

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue cap at the top. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass.

WikiLeaks Document Release

<http://wikileaks.org/wiki/CRS-98-267>

February 2, 2009

Congressional Research Service

Report 98-267

House Committee Markup: Reporting

Judy Schneider, Government and Finance Division

January 18, 2005

Abstract. 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.

WikiLeaks



CRS Report for Congress

House Committee Markup: Reporting

Judy Schneider
Specialist on the Congress
Government and Finance Division

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.
- 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

<http://wikileaks.org/wiki/CRS-98-267>

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.