

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, while the globe in the bottom bulb is light blue. The text is centered within the hourglass.

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Reporting a Measure from a Senate Committee

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September 14, 2007

Abstract. When a committee concludes its markup, any committee member may move to order a measure reported to the Senate. Adoption of the motion requires the support of a majority of a quorum present.

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Reporting a Measure from a Senate Committee

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Voting to Report

Senate rules require a majority of a committee to be physically present in order to vote to report a measure, although smaller quorums are allowed for voting on amendments and for other committee business (Rule XXVI, paragraph 7(a)(1) and 7(a)(3)). If a committee reports a measure without a majority quorum physically present, a Senator may raise a point of order on the floor against the measure's consideration. Some committees allow a vote to be "held open" for additional Senators to vote, but with a presumption that these votes cannot change the outcome. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.¹

Absent Senators may vote by proxy on reporting a measure unless a committee adopts a rule to the contrary (Rule XXVI, paragraphs 7(a)(3) and 7(c)(1)). However, proxy votes may not affect the outcome of a vote to report a measure from committee. Further, a Senator voting by proxy must be informed of the matter to be decided and must request to vote by proxy. Some committees allow oral as well as written proxies.

How to Report a Measure

According to Senate Rule XXVI, paragraph 10(b), it is the duty of the committee chair to report, or cause to be reported promptly, to the Senate any measure approved by the committee. The rule also provides a means for a majority of a committee to force a report on an approved measure to be filed, but such action is rare. (The rule does not apply to the Appropriations Committee). The action taken by the committee appears on the reported copy of the bill, and a written report generally accompanies the bill.

A committee may report a measure favorably, unfavorably, or without recommendation. A favorable report signifies that a committee wishes to see further action on the measure. An unfavorable report signifies the opposite—that the Senate take no further action—and committees usually accomplish the same aim by not reporting at all. A report without recommendation expresses the wish of the committee to allow the full Senate to decide whether to approve a measure. Reporting unfavorably or without recommendation is unusual but may occur when the committee is required to report by a statutory rule or an instruction from the full Senate.

Form in Which a Measure is Reported

Amendments adopted in markup are the committee's recommendations, and they are incorporated into a measure only if approved by the full Senate. A committee has several options for the form in which a measure is ordered reported, and the form affects how the Senate will deal with amendments adopted in markup. First, a committee may order a measure reported with no changes, although committees seldom do so. Second, a committee may order a measure reported with the amendments adopted in markup to various sections of the measure. Reporting with such a series of "cut and bite" amendments is also not commonly done.

¹ This report was written by Thomas P. Carr, formerly an Analyst at the Congressional Research Service. The listed author is available to respond to inquiries on the subject.

Third, a committee may order the measure reported with one *amendment in the nature of a substitute*. In this case the committee would draft a single amendment to strike out everything after the enacting clause of a measure, and to insert the text that resulted from the markup. The text of this amendment in the nature of a substitute may differ only slightly from the original text, or be substantially or entirely different. Reporting a committee amendment in the nature of a substitute for an introduced measure would preserve the original number and sponsor of the measure.

Fourth, a committee may order reported an original bill that embodies a text decided upon in markup. Senate committees are authorized to report original bills within their jurisdictions in addition to measures that have been introduced and referred to them. This new bill is given its own number, and it is usually reported by the committee chair on behalf of the committee. Reporting an original bill avoids separate floor votes on the changes adopted in markup. It also protects the measure from a possible point of order that the committee reported a substantive amendment containing “significant matter” outside its jurisdiction (Rule XV, paragraph 5).

Written Report

When a committee reports a measure, it generally prepares an accompanying written report that describes the purposes and provisions of the measure. A written report, however, is not required. Under Senate rules, any Senator is entitled to at least three days to prepare supplemental, minority, or additional views for inclusion in the committee report, if the Senator so requests when the measure is ordered reported (Rule XXVI, paragraph 10(c)). Some committees routinely agree by unanimous consent to allow three days for Senators to submit these views. Senate rules specify a number of items to be included in any written reports, (some statutorily mandated), and committee reports typically include other items as well. (See CRS Report 98-305, *Senate Committee Reports: Required Contents*.)

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