

# CRS Report for Congress

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## House Committee Organization and Process: A Brief Overview

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### Summary

Committees are integral to the work of Congress in determining the policy needs of the nation and acting on them. This report provides a brief overview of six features of the committee system in the House: organization, hearings, markup, reporting, oversight, and publications. Committees in the House have four primary powers: to conduct hearings and investigations, to consider bills and resolutions and amendments to them, to report legislation to the House for its possible consideration, and to monitor executive branch performance, that is, to conduct oversight. The report will be updated as events warrant.

### Committee Organization

At the beginning of a Congress, or at the early organization meetings prior to the new Congress, committees organize. Members are assigned to full committees, committee chairs and ranking minority Members are determined, subcommittees are created and Members are assigned, and committee rules are adopted. Once panels are organized they can begin the work of holding hearings and considering legislative proposals.

**Committee Assignments.**<sup>1</sup> Committee assignments often determine the character of a Member's career. They are also important to the party leaders who organize the chamber and shape the composition of the committees. House rules identify some procedures for making committee assignments; Republican Conference and Democratic Caucus rules supplement these House rules and provide more specific criteria for committee assignments.

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<sup>1</sup> For further information, see CRS Report 98-367, *House Committees: Assignment Process*; CRS Report 98-151, *House Committees: Categories and Rules for Committee Assignments*; and CRS Report 98-610, *House Subcommittees: Assignment Process*.

In general, pursuant to House rules, Representatives cannot serve on more than two standing committees. In addition, both parties identify *exclusive* committees and generally limit service on them; other panels are identified as nonexclusive or exempt committees. House and party rules also restrict Members' service on the Budget, Select Intelligence, and Standards of Official Conduct Committees to a limited number of terms.

**Jurisdiction and Referral.**<sup>2</sup> Committee jurisdiction is determined by a variety of factors. Paramount is House Rule X, which designates the subject matter within the purview of each standing committee. The formal provisions of the rule are supplemented by an intricate series of precedents and informal agreements. The rule and precedents govern the referral of legislation. Bills can be referred to as many committees as can exhibit responsibility for the subject matter of the legislation. However, the Speaker, who makes referrals with the advice of the parliamentarian, generally designates a "primary" committee, and other committees may then receive a referral in a sequential order. The Speaker also has authority to impose time limitations on any committee receiving a referral.

**Subcommittees.**<sup>3</sup> Subcommittees are entities created by full committees to assist them in managing their work. Subcommittees are subject to the authority and direction of their parent committee. Subcommittee jurisdictions are not enumerated in House rules, but instead are determined by each committee. By practice, most legislation is referred to a subcommittee prior to its consideration by a full committee.

Committees are generally prohibited from having more than five subcommittees, although there are some exceptions, such as the Appropriations Committee, which has 10 subcommittees. Some committees create no subcommittees.

Under House rules, Members are limited to service on four subcommittees, although there are some exceptions. Subcommittee assignments are governed, in addition, by respective party rules and practices.

**Committee Rules.** House Rule XI provides that the rules of the House "are the rules of its committees and subcommittees so far as applicable." The rule directs each standing committee to adopt written rules governing its procedures that "may not be inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House...."

Adoption of committee rules is one of the first orders of business a committee undertakes after committees are organized at the convening of a Congress. Committees, for example, must select a regular meeting day, which may not be less frequently than monthly; determine appropriate quorums for various activities within the limits of House rules; identify the role of the chair and his or her relationship with the ranking minority member; and clarify the authority of the majority of the committee, especially vis-à-vis,

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<sup>2</sup> For further information, see CRS Report 98-175, *House Committee Jurisdiction and Referral: Rules and Practices*.

<sup>3</sup> For further information, see CRS Report 98-544, *Subcommittees in the House of Representatives*.

the committee chair. These committee rules generally dictate the formal procedures a committee follows in conducting its business.

## **Committee Hearings<sup>4</sup>**

All hearings, whether legislative or oversight, have a similar, formal purpose and follow similar procedures: to gather information for use by a committee in its activities. Further, each committee has authority to hold hearings whether the House is in session, has recessed, or has adjourned. Hearings can be held in Washington or elsewhere.

However, House rules require that all committee chairs, except the chair of the Rules Committee, must give at least one week's notice to the public of the date, place, and subject of hearings, although a hearing may be held with less notice if either the chair, with the concurrence of the ranking minority member, or the committee by majority vote, determines a need to hold the hearing sooner. Hearings are open to the public unless the committee votes in open session to close a hearing. Although the chair determines the agenda and selects witnesses, the minority is entitled to one day of related hearings to call its own witnesses, if a majority of minority members so notify the chair.

Witnesses before House committees generally must file with the committee an advance copy of their written testimony, and then limit their oral testimony to a brief summary. A question-and-answer period, with rules generally allowing each committee member five minutes to question each witness, usually follows a witness's opening statement. Under House rules, a committee may adopt a rule, or agree by motion, to allow an equal number of its majority and minority party members to question a witness for up to 30 minutes, and may also adopt a rule or motion allowing its staff to question a witness, with time divided equally between majority and minority staff.

## **Committee Markup<sup>5</sup>**

The essential purpose of a committee markup is to determine whether a measure pending before a committee should be amended in any substantive way. Of course, committees do not actually amend measures; instead, a committee votes on which amendments, if any, it wishes to recommend to the House.

How a panel conducts a markup for the most part reflects procedures used in the House's Committee of the Whole (parliamentary device to consider amendments), as possibly modified by an individual committee's rules. There is also a widespread feeling that the level of formality in markup often reflects the level of contention over the measure being marked up.

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<sup>4</sup> For further information, see CRS Report RL30539, *Hearings in the House of Representatives: A Guide for Preparation and Conduct*.

<sup>5</sup> For further information, see CRS Report RL30244, *The Committee Markup Process in the House of Representatives*; CRS Report 98-335, *House Committee Markup: Amendment Procedure*; CRS Report 98-168, *House Committee Markup: Preparation*; CRS Report 98-188, *House Committee Markup: Vehicle for Consideration and Amendment*.

A markup begins with a 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 a chair intends for the committee to amend and report), which may be different from the measure laid before the panel for consideration. A vehicle can come before a committee in several different forms, each of which has its own procedural and political consequences.

A chair may lay before a committee either a bill that has been previously introduced and referred, or the text of a draft measure that has not been formally introduced, such as a subcommittee-reported version or a *chairman’s mark*. 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.

## Reporting Legislation<sup>6</sup>

At the end of a markup, a chair normally entertains a motion to report a measure favorably to the House. By House rule, a majority of the committee must be physically present. The committee can report the measure as introduced, with a series of amendments, with a single *amendment in the nature of a substitute*, or as a so-called clean bill. A clean bill would be introduced in the House and referred back to the committee. Such a measure would also have a number different from that of the measure as introduced.

Once agreed to, a measure is “ordered reported;” it is actually “reported” when the committee report is filed in the House. A committee report is the committee’s work product that accompanies a measure that is reported. When a 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.

House rules and statutes detail several substantive requirements of items to be included in reports accompanying measures reported from committees. For example, most reports explain a measure’s purpose and the need for the legislation, its cost, committee votes on amendments and the measure itself, the position of the executive branch, and the specific changes the bill would make in existing law. As well, all committee members may file, within two calendar days, supplemental, minority, or additional views, which are then included in the committee report.

## Oversight and Investigations

Committees periodically conduct reviews of agency performance in the implementation of legislation, called oversight, or conduct investigations into perceived wrongdoing, referred to as investigations. Conducting oversight or an investigation is traditionally done initially by staff, followed by committee hearings. Legislation may result from a committee’s work.

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<sup>6</sup> For further information, see CRS Report 98-267, *House Committee Markup: Reporting*, and CRS Report 98-169, *House Committee Reports: Required Contents*.

## Committee Publications<sup>7</sup>

House committees publish a variety of documents dealing with legislative issues, investigations, and internal committee matters. Usually these publications are available on-line or from the issuing committee. Printed hearings contain the edited transcripts of testimony. They often are not published for months after the hearing, but are usually available for inspection in committee offices; witness testimony is often available on-line. Committee reports accompany legislation provide an explanation of a measure, the committee's action in considering it, and certain cost and other findings.

Activity reports published at the end of a Congress provide a description of a committee's actions over the course of that Congress. Committee calendars are a comprehensive record of a committee's actions, including committee rules, membership, a brief legislative history of each measure referred to it, a list of hearings and markups held, and often a list of other committee publications. Finally, committees also publish other information as "committee prints." A committee print might include committee rules or a report on a policy issue that the panel wants to distribute widely.

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<sup>7</sup> For further information, see CRS Report 98-673, *Publications of Congressional Committees: A Summary*.