular portions of the House bill and Senate amendment as the subjects of the various appointments.

Without objection, the appointment will appear at this point in the Record.

There was no objection.

The list of conferees is as follows:

CONFEREES ON THE OMNIBUS TRADE BILL (H.R. 3)

From the Committee on Ways and Means, for consideration of titles I, II, VIII, and XV and sections 704 and 906 of the House bill, and titles I, II, III (except sections 308 and 310), IV (except sections 412 through 415), V through VIII, IX (except sections 963, 967 through 972, 974, 975, and 977)

9. 133 CONG. REC. 23028, 100th Cong. 1st Sess.

10. James C. Wright, Jr. (Tex.).

11. 133 CONG. REC. 24071, 100th Cong. 1st Sess.

of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Jenkins, Downey of New York, Pease, Russo, Gephardt, Guarini, Matsui, Duncan, Archer, Vander Jagt, Crane, and Frenzel.[12]

Appointment During Adjournment

§ 6.21 The House may grant unanimous consent that, notwithstanding adjournment of the House, the Clerk be authorized to receive a message from the Senate on a House bill, that the House disagree to the amendments of the Senate and agree to a conference, and that the Speaker appoint managers on the part of the House.

On Sept. 19, 1940,[13] Speaker Sam Rayburn, of Texas, recognized Mr. Robert L. Doughton, of North Carolina, who made the following unanimous-consent request:

> Mr. Speaker, I ask unanimous consent that, notwithstanding the adjournment of the House, the Clerk of the House be authorized to receive any message on the bill (H.R. 10413) to provide revenue, and for other purposes, that the House disagree to the amendments of the Senate to such bill and agree to the conference thereon, and that the Speaker appoint managers on the part of the House to attend said conference.

No objection to the request was heard.[14]

§ 6.22 Where the Speaker appoints conferees for the House during an adjournment pursuant to authority granted him, he so informs the House of that fact on the next legislative day so the Record and Journal may record that action.

On Sept. 23, 1940,[15] Speaker Sam Rayburn, of Texas, made the following announcement:

> Pursuant to the authority granted on Thursday, September 19, 1940,[16] the Chair did on Friday, September 20, 1940, appoint as managers on the part of the House to attend the conference on H.R. 10413, the excess-profits-tax bill, the following Members of the House: Mr. Doughton, Mr. Cullen, Mr.

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12. *Parliamentarian's Note:* The Speaker named a total of 156 conferees on this bill, representing 13 committees of the House. This was the largest number of managers ever named to a conference up to that time.
13. 86 CONG. REC. 12360, 76th Cong. 3d Sess.
14. See also 84 CONG. REC. 11105, 76th Cong. 1st Sess., Aug. 4, 1939.
15. 86 CONG. REC. 12461, 76th Cong. 3d Sess.
16. See § 6.21, supra.

McCormack, Mr. Cooper, Mr. Treadway, Mr. Crowther, Mr. Knutson.

Conferees From Several Committees

§ 6.23 A conference committee, composed of three members from the Committee on Interstate and Foreign Commerce and two members from the Committee on the Judiciary, was appointed to consider the House amendments to a Senate bill providing for punishment for willful damage to aircraft.

On May 17, 1956,[17] the following proceedings occurred:

MR. [J. PERCY] PRIEST [of Tennessee]: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2972) to punish the willful damaging or destroying of aircraft and attempts to damage or destroy aircraft, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

THE SPEAKER:[18] Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. Harris, Williams of Mississippi, Willis, Wolverton, and Crumpacker.[19]

§ 6.24 Where a bill which had been reported from the one standing committee, but was called up with a substitute text which was the joint product of two committees, the Speaker appointed members from both committees as conferees.

H.R. 13565, the Federal Nonnuclear Energy Research and Development Act of 1974, was reported from the House Committee on Interior and Insular Affairs. Bills of a similar import had been referred to the Committee on Science and Astronautics but not formally reported therefrom. When a special order (H. Res. 1325) was reported from the Committee on Rules providing for the consideration of H.R. 13565, that committee made in order an amendment in the nature of a

17. 102 CONG. REC. 8435, 84th Cong. 2d Sess.

18. Sam Rayburn (Tex.).

19. Representatives Harris, Williams, and Wolverton were members of the Committee on Interstate and Foreign Commerce, which reported S. 2972. Representatives Willis and Crumpacker were members of the Committee on the Judiciary which reported H.R. 319, the provisions of which were inserted as a substitute for S. 2972.

substitute for the Interior text, a substitute which was acceptable to both committees. It was this mutually agreed upon substitute which was in conference with the Senate version of the bill (S. 1283) when the Speaker appointed conferees.[20] The conferee ratio was five majority, three minority; three of the majority were from the Committee on Interior and Insular Affairs, and two were from the Science Committee.

MR. [JAMES A.] HALEY [of Florida]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1283) to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development, and for other purposes, with a House amendment thereto, and agree to the conference asked by the Senate.

THE SPEAKER:[1] Is there objection to the request of the gentleman from Florida?

The Chair hears none, and appoints the following conferees: Messrs. Udall, Bingham, Seiberling, Teague, McCormack, Ruppe, Dellenback, and Mosher.

§ 6.25 Where a House bill had been referred to one committee, sequentially referred to a second, but had passed the House with the text recommended by the first, the Speaker appointed conferees from both committees, weighted in favor of the committee whose text had prevailed on the House floor.

Both the Committee on Armed Services and the Committee on Interior and Insular Affairs has considered bills dealing with the national petroleum reserves. H.R. 49 had been reported first from the Interior Committee on Mar. 18, 1975. It was referred sequentially to the Committee on Armed Services, which on Apr. 18, 1975, reported to the House two bills: H.R. 49 and H.R. 5919. When H.R. 49 was considered in the House, pursuant to House Resolution 416, a special order which permitted both of the texts recommended by the two committees to receive consideration, the version advocated by the Committee on Armed Services prevailed. Of the 10 managers named by the Speaker,[2] seven were from Interior and Insular Affairs and three were from Armed Services—seven rep-

20. See 120 CONG. REC. 31745, 93d Cong. 2d Sess., Sept. 19, 1974.

1. Carl Albert (Okla.).

2. See 121 CONG. REC. 28902, 94th Cong. 1st Sess., Sept. 17, 1975.

resented the majority party and three represented the minority.

MR. [JOHN] MELCHER [of Montana]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 49) to authorize the Secretary of the Interior to establish on certain public lands of the United States national petroleum reserves the development of which needs to be regulated in a manner consistent with the total energy needs of the Nation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

THE SPEAKER:[3] Is there objection to the request of the gentleman from Montana? The Chair hears none and appoints the following conferees: Messrs. Melcher, Johnson of California, Phillip Burton, Runnels, Miller of California, Price, Bennett, Skubitz, Steiger of Arizona, and Dickinson.

Another appointment of conferees on Oct. 25, 1977,[4] where a bill was sequentially referred but where the sequential committee was successful in having a major amendment reflecting its jurisdictional interest adopted in the House, is carried here to illustrate the significance of a sequential referral in the Chair's choice of managers at a conference.

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5383) to amend the Age Discrimination in Employment Act of [1977] to extend the age group of employees who are protected by the provisions of such act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

THE SPEAKER:[5] Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. Perkins, Dent, Beard of Rhode Island, Michael O. Myers, Le Fante, Weiss, Clay, Corrada, Pepper, Quie, Sarasin, Jeffords, Pursell, Findley, and as additional conferees solely for the consideration of sections 4(c) and 5 of the House bill and modification thereof committed to conference: Mrs. Spellman, and Messrs. Heftel and Derwinski.

§ 6.26 The Speaker appointed a conference committee consisting of members of two standing committees of the House to consider, respectively, provisions in a Senate-amended House bill relating to airport facilities expansion, and the revenue provisions therein.

3. Carl Albert (Okla.).
4. 123 CONG. REC. 34987, 95th Cong. 1st Sess.
5. Thomas P. O'Neill, Jr. (Mass.).

On Mar. 3, 1970,[6] the following proceedings occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and request a conference with the Senate thereon.

THE SPEAKER:[7] Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Friedel, Dingell, Pickle, Springer, Devine and Watson.[8]

As to the tax provision of the Senate amendments, the Chair appoints Messrs. Mills, Boggs, Watts, Byrnes of Wisconsin, and Betts.[9]

§ 6.27 When appointing the conferees on a federal-aid highway bill (which contained both authorizations and revenue features), the Speaker selected members from both committees which had jurisdiction of the subject matter—the Committee on Public Works and the Committee on Ways and Means.

On June 20, 1961,[10] the following proceedings occurred:

MR. [GEORGE W.] FALLON [of Maryland]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6713) to amend certain laws relating to Federal-aid highways, to make certain adjustments in the Federal-aid highway program, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:[11] Is there objection to the request of the gentleman from Maryland? The Chair hears none and appoints the following conferees: On title I, Messrs. Fallon, Davis of Tennessee, Blatnik, Scherer, and Cramer;[12] on title II, Messrs. Mills, King of California, O'Brien of Illinois, Mason, and Byrnes of Wisconsin.[13]

Conferees From Four Committees, With General Negotiating Authority

6. 116 CONG. REC. 5713, 91st Cong. 2d Sess.
7. John W. McCormack (Mass.).
8. Members of the Committee on Interstate and Foreign Commerce.
9. Members of the Committee on Ways and Means.
10. 107 CONG. REC. 10832, 87th Cong. 1st Sess.
    See also 102 CONG. REC. 9559, 84th Cong. 2d Sess., June 5, 1956.
11. Sam Rayburn (Tex.).
12. Members of the Committee on Public Works.
13. Members of the Committee on Ways and Means.

§ 6.28 Pending a unanimous-consent request to send to conference a bill reported by four House committees, the Speaker indicated that he would exercise his discretion to appoint managers from all four committees and permit them to negotiate on all aspects of the bill.

On July 27, 1979,[14] the chairman of the Committee on Merchant Marine and Fisheries, John M. Murphy, of New York, which had plenary jurisdiction under the then-applicable provisions of Rule X[15] over the Panama Canal, asked unanimous consent to send the bill H.R. 111, the Panama Canal Act of 1979, with the Senate amendments thereto, to conference. After the Speaker's response to the parliamentary inquiry, there was an objection to the request. On July 30, 1979,[16] a special order was called up by a member of the Committee on Rules which on its adoption sent the bill to conference. The dispute over the authority of the conferees was restated during the debate on that resolution. After adoption of the motion to instruct conferees, the Speaker appointed 18 conferees, representing the Committees on Merchant Marine and Fisheries, Foreign Affairs, Post Office and Civil Service, and the Judiciary. The list of those appointed was not arranged according to seniority, nor by committee affiliation, although senior members of the Committee on Merchant Marine and Fisheries were named first. The proceedings on the two dates are carried here, with a portion of the debate which is relevant to the mandate of the conferees.

MR. [JOHN M.] MURPHY of New York: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 111) to enable the United States to maintain American security and interests respecting the Panama Canal, for the duration of the Panama Canal Treaty of 1977, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

THE SPEAKER:[17] Is there objection to the request of the gentleman from New York (Mr. Murphy)?

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, reserving the right to object, I do so to propound an inquiry to the Chair.

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14. 125 CONG. REC. 20993, 20994, 96th Cong. 1st Sess.

15. Clause 1(n)(8), *House Rules and Manual* § 683 (1979).

16. 125 CONG. REC. 21298, 21302, 21309, 96th Cong. 1st Sess.

17. Thomas P. O'Neill, Jr. (Mass.).

Under the rule which allows wide discretion to the Speaker to appoint conferees on any bill, the Speaker may designate certain conferees to deal with only limited portions of the bill.

The bill that is the subject of the request of the gentleman from New York, H.R. 111, had a joint referral to four different committees, the Committee on Foreign Affairs, the Committee on Post Office and Civil Service, and the Committee on the Judiciary and the Committee on Merchant Marine and Fisheries. Those first three committees had very limited jurisdiction over parts of the bill. If this request is granted, is it the intention of the Chair to designate conferees limited to the jurisdiction of the committees which they represent, rather than to permit all conferees to vote on the entire bill?

THE SPEAKER: The Chair will appoint the conferees from all committees and they will have authority to negotiate on the entire bill.

MR. BAUMAN: Mr. Speaker, I object to the request.

THE SPEAKER: Objection is heard. . . .

PROVIDING FOR SENDING H.R. 111 TO CONFERENCE

MR. [LEO C.] ZEFERETTI [of New York]: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 390

Resolved, That upon the adoption of this resolution the bill (H.R. 111) to enable the United States to maintain American security and interests respecting the Panama Canal, for the duration of the Panama Canal Treaty of 1977, with the Senate amendments thereto, is taken from the Speaker's table to the end that the House disagrees to the Senate amendments and requests a conference with the Senate thereof.

THE SPEAKER PRO TEMPORE:[18] The gentleman from New York (Mr. Zeferetti) is recognized for 1 hour.

MR. ZEFERETTI: Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Maryland (Mr. Bauman), and, pending that, I yield myself such time as I may consume.

Mr. Speaker, generally after passage of a House bill which is in disagreement with the companion passed bill in the Senate the chairman or chairmen of the committee or committees involved will ask the House to request a conference. This is usually done by unanimous consent so as not to take up the valuable time of the House.

However, last week on a motion to send House Resolution 111 to conference an objection was raised by an opponent of the measure. In this instance it would require the four committees who have jurisdiction over this bill to meet and vote on whether to direct the chairmen of these respective committees to offer a motion on the floor to request a conference. Unfortunately, such a procedure would require a significant amount of time and would have delayed further consideration of this bill.

The Rules Committee has been informed by the chairman of the Mer-

18. George E. Brown, Jr. (Calif.).

chant Marine and Fisheries Committee that it is imperative for the House and Senate conferees to begin deliberation immediately so as to effectively come to agreement at the earliest possible date.

To remedy this situation the Rules Committee has reported out House Resolution 390 to effectively allow the legislative process on House Resolution 111 to progress without any further delays. . . .

MR. BAUMAN: Mr. Speaker, the gentleman from Maryland did indeed object to sending this bill to conference when the request was made to do so on last Friday. . . .

Under rule 701(d) of the Rules of the House, the Speaker of the House has almost unlimited discretion to name conferees on any matter, and that discretion cannot be challenged in the House. But he also has the discretion to limit the jurisdiction of individual conferees to those parts of the bill that deal directly with the jurisdiction of their committees.

It is proposed that when later today we finally reach the point of naming conferees, at least 18 conferees will be named from four different committees of jurisdiction. I can tell the House, and I think I have some proper judgment, having dealt with this issue in some detail for many months, that the majority of those conferees are not necessarily in favor of the House's position. . . .

Now I certainly do not criticize the Speaker of the House in any way for using the powers at his command. That is the way the House is run. . . .

When this bill was first brought before the House, H.R. 111 was the product in the most part of the Committee on Merchant Marine and Fisheries, of which the gentleman from New York (Mr. Murphy), is the distinguished chairman.

The other three committees had limited jurisdiction over parts of the bill and dealt mainly with those parts dealing with Foreign Affairs, Post Office and Civil Service, and Judiciary. And when the rule that was granted by the Rules Committee was brought before the House, it even limited their committee amendments to the areas of their jurisdiction.

Now, what is proposed by the Speaker, and, as I say, it is within his rights that all of the conferees, is that all 18 conferees vote on all parts of the bill. I have no doubt that the other body will name conferees opposed to the House bill; and what may well happen is the House's position will not be upheld. . . .

MR. ZEFERETTI: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. BAUMAN

MR. BAUMAN: Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. Bauman moves that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill H.R. 111, be instructed to adhere to the language of sections 101, 102, 103, 104, 105, 110 of chapter 1; sections 231, 232, 233, 234, 235, 236, and 250 of chapter 5; sections 371, 372, 373, and 374 of chapter 9 of H.R. 111 as passed by the

House with respect to the matters considered therein. . . .

So the motion was agreed to.

The result of the vote was announced as above recorded.

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees: Messrs. Murphy of New York, Dingell, Bowen, Hubbard, Bonior, Wyatt, Zablocki, Fascell, Hanley, Ms. Holtzman, Mrs. Schroeder, Messrs. Harris, McCloskey, Bauman, Carney, Broomfield, Derwinski, and Fish.

There was no objection.

Appointing Proponents of Major Amendments

§ 6.29 The proponent of a major amendment adopted by the House may be named as an additional conferee solely for consideration of that provision and modifications thereof committed to conference.

During consideration in the House of H.R. 6161, the Clean Air Act Amendments of 1977,[19] Mr. John B. Breaux, of Louisiana, a Member not of the committee which had brought the bill to the House, offered an amendment which was amended by a substitute which was subsequently adopted by the House with the support of the author of the original amendment. As shown by the appointment below,[20] he was named as a conferee on that provision.

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6161) to amend the Clean Air Act, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

THE SPEAKER:[1] Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. Staggers, Moss, Dingell, Rogers, Satterfield, Waxman, Maguire, Devine, Broyhill, and Carter, and an additional Member, Mr. Breaux, solely for the consideration of section 108(a) of the House bill and modifications thereof committed to conference.

Another instance where the Speaker named as an additional conferee the sponsor of an amendment which was amended by a substitute and then adopted, is found in the proceedings of Oct.

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19. H.R. 6161, the Clean Air Act Amendments of 1977, was reported from the Committee on Interstate and Foreign Commerce. Mr. Breaux was not a member of that committee.

20. See 123 CONG. REC. 20132, 95th Cong. 1st Sess., June 21, 1977.

1. Thomas P. O'Neill, Jr. (Mass.).

4, 1978,[2] when the Chair appointed managers on the part of the House at the conference on the disagreeing votes on H.R. 8309, the Navigation Development Act.

THE SPEAKER PRO TEMPORE:[3] The Clerk will report the title of H.R. 8309.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE: Pursuant to House Resolution 1325, H.R. 8309 is considered as having been taken from the Speaker's table with the Senate amendments thereto, Senate amendments numbered 1, 4, 5, 6, and 7 shall be considered as having been disagreed to; Senate amendments numbered 2 and 3 shall be considered as having been agreed to; Senate amendment No. 8 shall be considered as having been concurred in with an amendment inserting in lieu of said Senate amendment the text of H.R. 13059, as passed by the House, and the House shall be considered as having insisted upon disagreement to Senate amendments numbered 1, 4, 5, 6, and 7, and having insisted upon its amendment to Senate amendment No. 8 and having requested a conference with the Senate thereon.

Without objection the Chair appoints the following conferees:

Messrs. Johnson of California, Roberts, Breaux, Ginn, Mineta, Harsha, Don H. Clausen, Ullman, Rostenkowski, Burleson of Texas, Waggonner, Jones of Oklahoma, Conable, and Frenzel.

As an additional conferee, Mr. Blouin, solely for consideration of those portions of section 102 and 103 of the House bill and modifications thereof committed to conference.

There was no objection.

A similar House bill (H.R. 13059) was laid on the table.

Appointing Sponsors of Specific Amendments or Provisions

§ 6.30 Where a series of amendments offered during House consideration of a bill were "accepted" by the manager and agreed to by a voice vote, the Speaker still acceded to the request of the Member to be named as an additional conferee on those specific amendments and modifications committed to conference.

During consideration in the Committee of the Whole of S. 9, the Outer Continental Shelf Lands Act Amendments of 1977, Mr. John D. Dingell, Jr., of Michigan, offered a series of amendments which went to the authority of the Secretary of Energy to administer the Act. The Speaker's appointment of conferees is carried here.[4]

2. 124 CONG. REC. 33568, 95th Cong. 2d Sess.
3. John Brademas (Ind.).
4. 124 CONG. REC. 7880, 95th Cong. 2d Sess., Mar. 21, 1978.

MR. [JOHN M.] MURPHY of New York: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 9) to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked for by the Senate.

THE SPEAKER:[5] Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. Murphy of New York, Udall, Eilberg, Breaux, Studds, Hughes, Miller of California, Dodd, Seiberling, Fish, Forsythe, Young of Alaska, and Treen.

And as an additional conferee, Mr. Dingell, of Michigan, solely for consideration of the provisions contained on page 8, lines 1–8; page 20, lines 12–14; page 30, lines 5–11; page 156, line 24 through page 158, line 18; and on page 167, lines 10–17 of the House engrossed amendment to the bill S. 9 and modifications thereof committed to conference.

§ 6.31 Where an amendment was offered "at the direction of the committee of jurisdiction" and was adopted on the floor of the House, the Speaker named the sponsor of the amendments, who was not a member of the reporting committee, as a manager on those parts of the text incorporating the amendment.

S. 914, the National Public Works and Economic Development Act of 1979 (considered in the House as H.R. 2063) was reported and managed on the floor of the House by the Committee on Public Works and Transportation. The amendment offered and successfully advocated by Mr. William S. Moorhead, of Pennsylvania, was brought to the floor by direction of the Committee on Banking, Finance and Urban Affairs, pursuant to a motion adopted in that committee, which did not have a referral of the bill. The appointment of the managers, including the specific designations by section and subject matter assigned to the additional conferee, are shown here.[6]

MR. [BRIAN J.] DONNELLY [of Massachusetts]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 914) to extend the Appalachian Regional Development Act and title V of the Public Works and Economic Development Act of 1965 and to provide for multistate regional development commissions to promote balanced development in the regions of the Nation, with

5. Thomas P. O'Neill, Jr. (Mass.).

6. See 125 CONG. REC. 34873, 96th Cong. 1st Sess., Dec. 6, 1979.

the House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[7] Is there objection to the request of the gentleman from Massachusetts? The Chair hears none and, without objection, appoints the following conferees: Messrs. Johnson of California, Roe, Oberstar, and Nowak, Mrs. Bouquard, Messrs. Evans of Georgia, Harsha, Hammerschmidt, and Clinger.

As an additional conferee for consideration only of the following provisions of the House amendment and Senate modifications relating thereto committed to conference: In section 103 of the House amendment, the following provisions added to title II of the Public Works and Economic Act of 1965: Section 202(f); in section 203(a), the 10-year limitation on partial payment of interest by the Secretary; in section 203(c), the 4 per centum minimum rate payable by the Secretary; in section 205(4), the provision following the comma in the second sentence, exempting the extension of maturity of a loan or guarantee from the restrictions on maturities; and section 205(7), paragraphs A through E: Mr. Moorhead of Pennsylvania.

There was no objection.

Appointing Conferee From Second Committee To Reflect Senate's Unrelated Amendment

§ 6.32 Where a bill reported by one House committee had been amended in the Senate by the addition of an unrelated subject, the Speaker appointed as a manager at the conference a member of the House committee which had reported a bill similar to that which was the subject of the Senate amendment.

H.R. 2440, the Airport and Airway Development Act of 1970, was the product of the Committee on Public Works and Transportation. Aircraft noise reduction was a legislative topic which had been sequentially referred to the Committee on Interstate and Foreign Commerce, which had reported a bill (H.R. 3995, dealing with noise reduction) to the House. Mr. James J. Florio, of New Jersey, Chairman of the Subcommittee on Transportation and Commerce, was named by the Speaker to act as a manager along with the members of the Committee on Public Works and Transportation, without a specific limitation on his authority as a general conferee.[8]

MR. [HAROLD T.] JOHNSON of California: Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 2440) to repeal the prohibition against the

7. James C. Wright, Jr. (Tex.).

8. See 125 CONG. REC. 32827, 32828, 32831, 96th Cong. 1st Sess., Nov. 16, 1979.

expenditure of certain discretionary funds under the Airport and Airway Development Act of 1970, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

THE SPEAKER:[9] The Clerk will report the motion.

The Clerk read as follows:

Pursuant to rule I of the Rules of the House, Mr. Johnson of California moves to take from the Speaker's table the bill (H.R. 2440) to repeal the prohibition against the expenditure of certain discretionary funds under the Airport and Airway Development Act of 1970, with Senate amendments thereto, disagree with the amendments of the Senate thereon, and agree to the request for a conference.

THE SPEAKER: The gentleman from California (Mr. Johnson) is recognized for 1 hour. . . .

THE SPEAKER PRO TEMPORE:[10] Without objection, the Chair appoints the following conferees: Messrs. Johnson of California, Roberts, Anderson of California, Levitas, Florio, Young of Missouri, Harsha, and Snyder.

There was no objection.

§ 6.33 Conferees are sometimes named to represent the House committee having jurisdiction over the subject matter of a Senate amendment not within the purview of the committee which reported the bill in the House.

In the 95th Congress, the Committee on Education and Labor reported, and the House passed, H.R. 4544, the Black Lung Benefits Reform Act of 1977. The Senate added an amendment placing an excise tax on coal, a matter within the jurisdiction of the House Committee on Ways and Means. The Speaker appointed Members from that committee on the revenue provisions added by the Senate.[11]

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4544) to amend the Federal Coal Mine Health and Safety Act to improve the black lung benefits program established under such act, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

THE SPEAKER:[12] Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees:

Messrs. Perkins, Dent, Phillip Burton, Gaydos, Clay, Biaggi, Zeferetti, Michael O. Myers, Murphy of Pennsylvania, Corrada, Simon, Miller of Cali-

9. Thomas P. O'Neill, Jr. (Mass.).
10. Herbert E. Harris II (Va.).
11. See 123 CONG. REC. 31032, 95th Cong. 1st Sess., Sept. 27, 1977.
12. Thomas P. O'Neill, Jr. (Mass.).

fornia, Thompson, Andrews of North Carolina, Ullman, Rostenkowski, Vanik, Quie, Erlenborn, Ashbrook, Sarasin, Edwards of Oklahoma, Jeffords, and Duncan of Tennessee.

§ 6.34 Where the Senate amended a House-passed bill on one subject by including the provisions of a second House-passed bill on another topic, the House then further amended by adding both propositions as separate titles, the Speaker then appointed separate groups of conferees to consider issues within their respective jurisdictions.

When H.R. 12467, the Comprehensive Rehabilitation Services Amendments of 1978, passed the House on May 16, 1978, it was solely the product of the Committee on Education and Labor. The Senate then added the provisions of the Developmental Disabilities Services and Facilities Construction Act, a matter within the jurisdiction, in the House, of the Committee on Interstate and Foreign Commerce, which had passed the House as H.R. 12326 on Sept. 18, 1978. By adding both House-passed texts as an amendment to the Senate amendment, the House was able to put both matters in conference as reflected in the Speaker Pro Tempore's appointment of conferees. Managers representing the two committees were exclusive conferees on the provisions within their respective jurisdictions.[13]

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12467) to amend the Rehabilitation Act of 1973 to extend certain programs established in such act, to establish a community service employment program for handicapped individuals, to provide for independent living rehabilitation services for the severely handicapped, and for other purposes, with House amendments to the Senate amendments thereto, insist on the House amendments to the Senate amendments, and to agree to the conference requested by the Senate.

Mr. Speaker, I might say, this is where we participate jointly with the Committee on Interstate and Foreign Commerce in the conference and we only have jurisdiction of titles I, II, III, and V of the House amendments to the Senate amendments, and that titles I, II, and IV of the Senate amendments.

The Clerk read the title of the bill.

THE SPEAKER PRO TEMPORE:[14] Is there objection to the request of the gentleman from Kentucky?

The Chair hears none and, without objection appoints the following confer-

13. See 124 CONG. REC. 32899, 95th Cong. 2d Sess., Oct. 2, 1978.
14. John Brademas (Ind.).

ees only for considering titles I through IV of the House amendments to the Senate amendments and on modifications thereto committed to conference: Messrs. Perkins, Brademas, Beard of Rhode Island, Miller of California, Kildee, Heftel, Hawkins, Biaggi, Quie, Jeffords, and Erlenborn.

Without objection, the Chair appoints the following conferees only for consideration of title V of the House amendments to the Senate amendments and modifications thereto committed to conference: Messrs. Staggers, Rogers, Satterfield, Preyer, Scheuer, Waxman, Florio, Carter, Broyhill, and Madigan.

There was no objection.

Delineating Conferees' Authority; Specific Conferees Named on "Matters Which May Come Within That Committee's Jurisdiction"

§ 6.35 Where there are no textual references in a bill being sent to conference to a subject matter over which a committee has jurisdiction, the Speaker may nevertheless appoint managers from that committee to participate "where matters within its jurisdiction" are under discussion in conference.

In the 96th Congress,[15] H.R. 4040, the Defense Department authorization bill, had not been given a sequential referral to the Permanent Select Committee on Intelligence when it was reported by the Committee on Armed Services. There were no discernible textual references to intelligence activities, although some were undoubtedly inherent in programs authorized in the bill. The Speaker's appointment of six members of the permanent select committee, to confer "only when differences regarding intelligence-related activities are under consideration" was not opposed by the Committee on Armed Services and was not unique to this particular measure.

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill (S. 428) to authorize appropriations for fiscal year 1980 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and for research, development, test, and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for fiscal year 1980 for civil defense, and for other purposes,

15. 125 CONG. REC. 24554, 96th Cong. 1st Sess., Sept. 14, 1979.

and request a conference with the Senate thereon.

THE SPEAKER:[16] Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. Price, Bennett, Stratton, Ichord, Nedzi, Charles H. Wilson of California, White, Nichols, Bob Wilson, Dickinson, Whitehurst, Spence, and Beard of Tennessee, and, as additional conferees, Messrs. Burlison, Zablocki, Mineta, Boland, Robinson, and Whitehurst from the Permanent Select Committee on Intelligence only when differences regarding intelligence-related activities are under consideration.

Assignment of Specified Chapters of Bill Among Several Conferees

§ 6.36 The Speaker appointed a set of conferees for each chapter of a general appropriation bill and appointed four Members to sit on all chapters.

On Aug. 7, 1950,[17] after Mr. Clarence Cannon, of Missouri, asked unanimous consent to take H.R. 7786, the 1951 general appropriation bill, with Senate amendments thereto, from the Speaker's desk, disagree to the Senate amendments, and ask for a conference with the Senate, Speaker Sam Rayburn, of Texas, stated:

Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none and appoints the following conferees:

Managers on the part of the House:

Messrs. Cannon, Rabaut, Norrell, Taber, and on Chap. I, Messrs. Bates of Kentucky, Yates, Furcolo, Stockman, and Wilson of Indiana; on Chap. II, Messrs. McGrath, Kirwan, Andrews, Canfield, and Scrivner; on Chap. III, Messrs. Rooney, Flood, Preston, Stefan, and Clevenger; on Chap. IV, Messrs. Gary, Fernandez, Passman, Canfield, and Coudert; on Chap. V, Messrs. Fogarty, Hedrick, McGrath, Scrivner, and Andersen; on Chap. VI, Messrs. Whitten, Stigler, Kruse, Andersen, and Horan; on Chap. VII, Messrs. Kirwan, Jackson of Washington, Gore, Jensen, and Fenton; on Chap. VIII, Messrs. Thomas, Gore, Andrews, Case of South Dakota, and Phillips of California; on Chap. IX, Messrs. Kerr, Gore, Hedrick, Wigglesworth, and Stefan; on Chap. X, Messrs. Mahon, Sheppard, Sikes, Plumley, and Wigglesworth; on Chap. X–A, Messrs. Gore, Hedrick, Passman, Wigglesworth, and Stefan; on Chap. X–B, Messrs. Gary, Rooney, Bates of Kentucky, Wigglesworth, and Stefan; on Chap. XI, Messrs. Gore, Hedrick, Passman, Wigglesworth, and Stefan.

After the appointment of the conferees, Mr. Cannon and Mr. Francis H. Case, of South Dakota, discussed how the conferees would

16. Thomas P. O'Neill, Jr. (Mass.).
17. 96 CONG. REC. 11894, 11895, 81st Cong. 2d Sess.

operate under the above arrangement:

MR. CANNON: Mr. Speaker, we expect to go to conference tomorrow morning at 10 o'clock. The bill will be taken up by chapters seriatim. As a chapter is reached the entire subcommittee which wrote that particular chapter, and which therefore is more familiar with it than anyone else on the committee, along with the other managers on the part of the House, will take up the chapter with the Senate conferees.

MR. CASE of South Dakota: This means, then, that the four Members who were first named will sit through the entire conference?

MR. CANNON: They are the ranking members on the central subcommittee which reported the bill to the House and will sit with the respective subcommittees throughout the conference.

MR. CASE of South Dakota: And the Members who are assigned to a particular chapter will receive notification as their particular chapter is approached?

MR. CANNON: When a chapter is taken up, the conferees on the next succeeding chapter will be notified. We hope to proceed with as little delay as possible, subject always to the approval of the managers on the part of the Senate.[18]

Speaker May Qualify Authority of Conferees

§ 6.37 When appointing conferees on a multijurisdictional bill, where some managers are named to consider very specific provisions, and where there will be many subconferences on specific issues, the Speaker sometimes appoints a core group of general conferees with the authority to report in total disagreement.

On June 10, 1988,[19] in appointing the managers on the part of the House to the conference on H.R. 4264, the Department of Defense Authorization Act for 1988, the Speaker named conferees from six committees. In the event one of the issues not within the jurisdiction of Armed Services were to block a total agreement, the Speaker deemed it advisable to have a small group of conferees (less than a majority of the total named) with specific authority to report in disagreement.

APPOINTMENT OF CONFEREES ON H.R. 4264, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1989

THE SPEAKER:[20] The Chair appoints the following conferees on the bill (H.R.

18. See also 101 CONG. REC. 11686, 84th Cong. 1st Sess., July 27, 1955.

19. 134 CONG. REC. 14077, 14078, 100th Cong. 2d Sess.

20. James C. Wright, Jr. (Tex.).

4264) to authorize appropriations for fiscal year 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces and for other purposes:

From the Committee on Armed Services, for consideration of the entire House bill (except sections 4101 through 4110), and the entire Senate amendment (except sections 938 and 949), and as exclusive conferees with respect to any proposal to report in total disagreement: Messrs. Aspin, Bennett [and 32 more Members were appointed and listed].

As exclusive conferees from the Committee on Armed Services, solely for consideration of sections 209, 212, 935, and 936 of the House bill, and section 223 of the Senate amendment, and modifications committed to conference: Messrs. Aspin, Bennett [and 14 more Members were appointed and listed].

As additional conferees from the Committee on Education and Labor, solely for consideration of sections 4101 through 4110 of the House bill, and modifications committed to conference: Messrs. Hawkins, Ford of Michigan [and 7 more Members were appointed and listed].

As additional conferees from the Committee on Armed Services, solely for consideration of sections 4101 through 4110 of the House bill, and modifications committed to conference: Messrs. Aspin, McCloskey, and Dickinson.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of section 917 of the Senate amendment, and modifications committed to conference: Messrs. Ford of Michigan, Clay, Ackerman, Taylor, and Gilman.

As additional conferees from the Committee on Rules, for consideration of section 921 of the Senate amendment, and modifications committed to conference: Messrs. Pepper, Moakley [and 5 more Members were appointed and listed]. . . .

As additional conferees from the Committee on Ways and Means, for consideration of sections 938 and 949 of the Senate amendment, and modifications committed to conference: Messrs. Rostenkowski, Gibbons [and 4 more Members were appointed and listed].

Assignment of Portions of Amendment to Members From Different Subcommittees

§ 6.38 When appointing conferees on a continuing appropriation bill, the Speaker named Members from different subcommittees of the full committee.

H.R. 3019 was a "long-term" continuing appropriation bill. As of March 21, 1996, the government was being funded under a "short-term" continuing resolution, which carried funding through Apr. 3, 1996.[1] The motion to instruct

1. H.J. Res. 165, passed by both the House and the Senate on Mar. 21, 1996, carried the funding for those

carried here was offered by the ranking minority member of the Committee on Appropriations but was defeated on a roll call vote of 194–207.

One of the major impediments to wrapping up the general appropriation bill for the Departments of Labor and Health, Education and Welfare was an amendment offered by Mr. Ernest J. Istook, Jr., of Oklahoma, relating to family planning. Because of the special interest surrounding this bill, the Speaker appointed the subcommittee chairs and ranking members on all parts of the bill except for the Istook amendment, where only managers from the Labor, HHS subcommittee were named. The pertinent proceedings of Mar. 21, 1996,[2] are carried below.

APPOINTMENT OF CONFEREES ON H.R. 3019, BALANCED BUDGET DOWNPAYMENT ACT, II

MR. [ROBERT] LIVINGSTON [of Louisiana]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[3] Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

MR. [DAVID R.] OBEY [of Wisconsin]: Mr. Speaker, I offer a motion to instruct.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion.

The Clerk read as follows:

> Mr. Obey moves that the managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 3019, be instructed to:
>
> (a) agree to the position in the Senate amendment increasing funding above the levels in the House bill for programs of the Department of Education;
>
> (b) agree to the position in the Senate amendment increasing funding above the levels in the House bill for programs of the Environmental Protection Agency;
>
> (c) agree to the position in the Senate amendment that provides a minimum of $975,000,000 from within the $1,903,000,000 provided for Local Law Enforcement Block Grants within the Department of Justice for the Public Safety and Community Policing grants pursuant

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appropriation accounts not yet enacted into law until Apr. 3, 1996. This was the seventh in a series of nine joint resolutions passed by the House continuing appropriations for fiscal 1996.

2. 142 CONG. REC. 6028, 6030, 104th Cong. 2d Sess.

3. Joel Hefley (Colo.).

to title I of the Violent Crime Control and Law Enforcement Act of 1994 (COPS on the beat program);

(d) agree to the position in the Senate amendment increasing funding above the levels in the House bill for job training and worker protection programs of the Department of Labor;

(e) agree to the position in the Senate amendment deleting Title V of the House bill placing onerous new red tape requirements on Federal grantees; and

(f) agree to the position in the Senate amendment specifying a maximum grant award of $2500 under the Pell Grant Program; and

(g) agree to the position in the Senate amendment providing fiscal year 1997 funding of $1,000,000,000 for the Low-Income Energy Assistance Program of the Department of Health and Human Services. . . .

THE SPEAKER PRO TEMPORE: Without objection, the Chair appoints the following conferees:

For consideration of the House bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

Messrs. Livingston, Myers of Indiana, Young of Florida, Regula, Lewis of California, Porter, Rogers, Skeen, and Wolf, Mrs. Vucanovich, and Messrs. Lightfoot, Callahan, Walsh, Obey, Yates, Stokes, Bevill, Murtha, Wilson, Dixon, Hefner, and Mollohan.

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

Messrs. Porter, Young of Florida, Bonilla, Istook, Miller of Florida, Dickey, Riggs, Wicker, Livingston, Obey, Stokes, and Hoyer, Ms. Pelosi, and Mrs. Lowey.

There was no objection.

Delineation of Subconferences

§ 6.39 The Chairman of the Committee on Ways and Means inserted in the *Congressional Record* his interpretation of issue clusters (subconferences) resulting from the Speaker's appointment of conferees on the Omnibus Trade Act of 1987.

This rather unusual insertion[4] by Chairman Dan Rostenkowski, of Illinois, demonstrates one of several ways of illustrating the responsibilities of conferees where various provisions of a House bill and corresponding portions of a Senate amendment must be considered and reconciled by a nucleus of conferees. There were 17 subconferences which resulted from the manner in which conferees were appointed on this bill. The method of describing the subject matter for one of these subconferences is carried below:

(Mr. Rostenkowski asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

4. See 133 CONG. REC. 26027, 26028, 100th Cong. 1st Sess., Oct. 1, 1987.

MR. ROSTENKOWSKI: Mr. Speaker, we all know that the conference on H.R. 3, the Omnibus Trade Act of 1987, is one of the largest in history. In an effort to provide some guidelines to both the members of the conference and to the public, the following summaries of the subject matter within the purview of the various subconferences have been prepared.

The documents list those committees which are the lead committees for each subconference and the additional conferees within each subconference. In using these documents, it can be easily determined which set of conferees have been appointed to consider each provision of both the House bill and the Senate amendment.

I hope that the information provided here is of use in expediting the work of the conference.

SUBCONFERENCE SECTION RESPONSIBILITY . . .

H.R. 3 TRADE SUBCONFERENCES

SUBCONFERENCE NO. 1—TRADE AND TARIFF LAWS; TRADE AGREEMENTS

House Conferees

Lead House Committee: Committee on Ways and Means

House bill:

Title I (Secs. 101–199)—Trade Law Amendments, *except:* Sec. 186

Title II (Secs. 201–212)—International Trade in Telecommunications Products and Services

Title VI, Subtitle G (Secs. 691, 692)—Trade Policy Formulation and Implementation

Sec. 704—Entry processing for textiles and apparel

Title VIII (Secs. 800–894)—Tariff and Customs Provisions

Sec. 906—Unreasonable practices

Sec. 908—Investigations of certain barriers pertaining to trade and services

Sec. 909—Effect imports on crude oil production and refining capacity in the United States

Title XV (Sec. 1501)—Most-Favored-Nation Treatment to Products of Romania

Senate amendment:

Title I (Secs. 101–111)—Authority to Negotiate Trade Agreements

Title II (Secs. 201–221)—Enhancing Competitiveness

Title III (Secs. 301–341)—Unfair International Trade Practices

Sec. 401—Remedies under the Tariff Act of 1930

Methods of Delineating Conferees' Authority

§ 6.40 Conference committee composition and representation on a budget reconciliation bill is often complex and requires section by section assignments to satisfy committee and subcommittee concerns.

On July 14, 1993,[5] in naming conferees on the Omnibus Recon-

5. 139 CONG. REC. 15670–72, 103d Cong. 1st Sess.

ciliation Act of 1994, the Speaker included representation from 13 House committees, and delineated many subgroups from the various standing committees, including 14 different permutations of members of the Committee on the Budget.

THE SPEAKER:[6] The Chair appoints the following conferees:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. Sabo, Gephardt, and Kasich.

As additional conferees from the Committee on the Budget, for consideration of title I of the House bill, and title I of the Senate amendment, and modifications committed to conference: Messrs. Stenholm, Pomeroy, Kildee, Smith of Texas, and Allard.

As additional conferees from the Committee on the Budget, for consideration of title II and section 12009 of the House bill, and title II and section 13003 of the Senate amendment, and modifications committed to conference: Ms. Slaughter, Messrs. Mollohan, Gordon, and Shays, and Ms. Snowe.

After listing 13 more additional assignments for Budget Committee members, the Speaker named 19 other panels representing the 12 other committees involved jurisdictionally in the conference. Several committees had more than one panel—Ways and Means, *e.g.*, had four.

6. Thomas S. Foley (Wash.).

§ 6.41 Where an amendment in disagreement in conference fell within the jurisdiction of two committees of the House, the Speaker named members from both those committees as managers and specified the respective areas on which they were to confer.

On Nov. 30, 1971,[7] the following proceedings occurred:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes, and request a conference with the Senate thereon.

THE SPEAKER:[8] Is there objection to the request of the gentleman from Ohio? The Chair hears none and appoints the following conferees on all titles of the foregoing amendment except for titles I and II:

Messrs. Hays, Abbitt, Gray, Harvey and Dickinson.[9]

And appointed the following Members as managers on the part of the House on titles I and II:

7. 117 CONG. REC. 43422, 92d Cong. 1st Sess.
8. Carl Albert (Okla.).
9. Members of the Committee on House Administration.

Messrs. Staggers, MacDonald of Massachusetts, Van Deerlin, Springer and Devine.[10]

§ 6.42 Where a House bill consisting of two distinct jurisdictional titles was sent to conference with a Senate amendment in the nature of a substitute which involved only one of the two committee jurisdictions, the Speaker appointed members from the two House committees involved as managers for their respective portions of the House text and "modifications thereof committed to conference."

In many instances where the Speaker appoints conferees from two or more committees, the disagreeing votes of the two Houses may be clearly distinguishable along jurisdictional lines. The managers can be appointed to confer with Senate counterparts on specific text, delineated in the appointment by title or section numbers. Where the House and Senate versions are textually dissimilar (as in this case where the House bill had two distinct titles and the Senate one, not two, subjects), the Speaker's appointment[11] may describe the area in which the managers are to confer by subject matter, not by specific page and line assignments.

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to provide for pension reform, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

THE SPEAKER:[12] Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and the Chair appoints as managers on the part of the House the following Members: On title I of the House bill, and modifications thereof which have been committed to conference: Messrs. Perkins, Thompson of New Jersey, Dent, Burton, Quie, Erlenborn, and Sarasin; and on title II of the House bill, and modifications thereof which have been committed to conference: Messrs. Ullman, Burke of Massachusetts, Mrs. Griffiths, Messrs. Rostenkowski, Schneebeli, Collier, and Broyhill of Virginia.

§ 6.43 Where a bill was considered and reported by only one committee of the House, but where the text reflected the views of a second committee with which there had

10. Members of the Committee on Interstate and Foreign Commerce.

11. See 120 CONG. REC. 9286, 93d Cong. 2d Sess., Apr. 2, 1974.

12. Carl Albert (Okla.).

been consultations (but from which there had been no request for a sequential), the Speaker named conferees from the secondary committee only for those matters concurrently within its jurisdiction.

H.R. 7171, the Agricultural Act of 1977, had been reported from the Committee on Agriculture on May 16, 1977. During markup in the committee, there had been consultations with the Committee on International Relations concerning those aspects of the bill impinging on foreign agricultural aid, international research and international food reserves, matters not explicitly within its jurisdiction under Rule X but which the committee had addressed in legislation and through exercise of its oversight responsibilities.

When the Senate messaged to the House a similar bill, S. 275, the House, on July 28, 1977, amended the Senate bill with the text of the House-passed measure, H.R. 7171, and requested a conference. The Speaker Pro Tempore appointed 16 managers from the Committee on Agriculture and three from the Committee on International Relations.[13]

MR. [THOMAS S.] FOLEY [of Washington]: Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 275) to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes, and request a conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[14] Is there objection to the request of the gentleman from Washington? The Chair hears none, and, without objection, appoints the following conferees: Messrs. Foley, Poage, de la Garza, Jones of North Carolina, Jones of Tennessee, Mathis, Bowen, Rose, Richmond, Nolan, Weaver, Wampler, Sebelius, Findley, Thone and Symms; and, in addition, on issues involving Public Law 480—Title XI, International Research—Title XIII, and provisions of S. 275 on international reserves: Messrs. Zablocki, Pease, and Broomfield.

There was no objection.

Specific Conferees on Portions of Senate Bill Not Contained in House Amendment

§ 6.44 Where a Senate bill, much more comprehensive in subject matter than a House substitute amendment there-

13. See 123 CONG. REC. 25561, 95th Cong. 1st Sess.
14. James C. Wright, Jr. (Tex.).

for, is sent to conference, the Speaker has appointed House managers from appropriate House committees which would have jurisdiction over the Senate provisions, even though the House amendment has no text corresponding to those portions of the Senate bill text.

The Intelligence Authorization Act, 1981, S. 2597, had not been referred to committees in the House. A companion measure, H.R. 7152, the Intelligence authorization for fiscal year 1981, had been reported in the House first from the Permanent Select Committee on Intelligence, then referred to and reported by the Committee on Armed Services. The Senate text amended the Hughes-Ryan Act, a part of the Foreign Assistance Act dealing with funding of overseas intelligence activities. There was no comparable House provision dealing with this subject matter.

The proceedings of July 28, 1980,[15] wherein a conference on S. 2597 was requested and conferees appointed, are set out below.

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 2597, and request a conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[16] Is there objection to the request of the gentleman from Massachusetts? The Chair hears none and, without objection, appoints the following conferees: Messrs. Boland, Burlison, Zablocki, Mineta, Robinson, and Whitehurst; and as additional conferees for such matters as fall within the jurisdiction of the Committee on Armed Services under clause 1(c) of rule X of the rules of the House, Messrs. Price, Ichord, and Bob Wilson of California; and as additional conferees solely for consideration of such provisions of sections 408 and 409 of S. 2597, and modifications thereof committed to conference as fall within the jurisdiction of the Committee on Foreign Affairs under clause 1(h) of rule X of the rules of the House, Messrs. Hamilton, Fascell, Broomfield, and Derwinski.

There was no objection.

Parliamentarian's Note: Where conferees are named by the Speaker to confer on a portion of Senate text, there being no comparable provision in the House version of the matter placed in conference, the appointment is made in the form shown here—*e.g.*, as "solely for consideration of sections ____ of the Senate text and modifi-

15. 126 CONG. REC. 19875, 96th Cong. 2d Sess.

16. Joseph G. Minish (N.J.).

cations thereof committed to conference" which fall within the jurisdiction of a particular House committee. The House position in conference, in simplistic terms, may be considered as the "existing law" which is changed by the Senate provision.

Speaker's Appointment of "Exclusive" Conferees on Specific Provisions

§ 6.45 Where a House-passed bill was amended in the Senate by two numbered amendments, the Speaker appointed separate groups of conferees from two committees for exclusive consideration of each of the numbered amendments that fell within their respective jurisdictions.

The bill sent to conference, H.R. 3167, extending the emergency unemployment compensation program, was within the exclusive jurisdiction of the Committee on Ways and Means in the House. One of the two Senate amendments involved a reduction in levels of full-time positions in the civil service, a matter within the competence of the Committee on Post Office and Civil Service.

The appointment of conferees on Nov. 4, 1993,[17] are carried below.

> THE SPEAKER PRO TEMPORE:[18] Without objection, the Chair appoints the following Members to the conference committee:
>
> From the Committee on Ways and Means, for consideration of the House bill, and Senate amendment No. 2, and modifications committed to conference: Messrs. Rostenkowski, Ford of Tennessee, and Archer.
>
> From the Committee on Post Office and Civil Service, for consideration of Senate amendment No. 1, and modifications committed to conference: Messrs. Clay, McCloskey, and Myers of Indiana.
>
> There was no objection.

Parliamentarian's Note: The Senate amendments did not strike out the House text; both were "add-ons," adding new provisions not contained in the House bill. Therefore, the House text was not in conference, since not in disagreement. The managers appointed by the Speaker Pro Tempore from the membership of the Committee on Ways and Means were not in this instance authorized to confer on the House bill; their appointment was overly broad, and had the House text been changed, the conference

17. 139 CONG. REC. 27367, 103d Cong. 1st Sess.
18. Cleo Fields (La.).

report would have been subject to a point of order.

Conferees From Different Subcommittees and Full Committees

§ 6.46 In exercising his authority to appoint conferees, under Rule X clause 6(f),[19] the Speaker may name different "panels" from the primary committee to confer on portions of the bill where they have a particular expertise or subcommittee experience.

In his appointment of the conferees on the bill H.R. 3474, the Regulatory Reform Act of 1993, the Speaker appointed three panels and in one instance substituted one Member for another on a panel, to reflect the desires of the chairman of the Committee on Banking, Finance and Urban Affairs to allow those Members most knowledgeable of the subject matter to be involved in the conference. The same authority was used in naming two panels to the conference from the Committee on Energy and Commerce.

The form used in the appointment of the conferees on Apr. 21, 1994,[20] is illustrative of the manner in which the Speaker can use his appointment authority.

APPOINTMENT OF CONFEREES ON H.R. 3474, REGULATORY REFORM ACT OF 1993

MR. [HENRY B.] GONZALEZ [of Texas]: Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

THE SPEAKER PRO TEMPORE:[1] Is there objection to the request of the gentleman from Texas? The Chair hears none, and without objection, appoints the following conferees:

From the Committee on Banking, Finance and Urban Affairs, consideration of the House bill, and the Senate amendment (except titles II and V), and modifications committed to conference:

Messrs. Gonzalez, Neal of North Carolina, LaFalce, Vento, Schumer, Frank of Massachusetts, Kanjorski, Kennedy, Flake, and Mfume, Ms. Waters, Messrs. LaRocco, Orton, Bacchus of Florida, Leach, and McCollum, Mrs. Roukema, and Messrs. Bereuter, Ridge,

19. *House Rules and Manual* § 701e (1997).

20. 140 CONG. REC. 8202, 8203, 103d Cong. 2d Sess.

1. Jolene Unsoeld (Wash.).

Roth, McCandless, Baker of Louisiana, and Nussle.

Provided, that for consideration of section 348(b) of the Senate amendment, Mr. Klein is appointed in lieu of Mr. LaFalce.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the Senate amendment, and modifications committed to conference:

Messrs. Gonzalez, Neal of North Carolina, LaFalce, Vento, Schumer, Frank of Massachusetts, Kanjorski, Kennedy, Flake, and Mfume, Ms. Waters, Mr. Orton, Mr. Klein, Ms. Velázquez, Mr. Leach, Mr. McCollum, Mrs. Roukema, and Messrs. Bereuter, Ridge, Roth, McCandless, Baker of Louisiana, and Nussle.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title V of the Senate amendment, and modifications committed to conference:

Messrs. Gonzalez, Neal of North Carolina, LaFalce, Schumer, Frank of Massachusetts, Leach, Bereuter and McCollum.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 201–05, 207, 320 and 347 of the Senate amendment, and modifications committed to conference:

Messrs. Dingell, Markey, Sharp, and Swift, Mrs. Collins of Illinois, Messrs. Boucher, Manton, and Lehman, Ms. Schenk, Ms. Margolies-Mezvinsky, and Messrs. Synar, Wyden, Richardson, Bryant, Moorhead, Fields of Texas, Bliley, Oxley, Schaefer, Barton of Texas, McMillan, Hastert, and Gillmor.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 503–05, 507 and 706 of the Senate amendment, and modifications committed to conference:

Mr. Dingell, Mr. Markey, Mrs. Collins of Illinois, and Messrs. Towns, Lehman, Moorhead, Stearns, and McMillan. . . .

As additional conferees from the Committee on Ways and Means, for consideration of sections 210 and 502–04 of the Senate amendment, and modifications committed to conference:

Messrs. Rostenkowski, Gibbons, Pickle, Rangel, Stark, Archer, Crane, and Thomas of California.

There was no objection.

Describing Specific Text on Which Conferees May Confer

§ 6.47 In appointing conferees, the Speaker may designate the subject matter on which they are authorized to confer by section numbers in the text of the bill or the amendment committed to conference, or by descriptive text where their appointment is to confer only on a portion of a section.

In the House, the Committees on Government Operations, Armed Services, Education and Labor, the Judiciary, Public Works and Transportation, and Small Business are among those which

have had some jurisdictional claim over the broad subject matter of government procurement and contracting for services. The appointment of conferees as excerpted from the Record of Aug. 4, 1994,[2] and carried here shows how the text of the matters in disagreement may have to be explicitly described to reflect jurisdictional concerns.

APPOINTMENT OF CONFEREES ON S. 1587, FEDERAL ACQUISITION STREAMLINING ACT OF 1994

MR. [JOHN] CONYERS [Jr., of Michigan]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1587) to revise and streamline the acquisition laws of the Federal Government, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

THE SPEAKER PRO TEMPORE:[3] Is there objection to the request of the gentleman from Michigan?

The Chair hears none and, without objection, appoints the following conferees:

Conferees from the Committee on Government Operations, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

Messrs. Conyers, Synar, Neal of North Carolina, Lantos, Owens, Towns, Spratt, and Rush, Mrs. Maloney, Ms. Margolies-Mezvinsky, and Messrs. Clinger, McCandless, Hastert, Kyl, Shays, and Schiff.

As additional conferees from the Committee on Armed Services, for consideration of the Senate bill, and the House amendment, and modifications committed to conference:

Messrs. Dellums, Sisisky, Evans, Bilbray, and Edwards of Texas, Ms. Furse, and Messrs. Spence, Kasich, Bateman, and Weldon.

As additional conferees from the Committee on Education and Labor, for consideration of sections 4024(d), 4101(b), 4101(c), 6101–02, 8005(c)(2), and 11001–04 of the Senate bill, and section 4105 of the House amendment and modifications committed to conference.

Messrs. Ford of Michigan, Murphy, and Fawell.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1421–22, 1437, 2451, 2551–53, 2555, that portion of section 4011 that adds a new section 29(b)(2) to the Federal Procurement Policy Act, sections 4024 (a), (b), (c), and (f), 4101 (b) and (c), 6001–04, 6053, and 6005 (c)(3) and (c)(4) of the Senate bill; and that portion of section 4011 that adds a new section 4B(c) to the Federal Procurement Policy Act, that portion of section 4031 that adds a new subsection (c)(9) to section 23012a of title 10, United States Code, that portion of section 4041 that adds a new subsection (c)(2) to section 302A of the Federal Property and Administrative Services Act of 1949, sections 4051,

2. 140 CONG. REC. 19605, 103d Cong. 2d Sess.

3. Esteban Edward Torres (Calif.).

5003, that portion of section 7106 that adds a new section 2285(a)(12) to title 10, United States Code, that portion of section 7205 that adds a new section 314D(a)(4) to the Federal Property and Administrative Services Act of 1949, and section 7301(b) of the House amendment, and modifications committed to conference:

Messrs. Brooks, Bryant, and Fish.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1056 and 1067 of the Senate bill and modifications committed to conference:

Messrs. Mineta, Traficant, and Shuster.

As additional conferees from the Committee on Small Business, for consideration of sections 1055(b)(2), 2554, 4102–05, that portion of section 4011 that adds a new section 29(b)(1) to the Office of Federal Procurement Policy Act, sections 4012, 4014(d), 4015(d), and 4074 of the Senate bill, and sections 4104 and 8002 of the House amendment, and modifications committed to conference:

Mr. LaFalce, Mr. Smith of Iowa, and Mrs. Meyers of Kansas.

There was no objection.

"General" and "Limited" Conferees

§ 6.48 Where a jointly referred bill had been reported by only one of the two committees, the Speaker appointed general conferees to confer on the entire bill from the committee which had reported and limited conferees from the other.

In the 96th Congress,[4] the House considered and passed H.R. 4011, the Small Business Act and Small Business Investment Act authorizations. After passage, a similar Senate bill, S. 918, was passed in lieu of the House measure and the House bill laid on the table. The House version had been referred to both the Small Business and the Agriculture Committees. Only the first of the committees reported the bill to the House; the second (Agriculture) chose not to mark up and report the bill with the understanding that they would have conference representation.

Similar House bills, H.R. 4011 and H.R. 90, were laid on the table.

APPOINTMENT OF CONFEREES ON S. 918

MR. [NEAL] SMITH of Iowa: I ask unanimous consent to take from the Speaker's table the Senate bill (S. 918) to amend the Small Business Act and Small Business Investment Act of 1958 and for other purposes, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

4. 125 CONG. REC. 12097, 96th Cong. 1st Sess., May 22, 1979.

THE SPEAKER PRO TEMPORE:[5] Is there objection to the request of the gentleman from Iowa? The Chair hears none and, without objection, appoints the following conferees: Messrs. Smith of Iowa, St Germain, Nolan, Ichord, Evans of Georgia, Barnard, Leach of Louisiana, Hall of Ohio, McDade, Carter, Quayle, and Conte.

Also, additional conferees solely for consideration of subsections (c), (d), and (e) of section 113 of the House amendment and modifications thereof committed to conference: Messrs. Foley, Jones of Tennessee, Harkin, Huckaby, Glickman, Hance, Brown of California, Richmond, Wampler, Madigan, Kelly, and Coleman.

There was no objection.

"Leadership" Conferees Not From Committee of Jurisdiction

§ 6.49 On rare occasions, the Speaker has named a "leadership" representative to a conference committee, where the party has taken a policy position on the measure.

In the 101st Congress, the House version of the Americans with Disabilities Act, H.R. 2273, had been referred to and reported by four House committees. An equal number of conferees were named from each of the four, all as general conferees with authority to negotiate on the entire Senate bill (S. 933) and House amendment in conference. The majority caucus Chairman, Steny H. Hoyer, of Maryland, was appointed as an additional conferee on the entire bill and another Member, Jim Chapman, of Texas, was named on a particular section since he had been the proponent of a successful floor amendment relating thereto. The pertinent proceedings from the Record of May 24, 1990,[6] are carried below.

APPOINTMENT OF CONFEREES ON S. 933, AMERICANS WITH DISABILITIES ACT OF 1990

MR. HOYER: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 933) to establish a clear and comprehensive prohibition of discrimination on the basis of disability, with a House amendment thereto, insist on the House amendment, and request a conference with the Senate thereon.

THE SPEAKER:[7] Is there objection to the request of the gentleman from Maryland?

There was no objection. . . .

THE SPEAKER: The Chair appoints the following conferees:

From the Committee on Education and Labor, for consideration of the

5. John Brademas (Ind.).

6. 136 CONG. REC. 12226, 12227, 101st Cong. 2d Sess.

7. Thomas S. Foley (Wash.).

Senate bill, and the House amendment, and modifications committed to conference: Messrs. Hawkins, Owens of New York, Martinez, Bartlett, and Fawell.

From the Committee on Energy and Commerce, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. Dingell, Markey, Thomas A. Luken, Lent, and Whittaker.

Except that: For consideration of title IV of the Senate bill, and title IV of the House amendment, Mr. Rinaldo is appointed in lieu of Mr. Whittaker.

From the Committee on Public Works and Transportation, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. Anderson, Roe, Mineta, Hammerschmidt, and Shuster.

From the Committee on the Judiciary, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Messrs. Brooks, Edwards of California, Kastenmeier, Fish, and Sensenbrenner.

As an additional conferee, on the Senate bill, and the House amendment, and modifications committed to conference: Mr. Hoyer.

As an additional conferee, on consideration of section 103(d) of the House amendment, and modifications committed to conference: Mr. Chapman.

Without objection, the Chair reserves the right to appoint additional conferees.

There was no objection.

Conferee Appointments and Future Committee Jurisdictional Claims

§ 6.50 Conference committees are in fact "select committees" and dissolve when their report is acted on, and the Speaker reminded Members that the appointment of conferees from more than one standing committee should not be considered a permanent jurisdictional precedent that binds him with respect to all future referrals of introduced bills or the appointment of conferees.

On June 3, 1992,[8] Speaker Thomas S. Foley, of Washington, amplified a statement he had made on opening day of the 102d Congress, in which he expressed a desire to simplify the process of appointing conferees. The statement reflected his concern that naming a conferee from other than the lead or dominant committee was being interpreted by some committees as a precedent for the referral of bills on introduction.

APPOINTMENT OF CONFEREES ON H.R. 3489, OMNIBUS EXPORT AMENDMENTS ACT OF 1991

MR. [SAM] GEJDENSON [of Connecticut]: Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3489) to reauthorize

8. 138 CONG. REC. 13288, 13289, 102d Cong. 2d Sess.

the Export Administration Act of 1979, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

THE SPEAKER: Is there objection to the request of the gentleman from Connecticut? The Chair hears none, and appoints the following conferees and, without objection, reserves the authority to make additional appointments of conferees and to specify particular portions of the House bill and Senate amendment as the subject of the various appointments.

Before the Chair reports the conferees, the Chair wishes to make an additional statement.

On opening day of the 102d Congress, the Chair announced that "consistent with clause 6 of rule X, the Chair intends to develop and implement a policy that would enable him to the fullest extent feasible to simplify the appointment of conferees."

As the Chair is about to announce an appointment of conferees from more than one committee in the second session, and based upon the Chair's additional experience with complicated conference appointments in the first session notwithstanding his opening day announcement, the Chair will remind Members that conference committees are after all select committees in the sense that they go out of existence when their report is filed. The appointment by the Chair of various groups of conferees in the context of the particular House and Senate provisions sent to conference should not be construed as precedent binding the Speaker to subsequent joint referrals of all bills amending the work product of that particular conference.

The conferees are as follows:

From the Committee on Foreign Affairs, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. Fascell, Gejdenson, Wolpe, Johnston of Florida, Engel, Murphy, Orton, Broomfield, Roth, Bereuter, and Miller of Washington.

As additional conferees from the Committee on Armed Services, for consideration of sections 120 and 303 of the Senate amendment, and modifications committed to conference: Messrs. Mavroules, Hertel, Pickett, Hunter, and Kyl.

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 201(c), 205, and 207–10 of the Senate amendment, and modifications committed to conference: Ms. Oakar and Messrs. Neal of North Carolina, LaFalce, Leach, and McCandless.

As additional conferees from the Committee on the Judiciary, for consideration of sections 120, 123 and 502 of the House bill, and sections 121, 124, 302, 305 and 306 of the Senate amendment, and modifications committed to conference: Messrs. Brooks, Schumer, Hughes, Sensenbrenner, and Gekas.

There was no objection.

Resolution Under Suspension of the Rules Authorizing Appointment

§ 6.51 The House may suspend the rules and adopt a resolu-

tion providing that the House insist upon its amendment to a Senate bill, request a conference with the Senate, and that the Speaker immediately appoint conferees.

On June 18, 1948,[9] Mr. Walter G. Andrews, of New York, made the following motion for the disposal of S. 2655, the Selective Service Act of 1948:

MR. ANDREWS of New York: Mr. Speaker, I move to suspend the rules and pass the resolution, House Resolution 690, which I send to the desk.

THE SPEAKER:[10] The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House insist upon its amendment to S. 2655, ask a conference with the Senate on the disagreeing votes, and that the Speaker immediately appoint conferees. . . .

THE SPEAKER: The question is, Shall the rules be suspended and the resolution passed?

The question was taken and, two-thirds having voted in favor thereof, the motion was agreed to.

THE SPEAKER: The Chair appoints the following conferees: Messrs. Andrews of New York, Short, Cole of New York, Bates of Massachusetts, Vinson, Brooks, and Kilday.

9. 94 CONG. REC. 8829, 8830, 80th Cong. 2d Sess.

10. Joseph W. Martin, Jr. (Mass.).

Resolutions Precluding Motion To Instruct

§ 6.52 A resolution may provide that an appropriation bill, with Senate amendments thereto, be taken from the Speaker's table, to the end that all Senate amendments be disagreed to, that a conference be requested, and that the Speaker shall immediately appoint conferees on the part of the House without intervening motion.

On May 23, 1939,[11] Speaker William B. Bankhead, of Alabama, directed the Clerk to report a resolution offered by Mr. Edward E. Cox, of Georgia.

The Clerk read as follows:

H. RES. 201

Resolved, That immediately upon the adoption of this resolution the bill (H.R. 5269) making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes, with Senate amendments thereto, be, and the same hereby is, taken from the Speaker's table, to the end that all Senate amendments be, and the same are, disagreed to and a conference is requested with the Senate upon the disagreeing votes of the two Houses, and the Speaker

11. 84 CONG. REC. 6000, 6001, 76th Cong. 1st Sess.

shall immediately appoint conferees on the part of the House without intervening motion.

The House agreed to the resolution and the Speaker appointed conferees.

Parliamentarian's Note: The adoption of such a resolution (or motion) directing the Speaker to appoint conferees without intervening motion precludes a motion to instruct these conferees prior to their appointment.

§ 7. Power and Discretion of Conferees

The authority of the managers at a conference is limited by several restrictions.[12] Their report is subject to a point of order if they agree to a provision that is beyond any of the limits of their authority.[13] First, conferees may consider only matters in disagreement between the two Houses.[14] This restriction now applies in situations where one House has stricken all after the enacting or resolving clause of a bill or resolution of the other and inserted in its place an entirely new bill (a substitute).[15]

The Legislative Reorganization Act of 1970[16] amended Rule XXVIII clause 3, to restrict the discretion of the conferees by prohibiting them from introducing in a conference substitute any additional topic, question, issue, or proposition, not committed to conference by either House, and by proscribing any modification in a conference substitute which would be beyond the scope of such specific topic, question, issue, or proposition as so committed to the conference committee by either or both Houses.[17] This represents a departure from the traditional custom of the House whereby conferees had extremely wide latitude when considering a bill or resolution and a substitute therefor. In the past in such cases conferees were free to discard language which occurred in both the original legislation and the substi-

12. See generally § 19, infra.
13. See § 19.1, infra.
14. See §§ 7.1–7.7, 19.5, 19.6, infra; and *House Rules and Manual* § 546 (1997).
15. Rule XXVIII clause 3, *House Rules and Manual* § 913(a) (1997). See § 7.2, infra.
16. 84 Stat. 1140, Pub. L. No. 91–510, § 125(b)(3) (Oct. 26, 1970), which was adopted as part of the rules of the House pursuant to H. Res. 5, 117 CONG. REC. 114, 92d Cong. 1st Sess., Jan. 22, 1971.
17. See §§ 19.5, 19.6, infra.