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House Committee Markups: Commonly Used Motions and Requests

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Summary

House committee markups generally are held to consider legislation. During a markup, committees follow House rules and their individual committee rules to ensure proper parliamentary procedure. This report identifies motions commonly used and requests frequently heard during a markup. It is not intended to be an exhaustive list. This report will be updated if rules or procedures change.

Adjourn: The motion to adjourn is highly privileged and not debatable. The motion is not subject to a motion to table. A chair cannot unilaterally adjourn.

If a motion to adjourn is made, the following steps would be taken:

A member moves that the committee “do now adjourn.”

The chair must recognize the member to make the motion and then puts the question: “As many as are in favor of the motion to adjourn...”

Intervening business must occur before the motion can be made again. A quorum need not be present.

Amendments En Bloc: Amendments that touch the bill in more than one place are not in order. However, by unanimous consent, such amendments can be considered en bloc, that is, as if they were a single amendment.

Appeal the Ruling of the Chair: Any member may appeal a ruling of the chair, simply by saying, “I appeal the ruling of the chair.” However, decisions (1) ruling actions out of order as dilatory, (2) involving recognition of members, and (3) concerning the appropriate timeliness of actions are not subject to appeal. Appeals from decisions on the priority of business and the germaneness of debate are not debatable. All other appeals are debatable under the five-minute rule. To counter a challenge to the chair’s ruling, another member can move to table (kill) the appeal. The motion to table is not debatable.

If the ruling of the chair is appealed, the following steps would be taken:

A member supporting the chair would immediately move to table the appeal. The chair calls the vote on the motion to table.

If no motion to table is made, the chair would call the question on the appeal: “Shall the ruling of the chair stand as the ruling of the committee?”

Conference, Authorization to Go To: To avoid possible objection on the floor to unanimous consent requests to go to conference, a committee can, at the time a bill is initially reported, authorize the chair to make a motion at the appropriate time to send the bill to conference.

A committee member would move, *“Pursuant to Rule XXII, clause 1, the committee authorizes the chairman to offer such motions as may be necessary in the House to go to conference with the Senate on (the bill...or a similar Senate bill).”*

Dividing the Question: An amendment can be divided if it consists of two or more parts, each of which could be considered independently. The motion to strike and insert is not divisible. A division may be demanded on amendments offered en bloc, even after unanimous consent has been granted to consider them en bloc. Each division of an amendment is debatable and amendable as if it were a separate amendment. If a member demands that an amendment be divided, the demand must occur before the vote begins on the amendment. The demander should indicate which portion of the question he or she wants voted on separately, and may request a further division if such a demand would be proper.

End (Close) Debate, Motion To: Members have the right to offer as many amendments as they want, if not dilatory. Debate on an amendment or a section of the bill can be ended by moving to close debate or by unanimous consent. (The amendment under consideration must still be voted on, however.) Ending debate on a section does not preclude further amendments, but they are decided without debate.

After initial debate on an amendment, a member may say, “Mr. Chairman, I move to close debate on the amendment (or section) and all amendments thereto immediately (or in ...minutes, or at....o’clock).”

The chair puts the question: “The question is on the motion to close debate. As many as are in favor...”

If the motion is successful, then the chair has the discretion to allocate the remaining time. He may allocate it to members who had already asked to be recognized, divide control between a proponent and opponent, or recognize members under the five-minute rule until all time is expired.

Minority Filing Views: A member may have two additional calendar days from the day a bill has been ordered reported (excluding Saturday, Sunday, and legal holidays) in which to submit additional, dissenting, or minority views. The clock for filing begins the day the measure is ordered reported and continues until one hour after midnight on the second

day. The member must give notice of his or her intention to submit such views at the time the measure is ordered reported. (Some committees authorize the ranking member to make such a request on behalf of all members.)

Parliamentary Inquiry: Recognition for a parliamentary inquiry is at the discretion of the chair. The chair does not respond to inquiries about content, meaning, or the substantive effect of an amendment. The chair does not respond to hypothetical questions. Responses to parliamentary inquiries are not rulings and thus are not subject to appeal. Members must have the floor to pose a parliamentary inquiry. If another member controls the time, that member would have to yield to the member seeking to pose the inquiry. The time it takes to discuss the inquiry is deducted from the total amount controlled by the member. However, there are no time limitations regarding parliamentary inquiries. Such time is at the discretion of the chair.

Points of Order: Members have the right to make, or reserve, a point of order, provided that it is made in a timely manner. Points of order on an amendment must be made after it has been read but before debate on the amendment begins. Reserving a point of order occurs at the same point, but points of order can be reserved only at the discretion of the chair. Once a point of order has been made, debate on it is at the discretion of the chair. Debate should be limited to the procedural issue, not the merits of the policy. Members do not control time and therefore cannot yield or reserve time. If a point of order has been reserved, any member can demand “regular order,” meaning the member must immediately either make the point of order or withdraw the reservation.

Postpone, Motion to: A motion to postpone may be made to put off consideration indefinitely or to a day certain. A motion to postpone indefinitely has the same effect as the motion to table, or kill. A motion to postpone to a day certain cannot set the hour at which consideration is to be resumed. The motion to postpone cannot apply to a motion to amend or a motion for the previous question. The motion to postpone is open to amendment. For example, a motion to postpone to a day certain may be amended to make it a motion to postpone indefinitely. The motion to postpone to a day certain has precedence over a motion to refer, amend, or postpone indefinitely, but not over a motion to adjourn, to table, or to move the previous question. If the previous question is agreed to, a motion to postpone the same question may not be made. If a motion to table a motion to postpone is agreed to, that motion tables only the motion to postpone and not the matter that was the subject of the motion to postpone.

Postpone Recorded Votes: Committees may adopt a committee rule granting the chair authority to postpone recorded votes on agreeing to amendments, business matters, and the approval of measures. The rule cannot authorize chairs to postpone any other type of vote, including procedural votes.

Pursuant to [refer to committee rule number] further proceedings on the amendment will be postponed.

Previous Question: Amendments to a section can be closed by moving the previous question. This motion serves to close debate on a section and to preclude further amendments. The motion is not debatable and may not be tabled. (However, 40 minutes of debate must be provided when the previous question is ordered without debate on a proposition otherwise subject to debate. The 40 minutes would be equally divided.) The

underlying amendment must still be voted on if the previous question motion is agreed to. The previous question on the bill can only be moved when the entire bill has been read for amendment, or if the bill is “open to amendment at any point.” One advantage of considering an amendment in the nature of a substitute is that the previous question can be moved at any time (i.e., as a device to cut off amendments).

After initial debate on an amendment, a Member may say, “Mr. Chairman, I move the previous question on the amendment and all amendments thereto.”

The chair puts the question, “The motion is in order and is not debatable. As many as are in favor...”

If the motion is successful, then the chair puts the question on the pending amendment [s]. “The previous question having been ordered, the question is on the amendment offered by.... As many as are in favor...”

Question of Consideration: The question of consideration, which literally means, Does the committee/subcommittee want to consider this bill?, may be raised before debate has begun. The motion is not debatable and may not be tabled. If made in a timely manner, the chair puts the question without debate, “Does the committee wish to consider...” A majority vote is needed. If the question is defeated, it does not prevent the measure from being brought up again. If the question is agreed to, the vote is subject to reconsideration.

Quorum: A quorum is required at all times during a markup. Any member may make a point of order that a quorum is not present. The chair will then count. If a quorum is not present, the chair will direct the clerk to call the roll. When a quorum is present, the chair announces that the committee will resume its business. The chair’s count of a quorum is conclusive and not subject to appeal.

Reading of the Bill: A member can request the reading of an entire bill or an amendment. The first reading of a bill may be dispensed with by unanimous consent or by motion, the latter only if printed copies are available. The motion is not debatable and may not be tabled. The reading of an amendment can be dispensed with only by unanimous consent.

Reconsider, Motion to: Any member who voted on the prevailing side of a record vote may move to reconsider the vote. The request to reconsider does not have to be made immediately after the result of the vote is announced. It can be made at the same meeting of the committee at which the vote was taken to which the motion applies, or at a subsequent meeting on the same or next day thereafter on which the committee convenes with a quorum present. A motion to reconsider is debatable if the question to which it relates was debatable at the time the committee voted on it. If a motion to reconsider is adopted, the vote is taken again without debate. The motion to reconsider is subject to a motion to table (kill).

Regular Order: Any member has the right to “demand the regular order,” thereby demanding the execution of a rule or order of the House. The chair is required to return to the pending business when regular order is demanded.

Report, Motion to: It is the duty of the committee chair “promptly” to report to the House measures approved by the committee. If the report is not filed by the chairman, a

majority of the committee members may file a written request for the filing of the report. Within seven calendar days (exclusive of the days the House is not in session), after the filing of the request, the report itself is to be filed. Pursuant to precedent, the motion to report must be authorized by the committee acting together at a formal meeting of the committee with a majority of the committee physically present.

Committees can order a bill reported adversely, with no recommendations for action, with various amendments, or with an amendment in the nature of a substitute. Alternatively, the committee can order a clean bill to be reported.

“Mr. Chairman, I move that the committee favorably report the bill, H.R. [as amended]. Further, I move to instruct the staff to prepare the legislative report, to make technical and conforming changes, and that the chair take all necessary steps to bring the bill before the House.” (Some committees do the second part by unanimous consent. Some committees also break the second part into its components.)

OR

“Mr. Chairman, I move that a clean bill be prepared by the chair for introduction in the House and further consideration by the committee.” If the motion is adopted, the committee must reconvene to order the clean bill reported, unless the clean bill can be introduced and referred before the committee meeting ends.

Withdrawing an Amendment: An amendment may be withdrawn without unanimous consent if no action has been taken on it, such as offering an amendment to it. (Unanimous consent is required to withdraw an amendment on the floor.)

Words Taken Down: Unparliamentary language is not in order. Language that impugns the motives of a particular member is liable to be ruled out of order. If unparliamentary language is used (or that claim is raised by a member), the chair could urge the member speaking the words to seek unanimous consent to withdraw his words. No further debate or explanation should be allowed. If the words are not withdrawn, a member may demand that the words be taken down. This demand must be made before any other debate has intervened, or it comes too late. The member who makes the demand must indicate the exact words to be taken down. The chair must then state whether the words spoken were unparliamentary. “The chair is ready to rule. The chair finds that the words are out of order/in order.” The chair may also state the rationale for the ruling. If the words are out of order, they are stricken; alternately, the member may ask unanimous consent to withdraw the offending words. By precedent, a member who is charged with using unparliamentary language loses his or her right to continue speaking; however, by unanimous consent or motion, the member may be allowed to proceed in order. The member can still vote even if he or she loses the right to speak.

Writing, Motions Must Be In: Any member may demand that any motion be reduced to writing. By extension, any amendment must be reduced to writing if a member makes that demand.