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ESEA Conference Committee *Frequently Asked Questions*

Both the U.S. House and Senate have passed bills ([H.R.5](#) and [S.1177](#), respectively) to overhaul the No Child Left Behind (NCLB) Act, also known as the Elementary and Secondary Education Act (ESEA). Despite significant progress made this year, the process isn't done yet. Here are some frequently asked questions and answers to help you understand what's happening and what's next.

1. What is the next step in the legislative process for H.R.5 and S.1177?

Remember [Schoolhouse Rock](#)? The House and Senate must agree on one bill before it can be sent to the president for his signature. But because the House and Senate versions of the ESEA bills are different, they must be reconciled into one identical bill, and that bill must be passed by both chambers.

2. How do two different bills become one?

The House and Senate will create a [conference committee](#) of members of both chambers who will meet to iron out the differences. But we haven't had many conference committees in recent years, and it's been 14 years since an ESEA bill went to conference, so everyone involved needs to brush up on their congressional and parliamentary procedures.

3. What is a conference committee?

A conference committee is a joint committee of select representatives and senators that is created to reconcile the differences between the House and Senate versions of passed bills to produce one final bill. Both chambers need to vote on (and pass) the bill before it is sent to the president for his signature and becomes a law.

4. Who will be on the conference committee?

Conference committees are usually composed of the senior members of the committees of jurisdiction, in this case the House and Senate education committees. House and Senate leaders will appoint the conferees from their respective chambers. We expect the conference committee managers to be Chairman Alexander (R-TN), Sen. Murray (D-WA), Chairman Kline (R-MN), and Rep. Scott (D-VA).

The number of House and Senate conferees does not have to be equal, but, at least in the House, it does have to reflect the party proportions. Because the Senate education committee has fewer members than its House counterpart, it's possible that all Senate education committee members may be appointed as conferees, but only a portion of the House education committee members would join them. Interestingly, six likely members of the conference committee participated in the NCLB conference committee 14 years ago: Senators Susan Collins (R-ME), Mike Enzi (R-WY), Barbara Mikulski (D-MD), Pat Roberts (R-KS), and Johnny Isakson (R-GA) (as a Representative in 2001).

5. When will the conference committee start meeting and will meetings be open to the public?

The conference committee could start just as soon as conferees are named, most likely in September. At least one of their meetings must be open to the public, per House rules. But much of the work will be done by staff prior to the official start of the conference and in between private meetings of its members. The most difficult differences will be voted on by conferees. In fact, staff of the House and Senate education committees have already started their work, including the creation of a line-by-line comparison of the two bills to enable them to identify the differences to be reconciled. During the conference on NCLB in 2001, staff met daily during the August recess to identify differences and try to come to an agreement.

6. How long will it take for the conference committee to complete this work?

Conference committee negotiations can go on for several months, and the ESEA one could conceivably go into next year. The conference committee that created NCLB took over five months, start to finish, to create that bill and merge over 2,750 divergences. Given the vastly different approaches to some issues under H.R.5 and S.1177, we can expect a similar time frame. Sen. Alexander is optimistic that this conference process will be completed by the end of this year. It's also important to note that the compromises usually consist of one chamber acceding to the already existing provisions of the other chamber's bill. Or, conferees may write new legislative language that is not currently in either the House- or Senate-passed bills in order to find an acceptable compromise, as occasionally happened during the NCLB conference.

7. Do all the members of the conference committee have to agree to the final version?

No, but a majority of House conferees **and** a majority of Senate conferees must agree in order to approve the final bill. They do so by signing the Conference Report; then the bill goes directly to the floor of both houses for a final vote. No changes or amendments are allowed to be made at this point. It is a straight up or down vote.

8. What if the conference committee can't agree?

It is possible that the House and Senate won't reach an agreement, but let's hope it doesn't come to that after so much progress has been made. If no agreement is reached, however, there are a couple of different scenarios that could result. The most likely would be the end of the reauthorization process for this Congress, pushing reauthorization to early 2017, with a new Congress and a new president.