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Section 3 – *The Committee System and the Federal Budget Process*

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Committee Process

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Committee Process

Section 3 chapter 1 of 5

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Committee Types and Roles

CRS Report 98-241¹
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Structure of the Committee System

Congress divides its legislative, oversight, and internal administrative tasks among more than 200 committees and subcommittees. Within assigned areas, these functional subunits gather information; compare and evaluate legislative alternatives; identify policy problems and propose solutions; select, determine, and report measures for full chamber consideration; monitor executive branch performance (oversight); and investigate allegations of wrongdoing. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

The 1946 Legislative Reorganization Act (60 *Stat.* 812) sets the framework for the modern committee system. The act organized the Senate and House committees along roughly parallel lines, but divergences have emerged over time. Within the guidelines of chamber rules, each committee adopts its own rules addressing organizational, structural, and procedural issues. As a consequence, there is considerable variation among panels and across chambers.

By the conclusion of the 110th Congress, there were 20 standing committees in the House with 99 subcommittees, and three select committees.² The Senate has 16 standing committees with 72 subcommittees, as well as four select or special committees.³ In addition, there are four joint committees.

Types of Committees

There are three main types of committees: standing, select or special, and joint. (Party committees, task forces, and congressional Member organizations—informal groups—are not addressed here.)

Standing committees are permanent panels identified as such in chamber rules (House Rule X, Senate Rule XXV). Because they have legislative jurisdiction, standing committees consider bills and issues and recommend measures for consideration by their respective chambers. They also have oversight responsibility to monitor agencies, programs, and activities within their jurisdictions, and in some cases in areas that cut across committee jurisdictions.

Most standing committees recommend funding levels—authorizations—for government operations and for new and existing programs. A few have other functions. For example, the Appropriations Committees recommend legislation to provide budget authority for federal agencies and programs. The Budget Committees establish aggregate levels for total spending and revenue, via the annual budget resolution, that serve as guidelines for the work of the authorizing and appropriating panels.

Select or special committees are established generally by a separate resolution of the chamber, sometimes to conduct investigations and studies, and, on other occasions, also to consider measures. Often, select committees examine emerging issues that do not fit clearly

¹ <http://apps.crs.gov/products/rs/html/98-241.html>

² One of the select committees—the House Permanent Select Committee on Intelligence—operates, in many ways, like a permanent standing committee; it has four subcommittees. The two temporary select committees created during the 110th Congress—the Select Committee on Energy Independence and Global Warming and the Select Committee on the Voting Irregularities of August 2, 2007—have no subcommittees.

³ Three of these select or special committees—Indian Affairs, the Select Committee on Ethics, and the Special Committee on Aging—have no subcommittees; the Senate Select Committee on Intelligence has one.

within existing standing committee jurisdictions, or which cut across jurisdictional boundaries. A select committee may be permanent or temporary. Select committees may have certain restrictions on member tenure or may include certain specified representatives (e.g., party leaders or certain standing committee chairs) as ex officio members. Instead of select, the Senate sometimes uses the term *special* committee (e.g., the Special Committee on Aging).

Joint committees are made up of Members of both the House and Senate. Today's joint committees are permanent panels that conduct studies or perform housekeeping tasks rather than consider measures. For instance, the Joint Committee on Printing oversees the functions of the Government Printing Office and general printing procedures of the federal government. The chairmanship of joint committees usually alternates between the House and Senate. A *conference committee* is a temporary joint committee formed to resolve differences between competing House and Senate versions of a measure. Conference committees draft compromises between the positions of the two chambers, which are then submitted to the full House and Senate for approval.

Subcommittees

Most committees form subcommittees to share specific tasks within the jurisdiction of the full committee. Subcommittees are responsible to, and work within the guidelines established by, their parent committees. In particular, standing committees usually create subcommittees with legislative jurisdiction to consider and report bills. They may assign their subcommittees such specific tasks as the initial consideration of measures and oversight of laws and programs in the subcommittees' areas.

Subcommittees may play an important role in the legislative process. Because few chamber and party rules apply to subcommittees, the number, prerogatives, and autonomy of subcommittees vary among committees. Senate rules do not directly limit the number of subcommittees each committee may create. House rules impose a maximum of five subcommittees for most committees (Rule X, clause 5(d)), but a sixth oversight subcommittee is permitted; several committees, such as the Appropriations Committee, have been allowed—via House rules—a larger number of subcommittees.

Some committees create independent subcommittees with sizeable staff and budgets; routinely refer measures to subcommittees for initial consideration; and allow subcommittees to take the lead in framing issues, drafting measures and reports, and holding hearings and markups. On other committees, most work is undertaken by the full committee. Some full committees repeat all actions taken by their subcommittees, while others review only major subcommittee work or even forward subcommittee-reported measures to the floor with little change.

Committee Functions

Information Derived from:
"Congressional Procedures and the Policy Process" (7th Edition)
by Walter J. Oleszek
CQ Press, Washington, DC, 2007

Authorizing

"Authorizing Committees are standing committees of the House or Senate with legislative jurisdiction over the subject matter of those laws, or parts of laws, that set up or continue the legal operations of federal programs or agencies."⁴

"The authorizing committees of each chamber have responsibilities that differ from those of the two appropriating committees. The authorizing committees are the policy-making centers on Capitol Hill. As the substantive legislative panels, they propose solutions to public problems and advocate what they believe to be the necessary level of appropriations for new and existing federal agencies, activities, and programs, specifying either a specific amount of money or an indefinite level of funding ("such sums as may be necessary")."⁵

"Their product, authorizations, establish, continue, or modify programs or policies and may be for one or more years, and such legislation typically recommends, as guidance to the appropriators, funding levels for programs and agencies. These bills also include statutory language that permits, or authorizes, the enactment of appropriations to fund agency and program activities."⁶

The authorizing committees of the House are as follows:

Agriculture, Armed Services, Education and Labor, Energy and Commerce, Financial Services, Foreign Affairs, Homeland Security, Judiciary, Natural Resources, Science and Technology, Small Business, Transportation and Infrastructure, Veterans Affairs, and Ways and Means.

Appropriating⁷

"Both the Senate and the House have appropriations committees with twelve parallel subcommittees that follow the initial work of the Authorizing Committees and make the recommendation of how much federal agencies and programs will receive in relation to available fiscal resources and economic conditions. Today, much of the Federal Government is funded through the annual enactment of the twelve general appropriations bills. [With this in mind,] the Appropriations subcommittee chairs are collectively known in their respective chambers as "College of Cardinals" because of their large influence over spending issues." [A notable difference between the chambers and long standing precedent is that the House Appropriations Committee originates appropriations bills based on its constitutional authority to initiate revenue-raising measures.]

Budget⁸

"The [corresponding] House and Senate Budget Committees have essentially the same functions, which include preparing annually a concurrent budget resolution, reviewing (or "scoring") the impact of existing or proposed legislation on federal expenditures, overseeing the CBO, monitoring the revenue and spending actions of the House and Senate, and, if necessary, assembling a reconciliation bill.

⁴ Glossary. U.S. Department of the Interior. 3 January 2008.

<http://home.nps.gov/applications/budget2/glossary.htm>

⁵ Oleszek. p. 46.

⁶ Oleszek. p. 42.

⁷ Oleszek. p. 42, 47.

⁸ Oleszek. p. 58.

The House Budget Committee is required to have rotating membership; most members may not serve more than eight years during a period of six consecutive Congresses. The committee must be composed of members drawn mainly from other standing committees, including five from the Appropriations and Ways and Means Committees, one from the Rules Committee, and a leadership member from each of the two parties.”

Procedural⁹

“[The Rules Committee, the procedural committee of the House of Representatives,] derives power from its scheduling responsibilities. [This] committee must craft rules to accomplish diverse purposes, such as providing for orderly review of major policy alternatives on the floor, protecting partisan objectives, focusing House debate on the main proposals in contention, and expediting consideration of priority measures. [Major legislation reaches the floor in most instances because it has been granted precedence through a special order (rule) obtained from the Rules Committee.]”

“Additionally, the committee also acts as an informal mediator of disputes among other House committees and members. Because of overlapping jurisdictions, one committee may report a measure that trespasses on the authority of another. In such a case, the Rules Committee may resolve the dispute by authorizing the second committee to offer amendments or by refusing to waive points of order on the floor, thus giving the second committee the opportunity to attempt to delete the offending matter.”

Internal¹⁰

Two committees in the House of Representatives oversee the internal workings of the chamber; Standards of Official Conduct and House Administration. The Committee on Standards of Official Conduct deals with matters involving the public reputation of the House, producing legislation relating to recommendations of action with respect to the conduct of a member, officer, or employee of the House. Likewise, the Committee on House Administration handles necessary housekeeping proposals and has jurisdiction over matters relating to enrolled bills, contested elections, and House expenditures, including committee funding resolutions.

⁹ Oleszek. p. 125, 127.

¹⁰ Oleszek. p. 122-123.

Committee Rules

Excerpt from CRS Report: 97-357¹¹
March 21, 2005

“House Rules Affecting Committees” (p. 2-3)
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Application of House Rules to Committees

Rule XI, clause 1(a)(1)(A)

Rule XI provides that, in general, the rules of the House “are the rules of its committees and subcommittees so far as applicable.”

Although this provision is clear in principle, it is not always obvious how it is to be applied in practice. There are various rules, for example, that govern how the House may consider measures on the floor, but this clause does not specify which of these rules is to be applicable to committees and subcommittees.

In the commentary accompanying Rule XI, the House Parliamentarian observes that:

[t]he procedures applicable in the House as in the Committee of the Whole generally apply to proceedings in committees of the House of Representatives, except that since a measure considered in committee must be read for amendment, a motion to limit debate under the five-minute rule in committee must be confined to the portion of the bill then pending. The previous question may only be moved on the measure in committee if the entire measure has been read, or considered as read, for amendment.

The Parliamentarian continues: “Committees generally conduct their business under the five-minute rule, but may employ the ordinary motions which are in order in the House...and may also employ the motion to limit debate under the five-minute rule on a proposition which has been read.”

Application of Committee Rules to Subcommittees

Rule XI, clause 1(a)(2)

The rules of a committee apply to its subcommittees, “so far as applicable.” Furthermore, subcommittees are subject to the authority and direction of the committee of which they are a part.

Adoption of Committee Rules

Rule XI, clause 2(a)(1)

Each committee is required to adopt written rules that “may not be inconsistent with House rules and applicable rule-making provisions of law. For convenience, the committee’s rules are to incorporate applicable provisions of clause 2 of Rule XI.

The meeting at which the committee adopts its rules is to be open to the public unless in open session the committee votes, by roll call and with a quorum present, to close part or all of the meeting.

¹¹ <http://www.congress.gov/erp/rl/pdf/97-357.pdf>

Publication of Committee Rules

Rules Rule XI, clause 2(a)(2)

The rules that a committee adopts are to be published in the *Congressional Record* not later than thirty days after the committee members are elected at the beginning of a Congress.

Hearings

Purposes of Hearings

Excerpt from CRS Report: 98-317¹²
March 23, 2007

“Types of Committee Hearings” (p. 1)
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Congressional committee hearings may be broadly classified into four types: legislative, oversight, investigative, and confirmation. Hearings may be held on Capitol Hill or elsewhere (e.g., a committee member’s district or state, or a site related to the subject of the hearing). These latter hearings are often referred to as field hearings.¹ See [\[http://www.crs.gov/products/guides/guidehome.shtml\]](http://www.crs.gov/products/guides/guidehome.shtml) for more information on legislative process.¹³

All hearings have a similar formal purpose, to gather information for use by the committee in its activities. This information often is used to shape legislation, even when the hearing is not specifically a legislative hearing. All four types of hearings share common characteristics. The differences among them may appear indistinct, and their purposes sometimes overlap. For example, investigative hearings are sometimes seen as a type of oversight or may lead to legislation, and legislative hearings on a bill might also provide oversight opportunities.

A single set of rules in each chamber governs the different kinds of hearings (Senate Rule XXVI and House Rule X, particularly clauses 2 and 3, and Rule XI, particularly clauses 2, 4, and 5). For example, House and Senate rules set conditions and procedures for closing any hearing to the public and press, all of which must otherwise remain open.⁽³⁾ Some other chamber rules, however, are more pertinent to certain kinds of hearings than to others. Within these rules, a chair has broad latitude in the organization and conduct of hearings.

Types of Hearings

Excerpt from CRS Report: RL30539¹⁴
June 13, 2006

“Hearings in the House of Representatives: A Guide for Preparation and Procedure” (p. 4-5)
Thomas Carr
Analyst in American National Government
Government and Finance Division

All hearings share common elements of preparation and conduct. Some of these are governed by House rules, particularly House Rule XI. At the same time, hearings differ for a number of reasons. First, each committee must adopt its own rules of procedure for each Congress (House Rule XI, clause 2(a)(1-2)). These must be consistent with House rules, but may also expand or elaborate on them. Committee rules often contain provisions regulating hearings.

Second, customs sometimes vary among committees. For example, some committees do not routinely enforce the five-minute rule when examining witnesses, a rule that generally allows a

¹² <http://www.congress.gov/erp/rs/html/98-317.html>.

¹³ This report was originally written by Thomas P. Carr, formerly an Analyst in American National Government at CRS. The listed author has updated this report and is available to respond to inquiries on the subject.

¹⁴ <http://www.congress.gov/erp/rl/pdf/RL30539.pdf>

Member to question each witness for five minutes until every member of the committee has had this opportunity (House Rule XI, clause 2(j)(2)).

Third, hearings are held for different purposes. Depending on the purpose, hearings can be grouped into four broad classes: legislative, oversight, investigative, and confirmation.¹⁵ For the purposes of this report, confirmation hearings, which found solely in the Senate, will not be discussed. (Sometimes one hearing has dual purposes, such as both legislative and oversight.) While in general there are no separate House rules governing each type of hearing, some rules are invoked more frequently at particular types of hearings. For instance, Rule XI, clauses 2(k)(3) and (5) contain provisions particularly applicable to investigative hearings, such as protections for the rights of witnesses. Also, a committee's power to subpoena (House Rule XI, clause 2(m)(1)(B)) usually is used to obtain documents for investigative hearings or to require the testimony of witnesses at these sessions.

Legislative Hearings

Committees hold *legislative hearings* on measures or policy issues that may become legislation. Sometimes a committee holds hearings on multiple measures before ultimately choosing one vehicle for further committee and chamber action. Most often the goal of a legislative hearing is the consideration of a measure for enactment into law. These hearings provide a forum where facts and opinions on legislation can be presented by witnesses with diverse backgrounds, including Members of Congress and other government officials, representatives of interest groups and academia, and from additional citizens affected by the proposal.

Oversight Hearings

Oversight hearings review or study a law, an issue or an activity, often focusing on the quality of federal programs and the performance of government officials. Hearings also help ensure that the enforcement of laws by the executive branch complies with legislative intent, and that administrative policies reflect the public interest. Oversight hearings often seek to improve the efficiency, economy, and effectiveness of government operations. On March 16, 2005, for instance, the House Subcommittee on Space and Aeronautics of the Committee on Science held an oversight hearing on the future of aeronautics at NASA. Many committees also oversee existing programs in the context of hearings on related legislation, or routinely perform oversight when it is time to reauthorize a program or agency.

Investigative Hearings

Investigative hearings share some of the characteristics of legislative and oversight hearings. The difference lies in Congress's stated determination to investigate, usually when there is a suspicion of wrongdoing on the part of public officials or of private citizens. Congress has exercised its investigative function since the earliest days of the republic, and its most famous inquiries are benchmarks in American history: Credit Mobilier, Teapot Dome, Army-McCarthy, Watergate, and Iran-Contra. In some cases, select committees have been created to conduct investigations.¹⁶ At other times the standing committees have investigated matters within their jurisdictions. Investigative hearings may lead to legislation to address any problems uncovered. Judicial proceedings may precede or follow congressional inquiries. Committee hearings are mostly held in Washington, but sometimes a committee will decide there is a need to hold a hearing elsewhere.

¹⁵ Senate Committees also hold hearings on approving treaties, and on confirming presidential nominees, in fulfillment of the Senate's advice and consent responsibility under the Constitution. Because the House does not have this constitutional duty, its committees do not hold confirmation hearings.

¹⁶ For more information on select committees, see CRS Report: RS 21-243, Ad Hoc Select Committees: In Use by the House of Representatives, by Judy Schneider.

Field Hearings

Field hearings may be held for a variety of reasons. A field hearing brings Congress to the people. A committee can hear from witnesses who might find it inconvenient or be unable to travel to Washington to testify. A field hearing also can present information to citizens who are directly affected by a government program or issue. It can enhance a committee's oversight activities by providing the opportunity to evaluate programs "on site." It can orchestrate public support for, and enhance the visibility of an issue. It can provide an opportunity for local, regional, and sometimes national media coverage. Field hearings are often held in a geographic area where the subject matter of the hearing is particularly relevant. For example, on August 13, 2005, the Subcommittee on Energy and Mineral Resources of the House Committee on Resources held a field hearing in Port Fourchon, Louisiana on the benefits of offshore oil and gas development. The formal authority for field hearings is implicit in House Rule XI, clause 2, which states in part that a committee is authorized to "sit at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings as it considers necessary." House rules do not otherwise distinguish field hearings from those held in Washington. Regulations in the House forbid official travel for political or campaign purposes. Field hearings cannot be employed for explicitly political or electoral purposes.

Hearing Procedures

Excerpt from CRS Report: RL30539¹⁷
Updated June 13, 2006

"Hearings in the House of Representatives: A Guide for Preparation and Procedure" (p. 18-24)
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As previously noted, hearings involve extensive preparation. By the day of the hearing, important requirements of House rules, such as publicly announcing hearings, have been met. Critical decisions, such as choice and format of witnesses, have been made. Necessary research has been conducted and relevant materials assembled in a briefing book. Briefings may have been prepared for committee members, staff, witnesses, and the press. Administrative issues, such as arranging for an official reporter, have been attended to. As a result of thorough and careful preparation, many hearings proceed without surprises. Committees must, however, occasionally confront unanticipated events that require a change in plans, such as calling additional witnesses or closing a session to the public.

Quorum

Each committee can determine the number of members required for its hearings, but House rules require a minimum quorum of two members at any hearing (House Rule XI, clause 2(h)(2)). While most committees have adopted this minimum, there are variations. For example, the Committee on Ways and Means requires a quorum of two, but its rule requires that every effort be made to secure the presence of at least one majority and one minority party member. The Rules Committee operates with different hearings quorums for different purposes. The quorum is five for full committee testimony on requests for rules, three for measures or matters of original jurisdiction before the full committee, and two for testimony before subcommittees.

Committee staff often poll members before the start of a hearing to determine who plans to attend. Sometimes staff also obtain information on where members can be reached, in case they are needed to meet the quorum requirement. Committees sometimes proceed with hearings without a quorum. For instance, a committee may work through a roll call vote on the floor by leaving only one member presiding over the hearing while others vote. The first committee member to return from the floor may replace the member presiding, who then leaves to cast his

¹⁷ <http://www.congress.gov/erp/rl/pdf/RL30539.pdf>

or her vote. If, however, if any member makes a point of order that a quorum is not present, the committee cannot continue to conduct business until the presence of a quorum is established.

Closing a Hearing

The vast majority of committee hearings are open to the public, as required under House rules; but House rules permit committees to close a hearing for specific reasons, and outline the procedure for doing so (House Rule XI, clauses 2(g)(2) and 2(k)(5)). A hearing may be closed to the public “because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives.” In order to close all or part of a hearing, a committee must vote by roll call in open session and with a majority present. When a quorum is present for taking testimony, however, a committee may vote to close a hearing (1) because the anticipated testimony at an investigative hearing “may tend to defame, degrade, or incriminate any person,”; or (2) solely to discuss whether there is reason to continue the hearing in closed session. House rules permit most committees to close a hearing on a specific day and on one subsequent day of hearings. The Committees on Appropriations, Armed Services, and Intelligence, however, may vote to close their hearings for five additional, consecutive days of hearings. Members of the House generally may attend, but not participate in, hearings of committees (except the Committee on Standards of Official Conduct) on which they do not serve. Nevertheless, the House may vote to authorize a committee to use procedures for closing a hearing to the public to close hearings to Members not on the committee as well.

Witness Rights

In 1955, the House first adopted rules to protect the rights of witnesses. These rules responded to criticism about the treatment of witnesses, particularly at investigative hearings such as those to explore Communist Party activities in the United States. Today, several protections for witnesses, especially at investigative hearings, are contained in House rules (House Rule XI, clause 2(k)). For example, witnesses are provided a copy of the rules of the committee and House rules applicable to investigative hearings. They may be accompanied by their own counsel to advise them of their constitutional rights. Further, if evidence will tend to defame, degrade, or incriminate a person, the committee may vote, with a quorum present for taking testimony, to meet in closed session. The committee may proceed in open session only if, with a majority present, it determines that the evidence will not have these effects on this person. In either case, the committee will give the person an opportunity to appear as a witness, and will take requests from the individual to subpoena additional witnesses. In other instances, the chair receives, and the committee disposes of, requests to subpoena witnesses.

Witnesses also are protected by the Constitution, in particular, the Fourth, Fifth, and First Amendments. While committees need to obtain answers to questions, the Fourth Amendment prohibits unreasonable search and seizure to obtain information. Under Fifth Amendment protection against self-incrimination, witnesses cannot be compelled to give evidence against themselves unless granted immunity. The First Amendment protects witnesses who may seek to refuse compliance with a committee subpoena by claiming that the committee infringed on the witness’s right to free speech, assembly, or petition.

Opening Statements

When present, the committee chair ordinarily will preside over its hearings. House rules allow each committee chair to designate a majority party member to be the vice chair of the full committee or a subcommittee, and stipulate that the vice chair presides in the temporary absence of the chair (House Rule XI, clause 2(d)). If both the chair and vice chair are absent, the most senior majority party member present presides.

In order to begin the hearing, the chair usually makes an opening statement introducing the subject and purpose of the session. The chair may describe important events leading to the hearing and key contemporary issues. He or she also may outline the committee’s approach to

the matter; how interruptions, such as for roll call votes, will be handled; and the schedule of future hearings. When finished, the chair generally recognizes the ranking minority party member to make an opening statement, and may then recognize other members.

Not all committees allow opening statements by all committee members. The rules of the Committee on Resources, for instance, preclude opening statements unless the chair (or designee) makes a statement, in which case the ranking minority member (or designee) also may make a statement. In practice, chairs of other committees sometimes discourage opening statements in the interest of time, perhaps asking that interested members instead submit opening statements for the printed hearing record.

Where opening statements are permitted, they usually occur under the five minute rule which allows a member to speak for five minutes when recognized by the chair; this is not always the case, however. While the Committee on Energy and Commerce chair and ranking minority member (or designees) may speak for five minutes, other committee members are limited to three minutes each. The Committee on Science attempts to restrict the total time of opening statements. Its rules generally provide that, after consultation with the ranking minority member, the chair limits the total time for opening statements by members to no more than 10 minutes. The time is equally divided among members present who wish to make an opening statement.

Introducing Witnesses and Administering the Oath

Following any opening statements, the chair generally introduces each witness in accordance with the arranged order and format. A committee member other than the chair might introduce a witness in some cases. The Committee on Resources, for instance, permits a committee member to introduce a witness who is a constituent.

House rules authorize the chair, or any member designated by the chair, to administer the oath to a witness (House Rule XI, clause 2(m)(2)). In practice, most committees rarely require testimony under oath. Swearing in of witnesses appears to be more common at investigative hearings and hearings dealing with sensitive subject matter. For instance, under the rules of the Permanent Select Committee on Intelligence, the chairman may require testimony of witnesses to be given under oath or affirmation. Further, the rules of a few committees prescribe a particular oath if witnesses are sworn. The rules of the Committee on Armed Services contain the following: "Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

Oral Testimony of Witnesses

Under House rules, each committee requires witnesses to limit their oral testimony to a brief summary of their argument, insofar as is practicable (House Rule XI, clause 2(g)(4)). In the interest of time, and because written testimony generally is available to the committee in advance, it is usually not necessary or desirable for a witness to read his or her entire written statement.

On some committees the chair has the discretion to determine how long a witness may speak. On the Committee on Agriculture, witnesses may be limited to brief summaries of their statements within the time allotted to them, at the discretion of the chair. Other committees have adopted rules stipulating how long a witness may speak, typically for five minutes. For instance, each witness before the Committee on Resources and the Committee on Science is restricted to a five minute summary of his or her written remarks. Resources Committee witnesses may be granted additional time by the chair, in consultation with the ranking minority member, and Science Committee witnesses may receive additional time from the chair.

Five-Minute Rule for Questioning Witnesses

The question and answer period which follows a witness's opening statement presents an opportunity for a committee to build a public record and to obtain information to support future committee actions. Committee staff sometimes prepare questions or talking points for committee leaders and other members. In some cases, the expected line of questioning is discussed in advance with witnesses.

House rules generally accord committee members five minutes to question each witness until every member has had this opportunity (House Rule XI, clause 2(j)(2)). In practice, many committees allow an extension of time by unanimous consent, and a few committees, such as Veterans' Affairs, specify this in their rules. After the first round of questioning under the five-minute rule, committees can determine how to dispose of any additional time. Some committees' rules specify a procedure for using additional time. For example, the rules of the House Committee on International Relations provide for a second round of questioning under the five-minute rule, while rules of the Committee on Agriculture allow the chair to limit the time for further questioning.

Extended Questioning of Witnesses

House rules allow a committee to extend the time for questioning witnesses by adopting a rule or motion to allow an equal number of its majority and minority party members to question a witness for a period not to exceed one hour in the aggregate (House Rule XI, clause 2(j)(2)(B)). Similarly, a committee may adopt a rule or motion allowing its majority and minority staff to question a witness for equal periods of time, not to exceed one hour in the aggregate (House Rule XI, clause 2(j)(2)(C)).

Several committees have adopted procedures allowing extended questioning. The rules of some committees, for instance the Committee on Agriculture, give only members this authority. They state that the chair and ranking minority member may designate an equal number of members from each party to question witnesses, and that unless a majority of the committee or subcommittee determines otherwise, staff may not interrogate witnesses.

The source of the authority for extended questioning differs among committees. On the Committee on Government Reform, the chair, with the concurrence of the ranking minority member, or the committee by motion, may permit members or staff to question witnesses for an extended period. On the Committee on Veterans' Affairs, the chair, after consultation with the ranking minority member, may designate members or authorize staff to conduct extended questioning.

Further, a few committees specify when any extended questioning may occur. For instance, the chair of the Committee on Veterans' Affairs cannot recognize a member for extended questioning until all members have had a chance to question witnesses under the five minute rule. The rules of the House Committee on Government Reform allow extended questioning at the discretion of the chair only after all members have had an opportunity under the five minute rule.

A few committee rules also detail how the time for extended questioning is to be allocated. On the Committee on Government Reform, the chair determines how to allocate the time permitted for extended questioning by majority members or staff, and the ranking minority member determines how to allocate the time for minority members or staff. The chair, or the ranking minority member, as applicable, may allocate the time for extended questioning by staff to members.

Order of Questioning Witnesses

Each committee has discretion to determine the order in which its members may question witnesses. A common procedure allows alternating between the parties, in order of seniority. By contrast, the so-called "early bird rule" permits members to question witnesses based on members' order of arrival at the hearing. Some committees use a combination of these two

methods. The rules of many committees contain provisions granting their chairs flexibility in recognition, to take into consideration the ratio of majority to minority members present. In practice, committee chairs may entertain requests to proceed out of order to accommodate the schedules of individual members.

Committee rules covering the order for questioning witnesses vary. On the Committee on House Administration, questioning begins with the chair and ranking minority party member, then alternates between the majority and minority parties. Further, the chair is to take into consideration the ratio of majority to minority members present in order not to disadvantage the majority. The chair may accomplish this by recognizing two majority party members for each minority member recognized. In the case of the Committee on Armed Services, all members present at the start of a hearing will be recognized in order of seniority, and thereafter, members are recognized in order of appearance. However, the committee chair also must take into consideration the ratio of majority to minority members present, and the chair and ranking minority member take precedence upon their arrival.

Relevancy of Debate and Questions

House rules require Members speaking on the floor to confine themselves to the question under debate (House Rule XVII(1)(b)). While this rule is generally applicable to debate in committee, some committee rules apply it explicitly to hearings. In questioning witnesses, members of the Committee on Transportation and Infrastructure are limited in their remarks to the subject matter under consideration. The Committee on Armed Services requires questions put to witnesses to be relevant to the measure or matter under consideration. The House Committee on Government Reform requires that questions put to witnesses at investigative hearings be relevant to the subject matter before the committee, and that the chair rule on relevance of questions put to witnesses. On the Committee on Agriculture, members are limited in debate to the subject matter under consideration, unless permission is granted by unanimous consent to extend remarks beyond the subject. In addition, questions put to witnesses must be germane to the matter under consideration.

Questioning by Other Than Committee or Subcommittee Members

House rules allow committees to adopt a rule or motion permitting majority and minority staff to question witnesses for equal periods of time. (See "Extended Questioning of Witnesses.") Committee rules sometimes give additional authority for staff to question witnesses. The Permanent Select Committee on Intelligence, for example, allows witnesses to be interrogated by such committee staff as are authorized by the chairman in consultation with the ranking member.

Several committees permit their members to participate in the hearings of subcommittees of which they are not members, although the specific provisions differ. In some cases, this prerogative appears to be restricted to the chair and ranking minority member of the full committee. For instance, many committees allow the chair and ranking minority member to serve, ex-officio, on all subcommittees, which presumably allows them to participate in subcommittee hearings. The rules of the Committee on Appropriations make explicit that the chair and ranking minority member may sit as members of all subcommittees and may participate in subcommittee work. Their participation may include voting.

By contrast, the Committee on Education and the Workforce allows any committee member to attend subcommittee hearings and question witnesses. Other committees explicitly bar non-subcommittee members from engaging in certain activities, while presumably allowing them to question witnesses. Any member of the Committee on Veterans' Affairs, for example, may sit with any subcommittee during any hearing or meeting, but may not vote, be counted for a quorum, or raise a point of order.

Relatedly, even if a hearing is closed to the public, all Members of the House generally may attend, but not participate in, hearings of committees (except the Committee on Standards of Official Conduct) on which they do not serve (House Rule XI, clause 2(g)(2)(C)). A committee

may, however, use the procedures for closing a hearing to the public to close hearings to Members not on the committee, if the House so authorizes by vote.

House Committee Hearings: “the Minority Witness Rule”

CRS Report: RS22637¹⁸
Updated April 4, 2007

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Summary

House Rule XI gives the minority party members of committees the right to have witnesses of their choosing called to testify on at least one day of any hearing scheduled by the majority. The rule has primarily served as an incentive to the majority party to see that the minority viewpoint is represented at hearings. While the minority has a right to have witnesses testify on one hearing day, the committee majority maintains control over the scheduling, scope, and duration of that testimony.

When a House committee or subcommittee holds a hearing, the minority party members of the panel have the right to call witnesses of their choosing to testify on at least one day of that hearing. Clause 2(j)(1) of House Rule XI – known as the “minority witness rule” – states:

Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

If the minority's request to call witnesses comes after a hearing has begun, it will necessitate the continuation of the hearing on an additional day to accommodate minority witnesses.¹⁹ Rule XI, however, is rarely formally invoked to request an additional day of hearing. In practice, the rule has largely served as a “backstop” which gives the minority party a procedural recourse should the committee majority refuse to invite witnesses they request. In the vast majority of hearings, the majority does invite minority witnesses after consultation and negotiation with minority Members and staff. In rare instances, however, a majority of the minority party members of a House committee or subcommittee have invoked Rule XI to schedule an additional day of hearings for their witnesses, including occasions in the 108th and 109th Congresses.²⁰

Origin of the Minority Witness Rule

The minority witness rule was contained in Section 114(b) of the Legislative Reorganization Act of 1970²¹ and was first made a part of House rules at the beginning of the 92nd Congress (1971-

¹⁸ <http://www.congress.gov/erp/rs/pdf/RS22637.pdf>

¹⁹ Rule XI does not prescribe the form of the request, but in recent instances where the rule was invoked, the request was made by way of a letter signed by a majority of the minority committee members and presented to the chairman shortly before the conclusion of the hearing.

²⁰ See, for example: U.S. Congress, House Committee on Ways and Means, *Board of Trustees 2004 Annual Reports*, hearing, 108th Cong., 2nd sess., Mar. 24 and Apr. 1, 2004 (Washington: GPO, 2005); U.S. Congress, House Committee on the Judiciary, *Reauthorization of the USA PATRIOT Act*, hearing, 109th Cong., 1st sess., June 10, 2005 (Washington: GPO, 2005).

²¹ P.L. 91-510, 84 Stat. 1140.

1972).²² The report of the House Committee on Rules to accompany the 1970 Act, said of this provision:

By custom, committees ordinarily honor requests from their minority party members to call certain witnesses. Section 114(b) will make this a matter of right. It provides that during any hearing of a committee, those members shall be entitled, during at least one day of the hearing, to call as witnesses persons they select. We don't look upon this as an authorization for delaying tactics but rather as good legislative practice.²³

The suggestions that the minority party be granted an absolute right to call witnesses of their choosing at hearings had originated five years earlier with the Joint Committee on the Organization of Congress (JCOC). The Joint Committee on the Organization of the Congress was established on March 11, 1965, to study the organization and operation of Congress and recommend improvements "with a view toward strengthening the Congress, simplifying its operations, improving its relationship with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution."²⁴ In its final report to the House and Senate, the joint committee argued that the practice of calling minority witnesses should be codified by both chambers of Congress. Their report stated:

It is normal procedure for witnesses representing both sides of the issue to give testimony at committee hearings. In those infrequent instances when witnesses representing the minority position are not allotted time, a minimum safeguard should exist to protect minority rights. The allocation on request of up to 1 day of hearings for witnesses chosen by the minority will furnish the needed protection.²⁵

While the recommendations of the JCOC were not initially enacted, their suggestions laid the foundation for those adopted in the Legislative Reorganization Act of 1970.²⁶

Majority Prerogatives and Minority Witnesses

While Clause 2(j)(1) of House Rule XI gives the minority the right to witnesses of their choosing on one hearing day, the committee majority maintains control over the scheduling and logistics of that hearing. In addition, ordinary House and committee rules governing hearings -- such as those mandating the questioning of witnesses under the five-minute rule -- apply to any hearing in which minority witnesses testify.

It is up to the chairman of the committee to set the day and location of the requested hearing, "under a reasonable schedule."²⁷ While the committee majority must invite the witnesses chosen by the minority, they are not precluded from inviting additional witnesses of their own choosing.

The chairman maintains control over the logistics of how the minority witnesses will testify (i.e. individually, in panels, etc.) and also determines whether or not to administer the oath to the witnesses.²⁸

²² U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives of the United States, One Hundred Ninth Congress*, H.Doc. 108-241, 108th Cong., 2nd sess. (Washington: GPO, 2005), §802.

²³ U.S. Congress, House Committee on Rules, *Report to Accompany H.R. 17654*, H.Rept. 91-1215, 91st Cong., 2nd sess. (Washington: GPO, 1970), p. 6.

²⁴ S. Con. Res. 2, 89th Congress.

²⁵ U.S. Congress, Senate, *Final Report of the Joint Committee on the Organization of the Congress*, S. Rept. 1414, 89th Cong., 2nd sess. (Washington: GPO, 1966), pp. 11-12.

²⁶ For additional information on House procedural reforms, see [CRS Report RL31835\(pdf\)](#), *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider, Betsy Palmer, and Christopher M. Davis.

²⁷ William Holmes Brown, Charles W. Johnson, *House Practice, A Guide to the Rules, Precedents, and Procedures of the House* 108th Cong., 1st sess. (Washington: GPO, 2003), p. 278.

²⁸ Committee on Ways and Means, *Board of Trustees Annual Reports*, pp. 101-102.

As is the case with other witnesses, a minority witness may decline an invitation to testify. The committee can elect to issue a subpoena for testimony under the normal procedures of the House and the committee, but is not required to do so.

The scope of an additional day of hearings under the minority witness rule is generally limited by the subject of the hearing. A committee is not required to permit testimony by minority witnesses or questioning by Members or committee staff that strays from the announced subject of the hearing.²⁹ If the committee chooses, of course, it may broaden the scope of its inquiry as it sees fit.

Notwithstanding the rights afforded the minority party under the minority witness rule, under Clause 2(k)(8) of House Rule XI, a committee is "the sole judge of the pertinence of the testimony and evidence adduced at its hearing." As such, a committee majority retains the right, applying a "reasonableness test," to determine the relevance of testimony and the appropriate length of a Rule XI minority day of witnesses.

²⁹ Rep. F. James Sensenbrenner, remarks in the House, *Congressional Record*, daily edition, vol. 151, June 16, 2005, p. H4647.

Markups

House Rules Governing Committee Markup Procedures

CRS Report 98-312³⁰
Updated February 26, 2008

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The rules of the House provide only general guidance to committees for conducting meetings to mark up legislation. There are no House rules that explicitly govern the various aspects of markup procedure. Instead, clause 1(a)(1) of Rule XI provides in part that "the Rules of the House are the rules of its committees and subcommittees *so far as applicable*.... " And clause 2(a)(1) of the same rule directs each standing committee to adopt written rules governing its own procedures that "may be *not inconsistent* with the Rules of the House.... " (Italics added).

These requirements leave many questions unanswered. The House can apply different rules to the consideration of measures on the floor; for example, the House can consider one bill under suspension of the rules and then debate the next bill in Committee of the Whole. It is not obvious, therefore, which House rules are to be applicable to committees. Further, it would not be possible for committees to adopt rules that would be "not inconsistent" with all of these different rules.

The House parliamentarian provides helpful guidance when he notes in the commentary accompanying Sec. XXX of *Jefferson's Manual* that "[t]he procedures applicable in the House as in the Committee of the Whole generally apply to proceedings in committees of the House of Representatives." The House does not often consider measures in the *House as in Committee of the Whole*, as distinguished from considering bills either in the House or in Committee of the Whole. Furthermore, as the parliamentarian explains, the procedures that govern floor action in the House as in Committee of the Whole are different in several respects from the procedures applicable in committee.

Based on the parliamentarian's guidance, it is possible to identify the key procedures that House committees are to follow during the markup process.

- **First reading.** The first reading of the bill may be waived by a nondebatable motion, if printed copies of the bill are available and if there is objection to waiving the reading by unanimous consent.. Clause 1(a)(2)(B) of Rule XI makes this motion in order.
- **Reading the bill for amendment.** The bill is to be read for amendment, one section at a time, unless the committee agrees otherwise by unanimous consent. Members are to offer their amendments to each section of the bill after that section has been read but before the next section is read. Only by unanimous consent may the committee consider the bill as having been read and open for amendment at any point, or to be considered by title instead of by section.
- **Reading sections of the bill.** Each section of the bill is to be read before Members offer amendments to it. This reading may be waived by unanimous consent.
- **Reading amendments.** Each amendment is to be read before debate on it begins, unless the reading is waived by unanimous consent.
- **Debate.** All debate is conducted under the five-minute rule, except for debate on points of order or responses to parliamentary inquiries, which the chairman entertains at his discretion.
- **Motions to close debate.** A Member may move to close the debate on the pending section (and all amendments thereto) or on the pending amendment (and all amendments thereto). The motion may provide that debate end immediately, at a certain time, or after a specified number of minutes or hours. A motion is not in order to close

³⁰ <http://apps.crs.gov/products/rs/html/98-312.html>

debate on the entire bill if any portion of the bill has not yet been read. After the time for debate has expired, Members may offer additional amendments, but unanimous consent is required to explain or debate them.

- **The previous question.** A motion to close debate does precisely that; it stops the debate but it does not prevent Members from offering additional amendments. Alternately, to end debate *and* preclude further amendments, a Member may move the previous question on a pending amendment (and all amendments thereto), but not on the pending section of the bill. Also, a Member may move the previous question on the entire bill (and all amendments thereto), but only after the bill has been read in full, or the committee has agreed by unanimous consent to dispense with the reading of the bill and the bill is open to amendment at any point.
- **The vote to report.** After the committee disposes of the last amendment to the bill, it votes on a motion to order the bill reported, together with whatever amendments the committee has adopted. The committee does not vote on approving or passing the bill.

It is left largely to each committee to enforce its procedures governing the process of debate and amendment during markup sessions. In the commentary accompanying Rule XI, clause 2(a)(1), the House parliamentarian explains that "a point of order does not ordinarily lie in the House against consideration of a bill by reason of defective committee procedures occurring prior to the time the bill is ordered reported to the House."

House Committee Markup: Vehicle for Consideration and Amendment

CRS Report: 98-188³¹
Updated July 17, 2008

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The markup begins with the chair calling up a particular measure for consideration by the committee. The next action depends on the nature of the "markup vehicle" (i.e., the text that the chair intends for the committee to amend and report), which may be different from the measure laid before the panel for consideration. The vehicle can come before the committee in several different forms, each of which has its own procedural and political consequences.

The chair may lay before the committee either a bill that has been previously introduced and referred, or the text of a draft measure that has not been formally introduced. In each case, the text laid before the committee is itself the markup vehicle, but, in the second case, at the end of the markup process, the text must be incorporated or converted into a measure for reporting to the House. Alternatively, the markup vehicle may be placed before the committee as an amendment in the nature of a substitute for the bill or text initially called up. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

Introduced Measure

Using an introduced measure as both the bill for consideration and the vehicle requires no special motion or unanimous consent. The chair notifies committee members that the vehicle for the markup will be the introduced bill, identifying the bill number and, often, the original sponsor. If this option is selected, the bill is normally read for amendment by section (unless by unanimous consent the bill is open for amendment at any point), and each section can be amended in two degrees. The measure would then be reported to the House "as amended," if amended, or alternately as a clean bill, incorporating the changes made in markup into a new measure that would be introduced, referred, and reported back to the House without change.

³¹ <http://apps.crs.gov/products/rs/html/98-188.html>

Subcommittee Reported Version/Committee Print

Most measures considered at the full committee have already received prior subcommittee action. When a subcommittee reports its version of a text to the full committee, the product is often printed and referred to as a "committee print." This committee print can then be laid before the committee for consideration and used as the markup vehicle. Most committees in choosing this approach will notify their members of their intention to use the subcommittee reported version. With this approach, the chair will traditionally ask unanimous consent that the committee print "be considered as an original bill for the purpose of amendment," so that the measure will be read for amendment by section (or by unanimous consent for amendment at any point) and will be amendable in two degrees. At the end of the process, this text could either be offered as an amendment in the nature of a substitute to a previously introduced bill or reported as a clean bill.

An alternative is for the subcommittee chairman to offer the subcommittee reported version as an "amendment in the nature of a substitute" for the measure initially laid before the committee. This approach limits amendments and allows the chair the option to terminate the process by moving the previous question on the amendment in the nature of a substitute. That option is not available on measures open for amendment by section until the final section has been read for amendment.

A third approach is for the subcommittee chairman to introduce a new measure in the House reflecting the subcommittee's changes to the earlier measure. This new bill, which would carry the subcommittee chairman's name as sponsor, is referred to committee and then called up for consideration. The committee would use it as the markup vehicle, as a bill as introduced.

Staff Draft/Chairman's Mark

Another option is for the full committee to mark up a text that incorporates both changes made in subcommittee markup and additional changes negotiated afterward, yet prior to full committee markup. Members from other subcommittees are often included in these negotiations; the party leadership and other Members may also be consulted. The product resulting from these negotiations is incorporated into a "committee print" and is often referred to as a "staff draft." A variant process occurs when the chairman prepares his own markup document, typically with collaboration only from majority members of the committee. That text is often referred to as a "chairman's mark." These kinds of documents usually are circulated to committee members prior to the markup. At the end of the process, the text would either be converted into an amendment in the nature of a substitute for a previously introduced measure or reported as a clean bill.

Amendment in the Nature of a Substitute

Often times, the chairman prefers to offer an amendment in the nature of a substitute to the measure laid before the committee, usually an introduced bill. Such an amendment need not be distributed in advance, and usually is not provided prior to the markup. The amendment may only be offered at the outset of the amendment process, after the first section of the measure is read and can be amended in only one degree, unless unanimous consent is granted to consider it as "original text." (An amendment in the nature of a substitute may also be offered at the very end of the amendment process, but this is a less common occurrence.) Debate and additional amendments to the amendment in the nature of a substitute can be cut off by moving the previous question. At the reporting stage, the committee can report either the introduced bill with the committee substitute or a clean bill.

Committee Reports

Two Meanings of the word “Report”

- 1) **Report** as a ‘verb’- the action the Committee takes when it returns the bill to the House
- 2) **Report** as a ‘noun’- the document that accompanies the bill when the Committee returns it to the House.

Ordering Reported

“The committee does not conclude its markup by voting on the bill itself. After voting on the last amendment to be offered, the chair recognizes a majority party member to move that the committee order the bill reported to the House with whatever amendments the committee has adopted during the markup, and with the recommendation that the House agree to those amendments and then pass the bill as amended. The bill is actually reported (verb) when the committee chair takes the bill and the accompanying committee report (noun) to the floor when the House is in session, files the report, and returns the bill to the House. The committee report then is printed, the bill is reprinted to show the committee’s action and its recommended amendments, and the bill is listed on the Union Calendar if it authorizes or appropriates funds or affects revenues, or otherwise on the House Calendar.”³²

House Committee Markup: Reporting

CRS Report: 98-267³³
July 17, 2008

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At the end of the amendment process, the chair normally entertains a motion to report a measure favorably to the House. By House rule, a majority of a committee must be physically present. Once agreed to, a bill is "ordered reported;" it is actually "reported" when the committee report is filed in the House. When the committee orders a bill reported, it is incumbent upon the chair, pursuant to House rule, to report it "promptly" and take all other steps necessary to secure its consideration by the full House.

Reporting reflects the committee's actions in markup. However, the forms in which committees report have procedural consequences on the floor. Discussions of the ramifications of what to report often occur with the leadership prior to the vote on reporting. This report addresses the procedural options committees have regarding the form of reporting, such as what happens to amendments adopted in markup, as well as other considerations at the time of reporting. For more information on legislative process, see:

<http://www.crs.gov/products/guides/guidehome.shtml>.

Options for Reporting Amendments

- Reporting a bill without amendment means a committee has made no changes to the text of the bill as introduced. This is usually quite rare.

³² Judy Schneider, “The Committee Markup Process in the House of Representatives,” CRS Report: RL30244, December 8, 2006, p. 20. <http://www.congress.gov/erp/rl/pdf/RL30244.pdf>.

³³ <http://apps.crs.gov/products/rs/pdf/98-267.pdf>

- Reporting a bill with an amendment or amendments shows that a committee is recommending a single amendment, or multiple, so-called "cut and bite" amendments, which could be considered individually or adopted *en bloc* on the floor.
- Reporting a clean bill means that a new bill is introduced, the text of which incorporates amendments that were adopted in markup. This new bill is reintroduced in the House, assigned a new number, and referred back to the committee, which immediately and automatically reports it back to the House. This option is often selected because it protects the committee against procedural problems, such as questions about the germaneness of committee amendments. Clean bills may imply extensive changes during the markup, but that is not always the case.
- Reporting an introduced bill with an amendment in the nature of a substitute reflects recommending a new text developed in the same manner as a clean bill, but reported instead as a full-text substitute for the measure considered.

Options on How to Report

- Reporting favorably means that a majority of a committee is recommending the full House to consider and pass a measure.
- Reporting unfavorably or adversely usually implies that the party leadership believes that a majority on the floor supports a measure even though a majority of a committee does not. However, a bill reported adversely is laid on the table in the House unless the reporting committee or an individual Member requests its reference to a calendar. Adverse reports are rare because committees do not normally report bills without support by a majority of a committee's members.
- Reporting without recommendation generally means that a committee believes legislation should receive floor consideration although the committee could not find a majority opinion on what to report. In this case, the committee report could include a statement that the committee was unable to agree on a recommendation or the committee report could include minority views alone. Reports without recommendation are rare.

Other Reporting Actions and Considerations

- Committees report recommendations by motion. Some committee chairs recognize a senior majority member to make the motion to report, others recognize the ranking minority member, especially in the case of bipartisan support for a bill. Most committees request a recorded vote on the motion to report.
- Members of a committee are entitled under House rules to file supplemental, minority, or additional views in a committee report. The request to file such views is usually made following the vote on a motion to report.
- Many committees allow staff to make "technical and conforming" changes to the measure reported. Some panels grant this authority by unanimous consent, others grant it by motion. The authority is often included in the motion to report.
- Many chairs recognize a senior majority member to make a motion, pursuant to Rule XXII, clause 1, to authorize the chairman to offer such motions as may be necessary in the House to go to conference with the Senate if the measure being reported ultimately passes the House.
- If a markup was contentious, some committee chairs entertain a motion to reconsider the vote and then recognize another member to offer a motion to table the motion to

reconsider. Agreeing to the tabling motion precludes future reconsideration of the committee's action.

House Committee Reports: Required Contents

CRS Report: 98-169³⁴
Updated October 11, 2007

“House Committee Reports: Required Contents”
Judy Schneider
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House rules and statutes detail several substantive requirements for items to be included in reports accompanying bills reported from committees, as noted in the following table. For example, most committee reports explain a bill's purpose and the need for the legislation, its cost, the committee votes on amendments and the measure itself, the position of the executive branch, and the specific changes the bill would make in existing law. Not all requirements are applicable to all committees or in all circumstances. There is also no prescribed order for inclusion of these items in the report, although custom has dictated certain common approaches, such as placing at the end of a report the notations of specific changes in law and additional views.

House Committee Reports: Required Contents

House Rule	Requirement	Applies To
Rule XIII, clause 3(b)	Statement of committee action on all rollcall votes	Rollcall vote to report bill or resolution of public character and on any amendment offered in committee
Rule XIII, clause 3(c)(1)	Statement of committee oversight findings and recommendations	Measure approved; all committees except the Committees on Appropriations and Budget
Rule XIII, clause 3(c)(2), and Section 308(a)(1) of the Congressional Budget Act of 1974	Statement on new budget authority and related items	Bill or resolution (except continuing appropriations) providing new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures
Rule XIII, clause 3(c)(3), and Section 402 of the Congressional Budget Act of 1974	Statement of CBO cost estimate and comparison, if submitted in a timely fashion	Bill or resolution of a public character; all committees except the Committee on Appropriations
Rule XIII, clause 3(c)(4)	Statement of general performance goals and objectives, include outcome-related goals and objectives	Measure approved
Rule XIII, clause 3(d)(1)	Statement of constitutional authority of Congress to enact	Bill or joint resolution of a public character
Rule XIII, clause 3(a)(1)(A)	Supplemental, minority, or additional views, if submitted in writing and signed, and filed within 2 calendar days	Measure or matter approved; all committees except the Committee on Rules
Rule XIII, clause 3(a)(1)(B)	Recital on cover of report to show inclusion of certain material	Reports that include CBO cost estimate and comparison, oversight findings, and supplemental, minority, or additional views

³⁴ <http://www.congress.gov/erp/rs/pdf/98-169.pdf>

Rule XIII, clause 3(e)	Changes in existing law ("Ramseyer rule")	Bill or joint resolution that repeals or amends existing law
Rule XIII, clause 3(d)(2)	Statement of committee cost estimate	Bill or resolution of a public character; Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct are exempt; requirement does not apply if CBO cost estimate is in report
Rule XIII, clause 3(h)	Statement of macroeconomic impact of a measure amending the tax code	Committee on Ways and Means; can be waived, or chair of Ways and Means Committee can insert the analysis in the Congressional Record prior to the measure being considered on the floor
Rule XXI, clause 9	List of congressional earmarks, limited tax benefits, limited tariff benefits, and name of requesting Member	Bill, joint resolution, amendment, and conference report of a public character; list can be included in the bill
Federal Advisory Committee Act (5 U.S.C. App.), Section 5(b)	Determination with respect to new advisory committee	Legislation establishing or authorizing establishment of an advisory committee
Congressional Accountability Act, P.L. 104-1 , Section 102(b)(3)	Applicability to legislative branch or statement of why not applicable	Bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations
Unfunded Mandates Reform Act, P.L. 104-4 ; Section 423 of Congressional Budget Act of 1974	Statement of federal mandates	Bill or resolution of a public character

Placement on Union Calendar

“Measures reported from House committees (except for private measures) are referred to either the Union or House Calendar (Rule XIII, clause 1(a)). In general, the *Union Calendar* receives all measures which would be considered in the Committee of the Whole, such as tax, authorization, and appropriations measures. All other public bills and public resolutions are referred to the *House Calendar* (Rule XIII, clause 1(a)(2)). The House also maintains a *Private Calendar* (Rule XIII, clause 1(a)(3); and Rule XV, clause 5) for measures of a private character affecting individual persons or entities, and a *Calendar of Motions to Discharge Committees* (Rule XIII, clause 1(c); and Rule XV, clause 2) from further consideration of particular measures (see “Legislation Blocked in Committee” section for a discussion of the discharge motion).”³⁵

³⁵ Judy Schneider. “House and Senate Rules of Procedure: A Comparison,” CRS Report: RL30945, February 10, 2005, p.2-3. <http://www.congress.gov/erp/rl/pdf/RL30945.pdf>.