Summary

A principal responsibility of House committees is to conduct markups—to select legislation to consider, to debate it and vote on amendments to it (to mark up), and to report recommendations on passage to the House. This manual examines procedures and strategy related to committee markups and provides sample procedural scripts.

A committee faces many decisions when it considers a policy matter in a markup. It must select what legislation to mark up; decide whether to mark up in committee only or in both subcommittee and committee; consider the effect of referral on the markup; choose how to report to the House; and take into account congressional and Administration sentiments. With policy and political considerations in mind, the committee plans its procedural strategy.

The first element of a markup strategy is selection of a markup vehicle. A committee might mark up a measure as introduced, a version of the measure previously marked up in subcommittee, a draft prepared before, after, or without subcommittee markup, or an amendment in the nature of a substitute. Procedural and political consequences attach to each markup vehicle. Two parts of the manual deal with this element: Procedural Strategy and the Choice of a Markup Vehicle, and Beginning a Markup.

The second element of a markup strategy is conduct of the amendment process. A committee may mark up a measure by section or by paragraph or by another subdivision, such as title; open it to amendment at any point or use an amendment roster; or mark up an amendment in the nature of a substitute. Specific procedural and political consequences attach to each choice. One part of the manual deals with this element: Reading a Measure for Amendment.

The third element of a markup strategy is the decision of what to report. If a committee marks up legislation as introduced, it may report that with recommended amendments. If a committee marks up a draft or an amendment in the nature of a substitute, it must convert that vehicle into legislation that can be reported. A committee may also choose to report a “clean” measure. Two parts of the manual deal with this element: Reporting a Measure, and Committee Reports.

The final element of a markup strategy cuts through the other elements—anticipating the motions and requests that the majority and minority might make at each stage of the markup. Four parts of the manual deal with this element: Parliamentary Inquiries; Points of Order; Motions, Requests, and Demands; and Voting.

Six parts of this manual supplement these elements of markup strategy by providing background and context: Introduction to House Committee Markup Procedures, Committee Rules, Procedural Restrictions in Law on Certain Markups, Referral of Legislation in the House, Considerations Prior to a Markup, and Role of Committee and Personal Staff.

Two parts of the manual deal with Options for House Consideration and Considerations in a Two-House Strategy. Although House floor consideration follows committee action, and Senate action may precede or follow House committee action, plans for a markup must anticipate the larger arenas in which reported legislation will be considered. This context is examined in these two parts.

An Overview of Manual section explains the relationship between the elements and the parts of the manual, and includes a subsection on How To Read or Use This Manual.