

CRS Report for Congress

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House Committee Markup: Vehicle for Consideration and Amendment

Judy Schneider
Specialist on the Congress
Government and Finance Division

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.

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

Oftentimes, 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.