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Senate Committee Rules in the 114th Congress: Key Provisions

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Summary

Senate Rule XXVI establishes specific requirements for certain Senate committee procedures. In addition, each Senate committee is required to adopt rules to govern its own proceedings. These rules may “not be inconsistent with the Rules of the Senate.” Senate committees may also operate according to additional established practices that are not necessarily reflected in their adopted rules but are not specifically addressed by Senate rules. In sum, Senate committees are allowed some latitude to establish tailored procedures to govern certain activities, which can result in significant variation in the way different committees operate.

This report first provides a brief overview of Senate rules as they pertain to committee actions. The report then provides tables that summarize selected, key features of each committee’s rules in regard to meeting day, hearing and meeting notice requirements, scheduling of witnesses, hearing quorum, business quorum, amendment filing requirements, proxy voting, polling, nominations, investigations, and subpoenas. In addition, the report looks at selected unique provisions some committees have included in their rules in the miscellaneous category.

The tables, however, represent only a portion of each committee’s rules, and provisions of the rules that are substantially similar to or essentially restatements of the Senate’s Standing Rules are not included.

This report will be not be updated further during the 114th Congress.

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Introduction

Senate Rule XXVI establishes specific requirements for Senate committee procedures. In addition, each Senate committee is required to adopt rules, which may “not be inconsistent with the Rules of the Senate.”¹ Senate committees also operate according to additional established practices that are not necessarily reflected in their adopted rules.

Committee Rules and Practices

The requirement that each committee must adopt its own set of rules dates to the 1970 Legislative Reorganization Act (P.L. 91-510). That law built on the 1946 Legislative Reorganization Act (P.L. 79-601), which set out some requirements to which most Senate committees must adhere. Under the provisions of the 1970 law (now incorporated into Senate Rule XXVI, paragraph 2), Senate committees must adopt their rules and generally have them printed in the *Congressional Record* not later than March 1 of the first year of a Congress. Typically, the Senate also publishes a compilation of the rules of all the committees each Congress,² and some individual committees also publish their rules as committee prints.

Committee rules govern actions taken in committee proceedings only, and they are enforced in relation thereto by the committee’s members in a similar way that rules enforcement occurs on the Senate floor.³ There is generally no means by which the Senate can enforce committee rules at a later point on the floor. So long as the committee met the requirement of Senate Rule XXVI that a physical majority be present for reporting a measure or matter, no point of order lies against the measure or matter on the floor on the grounds that the committee earlier acted in violation of other procedural requirements.⁴

Beyond the requirements of Senate rules and a committee’s own formal rules, many committees have traditions or practices they follow that can affect their procedures. (One committee, for example, does not allow Senators to offer second-degree amendments during committee markups, though this restriction is not contained in either the Senate or the committee’s rules.) An accounting of any such informal practices that committees might observe is not provided below.

This report first provides a brief overview of Senate rules as they pertain to committees. The report then provides four tables that summarize each committee’s rules in regard to meeting day, hearing and meeting notice requirements, and scheduling of witnesses (**Table 1**); hearing quorum, business quorum, and amendment filing requirements (**Table 2**); proxy voting, polling, and nominations (**Table 3**); and investigations and subpoenas (**Table 4**). **Table 4** also identifies selected unique provisions some committees have included in their rules.

¹ Senate Rule XXVI, paragraph 2.

² See, U.S. Congress, Senate Committee on Rules and Administration, *Authority and Rules of Senate Committees, 2014-2014*, 114th Cong., 1st sess., S. Doc. 114-6 (Washington: GPO, 2015).

³ Specifically, a committee member may, by raising a point of order during committee proceedings, allege that the committee is not proceeding properly under its rules. The committee chair, who is authorized under Senate rules to enforce order at committee meetings, rules on the point of order; a committee member may lodge an appeal of the ruling, on which the committee may act (e.g., vote on or table) to uphold or overturn the chair’s ruling.

⁴ For further explanation of the so-called “clean-up” provision in Paragraph 7(a)(3) of Senate Rule XXVI, see CRS Report RS22952, *Proxy Voting and Polling in Senate Committee*, by Christopher M. Davis.

The tables, however, represent only a portion of each committee's rules. Provisions of the rules that are substantially similar to or essentially restatements of the Senate's standing rules are not included.

Senate Standing Rules Affecting Committees

Although there is some latitude for committees to set their own rules, the standing rules of the Senate set out specific requirements that each committee must follow.⁵ The provisions listed below are taken from Rule XXVI of the Standing Rules of the Senate. (Some committees reiterate these rules in their own rules, but even for those committees that do not, these restrictions apply.) This is not an exhaustive explanation of Senate rules and their impact on committees. Rather, this summary is intended to provide a background against which to understand each committee's individual rules that govern key committee activities.⁶

- **Rules.** Each committee must adopt rules; those rules must generally be published in the *Congressional Record* not later than March 1 of the first year of each Congress. If a committee adopts an amendment to its rules later in the Congress, that change becomes effective only when it is published in the *Record* (Rule XXVI, paragraph 2).
- **Meetings.** Committees and subcommittees are authorized to meet and hold hearings when the Senate is in session and when it has recessed or adjourned. A committee may not meet on any day (1) after the Senate has been in session for two hours, or (2) after 2 p.m. when the Senate is in session.⁷ Each committee must designate a regular day on which to meet weekly, biweekly, or monthly. (This requirement does not apply to the Appropriations Committee.) A committee is to announce the date, place, and subject of each hearing at least one week in advance, though any committee may waive this requirement for "good cause" (Rule XXVI, paragraph 5(a); Rule XXVI, paragraph 3).⁸
- **Special meeting.** Three members of a committee may make a written request to the chair to call a special meeting. The chair then has three calendar days in which to schedule the meeting, which is to take place within the next seven calendar days. If the chair fails to do so, a majority of the committee members can file a written motion to hold the meeting at a certain date and hour (Rule XXVI, paragraph 3).
- **Open meetings.** Unless closed for reasons specified in Senate rules (such as a need to protect national security information), committee and subcommittee

⁵ Senate rules can be found in U.S. Congress, Senate, *Senate Manual*, S.Doc. 113-1, 113th Cong., 1st sess., prepared by the Committee on Rules and Administration (Washington: GPO, 2014).

⁶ This report does not cover provisions in Senate standing orders that govern specific activities of certain Senate special and select committees (i.e., Indian Affairs, Select Committee on Ethics, Select Committee on Intelligence, and Special Committee on Aging); see *Senate Manual*, especially §§ 81-83. See CRS Report 98-311, *Senate Rules Affecting Committees*, by Valerie Heitshusen, which provides more information on the provisions of Senate rules (other than Rule XXVI) and certain standing orders related to committee activity.

⁷ This prohibition does not apply to the Appropriations and Budget Committees, and it can be waived for other committees by unanimous consent requests made on the Senate floor. It also may be waived by an agreement between the Majority and Minority Leaders or their designees.

⁸ See CRS Report 98-337, *Senate Committee Hearings: Scheduling and Notification*, by Valerie Heitshusen, for additional information.

- meetings, including hearings, are open to the public. When a committee or subcommittee schedules or cancels a meeting, it is required to provide that information—including the time, place, and purpose of the meeting—for inclusion in the Senate’s computerized schedule information system. Any hearing that is open to the public may also be open to radio and television broadcasting at the committee’s discretion. Committees and subcommittees may adopt rules to govern how the media may broadcast the event. A vote by the committee in open session is required to close a meeting (Rule XXVI, paragraph 5(b)).
- **Quorums.** Committees may set a quorum for doing business so long as it is not less than one-third of the membership. A majority of a committee must be physically present when the committee votes to order the reporting of any measure, matter, or recommendation. Agreeing to a motion to order a measure or matter reported requires the support of a majority of the members who are present. Proxies cannot be used to constitute a quorum (Rule XXVI paragraph 7(a)(1)).⁹
 - **Meeting record.** All committees must make public a video, transcript, or audio recording of each open hearing of the committee within 21 days of the hearing. These shall be made available to the public “through the Internet” (Rule XXVI, paragraph 5(2)(A)).
 - **Proxy voting.** A committee may adopt rules permitting proxy voting. A committee may not permit a proxy vote to be cast unless the absent Senator has been notified about the question to be decided and has requested that his or her vote be cast by proxy. A committee may prohibit the use of proxy votes on votes to report. However, even if a committee allows proxies to be cast on a motion to report, proxies cannot make the difference in ordering measure reported, though they can prevent it (Rule XXVI, paragraph 7(a)(3)).¹⁰
 - **Investigations and subpoenas.** Each standing committees (and its subcommittees) is empowered to investigate matters within its jurisdiction and issue subpoenas for persons and papers (Rule XXVI, paragraph 1).
 - **Witnesses selected by the minority.** During hearings on any measure or matter, the minority shall be allowed to select witnesses to testify on at least one day when the chair receives such a request from a majority of the minority party members. This provision does not apply to the Appropriations Committee (Rule XXVI, paragraph 4(d)).¹¹
 - **Reporting.** A Senate committee may report original bills and resolutions in addition to those that have been referred to it. As stated above in the quorum requirement, a majority of the committee must be physically present for a measure or matter to be reported, and a majority of those present is required to order a measure or matter favorably reported. A Senate committee is not required to issue a written report to accompany a measure or matter it reports. If the committee does write such a report, Senate rules specify a series of required

⁹ For additional explanation, see CRS Report 98-775, *Quorum Requirements in the Senate: Committee and Chamber*, coordinated by Elizabeth Rybicki.

¹⁰ See CRS Report RS22952, *Proxy Voting and Polling in Senate Committee*, by Christopher M. Davis.

¹¹ For more information, see CRS Report RS22649, *Senate Committee Hearings: The “Minority Witness Rule”*, by Christopher M. Davis.

elements that must be included in the report (Rule XXVI, paragraph 7(a)(3); Rule XXVI, paragraph 10(c)).¹²

Selected Committee Rules in the 114th Congress¹³

Meeting Day, Notice Requirements, Witness Selection

Table 1 summarizes each’s committee’s rules in three areas: meeting day(s), notice requirements for meetings and hearings, and witness selection provisions.

Many committees repeat or otherwise incorporate the provisions of Senate Rule XXVI, paragraph 4(a), which, as noted above, requires a week’s notice of any hearing (except for the Appropriations and Budget committees) “unless the committee determines that there is good cause to begin such hearing at an earlier date.” Provisions in committee rules are identified and explained in this column only to the extent that they provide additional hearing notice requirements, specifically provide the “good cause” authority to certain members (e.g., chair or ranking minority member), or apply the week’s notice to meetings other than hearings (such as markups). Similarly, as noted in the report, Senate Rule XXVI, paragraph 4(d) (sometimes referred to as the “minority witness rule”), provides for the calling of additional witnesses in some circumstances (except for the Appropriations Committee). Some committees restate this rule in their own rules. Only committee rule provisions that go further in specifically addressing the selection of witnesses or a right to testify are identified in this column.

Business and Hearing Quorums; Filing of Amendments

Table 2 focuses on each’s committee’s rules on hearing quorums, business quorums, and requirements to file amendments prior to a committee markup.

In regard to a business quorum, the “conduct of business” at a committee meeting typically refers to actions (such as debating and voting on amendments¹⁴) that allow the committee to proceed on measures up to the point of reporting. Some committees require that a member of the minority party be present for such conduct of business; such provisions are noted below.

As noted earlier, Senate Rule XXVI, paragraph 7(a), requires a majority of the committee to be physically present (and a majority of those present to agree) to report out a measure or matter; this is often referred to as a “reporting quorum.”¹⁵ The rule allows Senate committees to set lower quorum requirements, though not less than a third of membership for other business besides hearings. Some committees restate the Senate requirement in their own committee rules, but even those committees that do not are bound by the reporting quorum requirement. **Table 2** does not identify committee rules that simply restate the reporting quorum requirement unless the committee has added additional requirements to its provisions (e.g., that a reporting quorum must include a member of each party).

¹² See CRS Report 98-305, *Senate Committee Reports: Required Contents*, by Elizabeth Rybicki.

¹³ For a cataloging and comparative analysis of Senate committee rules provisions in the 113th Congress, see CRS Report R43799, *Senate Standing Committees’ Rules on Legislative Activities and Executive Business: Analysis for the 113th Congress*, by Michael L. Koempel and Judy Schneider.

¹⁴ See CRS Report 98-245, *Markup in Senate Committee: Considering Amendments*, by Elizabeth Rybicki.

¹⁵ See CRS Report 98-246, *Reporting a Measure from a Senate Committee*, by Elizabeth Rybicki.

Though no Senate rules govern the practice, several committees require, in their committee rules, that Senators file with the committee any first-degree amendments they may offer during a committee markup before the committee meets. Such a provision allows the chair and ranking member of the committee to see what kind of issues may come up at the markup and may also allow them to negotiate agreements with amendment sponsors before the formal markup session begins. Some committees distribute such filed amendments in advanced of the markup to allow committee members a chance to examine them. It also provides an opportunity to Senators to draft second-degree amendments to possible first-degree amendments before the markup begins.¹⁶

Proxy Voting, Committee Polling, Nominations

Table 3 summarizes each’s committee’s rules on proxy voting, committee polling, and nominations.

Since Senate rules require a majority of a committee to be physically present for a vote to report a measure or matter, a committee vote to report an item of business may not rely on the votes cast on behalf of absent Senators (that is, votes by proxy). Some committees effectively restate this requirement in their committee rules by either stating that proxies do not count toward reporting or referencing the proxy provisions of Senate Rule XXVI. However, committees may still allow (or preclude) proxy votes on a motion to report (as well as on other questions so long as members are informed of the issue and request a proxy vote). **Table 3** identifies committees that explicitly allow or disallow proxy votes on a motion to report (even though such votes cannot, under Senate rules, count toward the presence of a “reporting quorum” or make the difference in successfully reporting a measure or matter).¹⁷

“Polling” is a method of assessing the position of the committee on a matter without the committee physically coming together. As such, it cannot be used to report out measures or matters, because Senate rules require a physical majority to be present to report a measure or matter. Polling may be used, however, by committees that allow it for internal housekeeping matters before the committee, such as questions concerning staffing or how the committee ought to proceed on a measure or matter.¹⁸

Senate Rule XXVI does not contain provisions specific to committee consideration of presidential nominations. Some committees, however, set out timetables in their rules for action or have other provisions specific to action on nominations. Some committees also provide in their rules that nominees must provide certain information to the committee. Such provisions are not detailed in this table except to the extent that the committee establishes a timetable for action that is connected to such submissions. This column of the table also identifies any committee provisions on whether nominees testify under oath.¹⁹

¹⁶ See CRS Report 98-245, *Markup in Senate Committee: Considering Amendments*, by Elizabeth Rybicki, for discussion of committee consideration of amendments during markup proceedings.

¹⁷ For further explanation, see CRS Report RS22952, *Proxy Voting and Polling in Senate Committee*, by Christopher M. Davis.

¹⁸ For example, a committee might be polled as to whether any member might object to a consent request that the full Senate discharge the committee from consideration of a bill or a nomination.

¹⁹ See CRS Report RL30240, *Congressional Oversight Manual*, by Alissa M. Dolan et al. (especially the “Hearings” section under “Legal Tools Available for Oversight and Investigations) on the implications of testimony received under oath and not under oath.

Investigations, Subpoenas,²⁰ and Selected Miscellaneous Provisions

Table 4 describes selected key committee rules in relation to investigations and subpoenas. Note that some Senate committees do not have specific rules providing processes for committee investigations, and many also do not set out procedures for issuing subpoenas. The lack of any investigation or subpoena provisions does not mean the committees cannot conduct investigations or issue subpoenas; rather, the process for doing so is not specified in the committee's written rules.

Some committees have provisions that are generally not included in other committee rules. Selected notable examples (that do not fit into other categories in other tables) are summarized in the last column of **Table 4**.

²⁰ For further discussion of the provisions in Senate committee rules on subpoenas, see CRS Report R44247, *A Survey of House and Senate Committee Rules on Subpoenas*, by Michael L. Koempel.

Table I. Meeting Day(s), Hearing and Meeting Notice Requirements, Selection of Witnesses

Committee	Meeting Day(s)	Hearing and Meeting Notice Requirements ^a	Selection of Witnesses ^b
Agriculture, Nutrition, and Forestry	1 st and 3 rd Wednesday when Congress is in session	For hearings, one week's notice is required, unless full or subcommittee chair determines it is noncontroversial or that "special circumstances" apply, and a majority of the committee or subcommittee concurs. At least 24 hours' notice is required.	No provision
Appropriations	Call of the chair	No provision	No provision
Armed Services	At least once a month while Congress is in session, on Tuesdays and Thursdays unless chair, in consultation with ranking minority member, decides otherwise	One week's notice is required for hearings, unless chair, in consultation with ranking member, determines there is "good cause" to begin sooner.	The committee or subcommittee chair shall consult with the ranking minority member before naming witnesses.
Banking, Housing, and Urban Affairs	Last Tuesday of the month when the Senate is in session	Three days' written notice is required for a markup unless the chair determines there are "exigent circumstances" to hold it earlier.	No provision
Budget	1 st Thursday of each month	For hearings, one week's notice is required unless chair and ranking member determine there is "good cause" to begin sooner. Notice for business meetings, including an agenda, is required at least 48 hours in advance.	No provision
Commerce, Science, and Transportation	1 st and 3 rd Wednesday of each month	At a business meeting, it is not in order to proceed to any bill or resolution unless it has been filed with the committee clerk at least 48 hours in advance of the meeting. This may be waived with concurrence of chair and ranking member.	No provision

Committee	Meeting Day(s)	Hearing and Meeting Notice Requirements ^a	Selection of Witnesses ^b
Energy and Natural Resources	3 rd Thursday of each month when Congress is in session	One week's notice of a hearing is required, unless the full or subcommittee chair deems it noncontroversial or that "special circumstances" require expedited procedures, and a majority of the panel concurs. Twenty-four hours' notice is the minimum allowed. Seventy-two hours' notice is required for the agenda for a business meeting. A member can, if filed at least one week prior, request the chair include an item of business on the next agenda.	No provision
Environment and Public Works	1 st and 3 rd Thursday of each month at 10 a.m.	One week's notice is required, unless the chair with the concurrence of the ranking member, agree there is good cause to provide shorter notice. Twenty-four hours' notice is the minimum allowed. Seventy-two hours' notice is required for a business meeting, including the agenda (unless the 72 hours falls over a weekend, in which case notice is required by close of business on Friday).	No provision
Finance	2 nd and 4 th Tuesday of each month	At least 48 hours' notice is required for a meeting unless the chair decides it is an "emergency." After the agenda is distributed with the meeting notice, no non-germane items are in order at the meeting, unless two-thirds of those at the meeting agree.	The staff shall schedule witnesses so as to "attain a balance of views early in the hearings." Every member of the committee may designate witnesses who will appear before the committee to testify.

Committee	Meeting Day(s)	Hearing and Meeting Notice Requirements ^a	Selection of Witnesses ^b
Foreign Relations	Every Tuesday, unless otherwise directed by the chair	One week's notice is required for hearings, unless the chair, in consultation with ranking member, determines there is "good cause" to begin sooner.	To "ensure that the issue which is the subject of the hearing is presented as fully and fairly as possible, whenever a hearing is conducted by the Committee or a subcommittee upon any measure or matter, the ranking member of the committee or subcommittee may select and call an equal number of non-governmental witnesses to testify at that hearing."
Health, Education, Labor, and Pensions	2 nd and 4 th Wednesday of each month at 10 a.m. (in 430 Dirksen Office Building)	The committee "shall undertake" to announce hearings or business meetings it intends to hold at least one week in advance. The text of any bill or joint resolution to be considered during a business meeting must be provided to the chair for "prompt electronic distribution" to committee members. According to additional committee "guidelines," a witness list must be provided three days before a hearing. Other guidelines also state a seven-day notice requirement for a markup agenda.	No provision
Homeland Security and Governmental Affairs	1 st Wednesday of each month when Congress is in session	Members are to receive a written agenda for business meetings five days in advance (excluding Saturdays, Sundays, and legal holidays when the Senate is not in session). Notice may be less if "unforeseen requirements" occur.	A person named at a hearing who believes his or her reputation was damaged by testimony or evidence presented (or by comments made by a committee member or committee staff at said hearing, or at a closed hearing that was publicly reported) may request a chance to testify, file a sworn statement, or propose questions for cross-examination of other witnesses.

Committee	Meeting Day(s)	Hearing and Meeting Notice Requirements ^a	Selection of Witnesses ^b
Indian Affairs	“Wednesday/Thursday” when Congress is in session	One week’s notice is required, unless chair with the concurrence of the vice chair (i.e., ranking member), determines that the hearing is non-controversial or that “special circumstances” require expedited procedures and a majority of the members attending concur. Twenty-four hours’ notice is the minimum allowed. Business meetings must be noticed three days in advance and include an agenda. No item may be added to an agenda after it is published unless by majority vote of the committee.	No provision
Judiciary	Each Thursday at 10 a.m. when the Senate is in session	Seven calendar days’ notice for hearings is required, unless chair with consent of ranking member determines there is “good cause” for less notice. The chair may call business meetings on three days’ notice; with consent of ranking minority member, a meeting may be called with less notice. Any member may request that an item on the agenda may be held over for the next committee meeting, or one week, whichever is later.	No provision
Rules and Administration	2 nd and 4 th Wednesdays of each month at 10 a.m. (in 301 Russell Senate Office Building)	One week’s written notice is “normally” required for hearings; The agenda for business meeting is “normally” sent one day in advance.	No provision
Small Business and Entrepreneurship	1 st Thursday of each month	Written notice shall be provided three business days in advance (for meetings) or five days in advance (for hearings) “where practicable.”	Chair and ranking minority member “will negotiate the number of witnesses for each hearing,” but “in the absence of an agreement,” the majority to minority witness ratio is to be “no less than 3-2 or 2-1 when a smaller panel is justified.”
Veterans’ Affairs	1 st Wednesday of each month	Written notice of a committee meeting, including agenda, shall be provided 72 hours in advance, excluding Saturdays, Sundays, or federal holidays. If this notice is prevented by unforeseen requirements or committee business, staff shall communicate by “quickest appropriate means” with members.	No provision

Committee	Meeting Day(s)	Hearing and Meeting Notice Requirements ^a	Selection of Witnesses ^b
Select Committee on Ethics	1 st Thursday of each month while Congress is in session	Special meetings may occur at the call of the chair with 48 hours' notice. If all members agree, less than 48 hours is allowed.	A person named at a hearing who believes that his or her reputation was damaged by testimony or statements made by a committee member (or staffer or outside counsel) may request a chance to testify or file a sworn statement with the committee.
Select Committee on Intelligence	Every other Tuesday of each month	"Reasonable notice" for meetings is required. At least 24 hours' notice for meetings in Washington, D.C., is required except in "extraordinary circumstances" and 48 hours' notice for a meeting outside Washington.	A person who believes his or her reputation was damaged by testimony or evidence presented at a public hearing (or by comments made by a committee member or committee staff) may request a chance to testify, file a sworn statement, or propose questions for cross-examination of other witnesses.
Special Committee on Aging	Call of the chair	Five days' written notice is required for a meeting (including agenda). Either may be called on 24 hours' notice if the chair, with the concurrence of the ranking member, determines there is "good cause."	The ranking minority member may call at least one witness during a hearing. He or she must make the request before the end of the hearing in question or, if a subpoena is needed, at least three days before hearing. A person who believes his or her reputation was damaged by testimony or evidence presented at a public hearing (or by comments made by a committee member or committee staff at said hearing or at a closed hearing that was publicly reported) may request a chance to testify or may file a sworn statement for inclusion in the hearing record.

- a. Many committees repeat or otherwise incorporate the provisions of Senate Rule XXVI, paragraph 4(a), which requires a week's notice of any hearing (except for the Appropriations and Budget committees) "unless the committee determines that there is good cause to begin such hearing at an earlier date." Provisions in committee rules are identified and explained in this column only to the extent that they provide additional hearing notice requirements (or apply to meetings other than hearings, such as markups).
- b. As noted in the report, Senate Rule XXVI, paragraph 4(d) (often referred to as the "minority witness rule") provides for the calling of additional witnesses in some circumstances (except for the Appropriations Committee). Some committees restate this rule in their own rules. Only committee rule provisions that go further in specifically addressing the selection of witnesses or a right to testify are identified in this column.

Table 2. Hearing Quorums, Business Quorums, Amendment Filing Requirements

Committee	Hearing Quorum	Business Quorum (except for reporting^a)	Amendment Filing Requirements
Agriculture, Nutrition, and Forestry	One member	One-third of committee membership, including one member of each party to conduct business	No provision
Appropriations	One member	One-third of the committee	“To the extent possible, amendments and report language intended to be proposed by Senators at full Committee markups” should be given to the chair and ranking minority member and appropriate subcommittee chair and ranking minority member 24 hours prior to markup.
Armed Services	For taking sworn testimony, three members of the committee, including one minority party member, unless otherwise ordered by a majority of the full committee	Nine members (of 26), including one minority member, or a majority of the committee for transaction of business	No provision
Banking, Housing, and Urban Affairs	One member	No business meeting can be called to order unless a majority of the committee is “actually present.”	No first-degree amendments are in order unless 50 copies were filed at least two business days before markup. This requirement may be waived by a majority vote of the committee or subcommittee or by agreement of the chair and ranking member. This applies only when members are given three business days’ notice of a markup. A motion to strike a section does not have to be filed in advance.
Budget	One member	One-third of the committee to conduct business	No provision
Commerce, Science, and Transportation	One member	One-third of the committee is required to conduct business. For reporting, the required majority of members present must include at least one member of the minority.	No provision
Energy and Natural Resources	One member	Eight members (of 22) to conduct business	No provision

Committee	Hearing Quorum	Business Quorum (except for reporting ^a)	Amendment Filing Requirements
Environment and Public Works	One member	Seven (of 20) members, including two minority members, are required for a business meeting and for agreeing to a committee resolution or approving the issuance of a subpoena. For subcommittees to conduct business, a majority, including a member of the minority, is required.	First-degree amendments must be filed with the committee or subcommittee chair 24 hours before a business meeting, though the committee/subcommittee chair can change the deadline with the concurrence of the ranking minority member.
Finance	One member	One-third of the committee members, including at least one majority member and one minority member	No provision for pre-filing amendments. The committee rule prohibiting non-germane items after distribution of the meeting agenda (unless two-thirds of those at meeting decide otherwise) is applied to non-germane amendments offered at markup.
Foreign Relations	One member	One-third of the committee membership, including at least one member from each party, constitutes a business quorum. For reporting, the required majority of members present must include at least one member of the minority.	No provision
Health, Education, Labor, and Pensions	With approval of full committee or subcommittee chair, one member may conduct hearings other than for sworn testimony. Three members needed for sworn testimony or hearing subpoenaed witnesses, but this may be lowered to one member with the concurrence of chair and ranking minority member.	One-third of the committee membership, “actually present,” is a business quorum. Any quorum that is composed of less than a majority of the committee must include at least one member of the majority and one member of the minority. For a subcommittee to report, the majority quorum present must include a member of the minority. Absence of a minority member causes the question to lay over one day, on which a subcommittee majority may report without the presence of a minority member.	First-degree amendments must be filed with the chair at least 24 hours before a markup. The chair may modify this rule to “meet special circumstances” with the concurrence of the ranking minority member.

Committee	Hearing Quorum	Business Quorum (except for reporting ^a)	Amendment Filing Requirements
Homeland Security and Governmental Affairs	One member	One-third of the committee membership, including at least one member of the minority for “routine business,” which includes “commencing a meeting and consideration of any business”	The committee or a subcommittee may not consider any first-degree amendment unless a written copy was provided to the committee or subcommittee and all panel members by 5 p.m. two days before the meeting. This may be waived by a majority of those present or by the chair and ranking minority member. This requirement applies only if 72 hours’ written notice of markup was given.
Indian Affairs	One member	A majority of members constitute a business quorum. “A quorum is presumed to be present unless the absence of a quorum is noted by a Member.”	Amendments to legislation shall be filed with the clerk not less than 48 hours in advance. This may be waived by chair with the concurrence of the ranking minority member.
Judiciary	One member	Seven (of 20) members are required to “discuss business,” and nine members, including two members of the minority, must be present for “transacting business.”	If the proposed text of the measures (not to exceed three in number) was provided with seven days’ notice, only first-degree amendments filed by 5 p.m. the day before the start of the meeting are in order. This may be waived by agreement of chair and ranking minority member. Motions to strike are in order without advance filing.
Rules and Administration	One member constitutes a quorum for unsworn testimony; two members are required for taking testimony under oath (though one member may continue taking such testimony after a quorum is established).	One-third of the members of the committee is the quorum for the transaction of business, including action on amendments.	If the proposed bill or resolution text was provided with five days’ notice, only first-degree amendments filed and circulated to members by 5 p.m. the day before the start of the markup are in order. This may be waived by agreement of chair and ranking minority member. Motions to strike are in order without advance filing. If the chair offers a substitute amendment or “chair’s mark,” restrictions on amendments apply only if the substitute/mark was available five days in advance.

Committee	Hearing Quorum	Business Quorum (except for reporting ^a)	Amendment Filing Requirements
Small Business and Entrepreneurship	One member	One-third of the membership, including at least one member of the minority, is required for “routine business” (that is, “consideration of legislation and voting on amendments”).	No first-degree amendment is in order unless 30 copies of it are provided to the clerk of the committee 24 hours before the meeting. This may be waived by an agreement of the chair and ranking member or by a majority vote of the committee.
Veterans’ Affairs	One member	Five members (of 15), including a member of the minority, may “transact business.” For reporting, the required majority of members present must include at least one member of the minority. If in either case, a member of the minority is not present, the business lays over one calendar day and may then be conducted by “the appropriate quorum” in the absence of any minority members.	So long as 72 hours’ notice of the meeting and agenda was provided, first-degree amendments are not in order unless a written or electronic copy has been delivered to each member of the committee 24 hours in advance (excluding Saturdays, Sundays, and federal holidays). This may be waived by a majority vote of the committee.
Select Committee on Ethics	Except for adjudicatory hearings and certain depositions, one member constitutes a quorum for hearing testimony so long as hearing notice was given to all members and each party has designated a member to attend.	A majority of the committee is required for “business involving complaints or allegations of, or information about, misconduct.” Three members (of six) are required for the transaction of other routine business so long as they include one majority member and one minority member. During the transaction of such “routine business,” any member constituting the business quorum may “postpone further discussion of a pending matter” until a committee majority is present.	No provision
Select Committee on Intelligence	One member	One-third of committee membership is required to “transact business.”	No provision
Special Committee on Aging	One member	One-third of the committee membership is required to conduct business, provided it includes one member of the minority.	No provision

- a. Senate Rule XXVI, paragraph 7 (a), requires a majority of the committee to be physically present (and a majority of those present to agree) to report out a measure or matter. This is often referred to as a “reporting quorum.” The rule allows Senate committees to set lower quorum requirements, though not less than a third of membership, for other business besides hearings. Some committees restate the Senate requirement in their own committee rules, but committees that do not are nonetheless bound by the “reporting quorum” requirement. This table does not identify committee rules that simply restate (or reference) the Senate Rule XXVI reporting quorum requirement unless the committee has added additional requirements to its provisions (e.g., that a reporting quorum must include a member of each party).

Table 3. Proxy Voting, Polling of Committee, Nominations

Committee	Proxy Voting ^a	Polling of Committee	Nominations
Agriculture, Nutrition, and Forestry	Voting by proxy for specific bills or subjects is allowed when a quorum is present.	The committee may poll any matters of committee business (other than reporting or closing a meeting) if all members are polled on the following two questions: (1) Do you agree or disagree to poll the proposal? (2) Do you favor or oppose the proposal? Any member may request that a polled matter be held for a meeting.	Nominees shall testify under oath. No hearing shall take place until 48 hours after the nominee has responded to the committee questionnaire. A business meeting on the nomination may not occur on the same day as a hearing on it unless the chair and ranking minority member agree.
Appropriations	By request of any member, proxy votes are allowed except on a motion to report a measure.	No provision	No provision
Armed Services	Proxy voting is permitted on all measures and matters. Proxies must be in writing.	No provision	After referral to the committee, a nomination “shall be held for at least seven” days before receiving a vote unless the committee orders otherwise.
Banking, Housing, and Urban Affairs	Voting by proxy shall be allowed when the proxy is “sufficiently clear” on the subject matter and on how the Senator wants to be recorded. Proxies may be withdrawn in writing prior to the vote.	No provision	A committee hearing on a nomination “shall normally be held” at least five days after receipt of the completed committee questionnaire unless this is waived by a majority vote. Nominees must testify under oath.
Budget	Members may not vote by proxy “during the deliberations on Budget resolutions.” Proxy votes are permitted on other matters.	The committee may poll internal committee matters, steps in an investigation (including subpoenas), and other business that the committee has designated to be polled. Polling sheets are to specify the question to be polled and the time limit to complete the poll. If any member requests, the matter shall be held over for a meeting instead. At the committee meeting following a poll, any member may move for a vote instead.	Nominees must testify under oath. No hearing or meeting may occur on the nomination until 72 hours after certain paperwork has been filed with the committee and any requested staff report has been given to the chair and ranking minority member.

Committee	Proxy Voting ^a	Polling of Committee	Nominations
Commerce, Science, and Transportation	Proxy voting is permitted on any record vote when the required quorum is present. Proxies may be submitted in writing or “through personal instructions.”	No provision	No provision
Energy and Natural Resources	Proxies are allowed on all questions but may be used only on the date specified and on published agenda items.	No provision	The testimony of the nominee—and, at the request of any member, any other witness—shall be under oath.
Environment and Public Works	Proxy voting is allowed on all questions. Members may submit proxies in writing, orally, or through personal instructions. Written proxies are valid until revoked, but those given orally or by personal instruction are valid only on that day. Members may record a proxy vote after a missed vote that occurred the same business day so long as it does not change the vote outcome.	No provision	No provision
Finance	“Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.”	“At the discretion of the committee,” members absent for a vote who did not vote by proxy may be polled to record their vote.	Witnesses testifying on a nomination may be required to testify under oath.
Foreign Relations	Proxies are allowed on all questions but must be in writing and signed.	No provision	Unless the chair and ranking minority member direct otherwise, a nomination may not be considered until six calendar days after its submission to the Senate. To be reported to the Senate, each nomination must have received a security clearance and met other disclosure requirements.

Committee	Proxy Voting ^a	Polling of Committee	Nominations
Health, Education, Labor, and Pensions	Proxies are allowed on all questions.	The committee may poll any matters “as a matter of unanimous consent” so long as all members are polled and the poll asks: “(1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal?”	The committee may not hold hearings or meetings to consider a nomination until five days after certain disclosure forms are submitted unless waived by the chair and ranking minority member.
Homeland Security and Governmental Affairs	Proxies are allowed on all questions. Proxies on a vote to report may be used solely to record a member’s position. The proxy must be filed with the chief committee or subcommittee clerk, in writing, and must identify the measure and how the member wants to be recorded.	The committee or its subcommittees may poll: “(1) internal Committee or Subcommittee matters” including staff, records and budget; (2) steps in an investigation, and (3) other committee business other than reporting. Only the chair or a chair-designated committee member or staffer may conduct a poll. If any member requests, the matter shall be held over for a meeting. At the committee meeting following a poll, any member may move for a vote on the polled question.	The committee shall hold a public hearing at which the nominee must testify under oath. The hearing may not occur until 72 hours after the nominee has responded to pre-hearing questions and committee members have a staff report, if applicable, on the nomination. A markup cannot occur on the same day as the hearing.
Indian Affairs	Proxy voting is allowed on all questions so long as it is used only for the date specified and only upon the items specified in the published meeting agenda.	No provision	A nominee’s testimony shall be under oath. At the request of any member, other witnesses at the hearing shall also testify under oath.
Judiciary	Proxies are permitted on all questions so long as they are specific, and they may be in writing, by telephone, or by personal instructions.	By consent of all members of a subcommittee, any measures or matter may be polled out of subcommittee.	Any member may request that a nomination on the agenda be held over for the next committee meeting or one week, whichever is later.
Rules and Administration	Proxies are allowed on questions but only for recording a member’s position on a vote to report.	No provision	No provision
Small Business and Entrepreneurship	Proxies are allowed on all questions in writing or through oral or written instructions to another member or to staff.	No provision	The nominee shall testify under oath.

Committee	Proxy Voting ^a	Polling of Committee	Nominations
Veterans' Affairs	Proxies are permitted, in writing (though they may be "conditioned by personal instructions") and are valid only for the day given.	No provision	The nominee (and, at the request of any member, any other witness) shall testify under oath. No hearing or meeting on a nominee may take place until five days after committee receives certain documentation unless waived by the chair the ranking minority member.
Select Committee on Ethics	Proxy voting is prohibited when the committee is considering the "initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a recommendation related thereto," though an "absent member's vote may be announced solely for the purpose of recording the member's position." On other questions, the committee may order the record be "held open" to record proxies. Proxies must be in writing and delivered to the chair or vice chair (i.e., ranking member).	No provision	N/A
Select Committee on Intelligence	Proxies are allowed on all questions, but must be in writing, designate a committee member to exercise the proxy, and be limited to a "specific measure or matter."	No provision	Unless the committee orders otherwise, a vote on a nomination will not occur until at least 14 days after receipt. A confirmation hearing may not be held until seven days after the committee's receipt of certain disclosure forms unless a majority of the committee votes otherwise. The committee may not vote on the nomination until 48 hours after transcripts of the hearing are provided unless waived by unanimous consent.

Committee	Proxy Voting ^a	Polling of Committee	Nominations
Special Committee on Aging	No provision	The committee may poll internal committee matters and committee rules changes, and polling sheets to each member must specify what is to be polled and the time limit on the poll. If any member requests in advance of the meeting, the polled question shall be held over for a meeting. Any member may ask for a committee meeting after a poll for a vote on the polled question.	N/A

- a. Senate rules require a majority of a committee to be physically present on a vote to report a measure or matter. Therefore, a committee vote to report an item of business may not rely on the proxy votes of absent Senators. Some committees effectively restate this requirement in their committee rules by stating that proxies do not count toward reporting or by reference to the proxy provisions of Senate Rule XXVI. However, committees may still allow (or preclude) the casting of proxy votes on a motion to report (as well as on other questions so long as members are informed of the issue and request to cast a proxy vote). This table identifies committees that explicitly allow or disallow proxy votes to be cast on a motion to report (even though such votes cannot, under Senate rules, count toward the presence of a “reporting quorum” or make the difference in successfully reporting a measure or matter).

Table 4. Investigations, Subpoenas, Miscellaneous

Committee/Rule	Investigations	Subpoenas	Miscellaneous
Agriculture, Nutrition, and Forestry	Any investigations involving depositions or subpoenas must be authorized, at a business meeting, by a majority of the full committee.	The chair, with the ranking minority member’s approval, may issue subpoenas in connection with an authorized investigation. If the ranking minority member does not approve, a majority of the committee may authorize it. The chair may issue subpoenas without approval of the ranking member if there has been no disapproval communicated by the ranking member within 72 hours (excluding Saturdays and Sundays).	—
Appropriations	No provision	No provision	Any committee member acting as the floor manager for an appropriations bill may make points of order against floor amendments offered that violate Senate rules. Unless waived by unanimous consent, attendance of staff members at closed sessions of the committee is limited to committee staff who have “a responsibility associated with the matter being considered.” This may be waived by unanimous consent.
Armed Services	No provision	Subpoenas shall be issued by the chair (or designee) after consultation with the ranking minority member but only when authorized by a majority of the committee.	Measures referred to the committee shall be referred by the committee clerk “to the appropriate department or agency of Government for reports thereon” unless ordered otherwise.
Banking, Housing, and Urban Affairs	Investigations shall not be initiated unless the Senate, the full committee, or the chair and ranking member has specifically authorized it.	The chair or subcommittee chair, with the agreement of the ranking minority member, may subpoena witnesses. A majority of the committee or subcommittee may also authorize the subpoena.	The committee will not consider a gold medal or commemorative coin measure if less than 67 Senators have cosponsored the measure.

Committee/Rule	Investigations	Subpoenas	Miscellaneous
Budget	No provision	No provision	Physical graphic displays used during any meeting or hearings are limited to: charts, photographs, or renderings (no larger than 36 by 48 inches) that are displayed on an easel next to the member's seat or at the rear of the room only while the member is speaking. No more than two displays are permitted at one time.
Commerce, Science, and Transportation	No provision	The chair, with the ranking minority member's approval, may issue subpoenas. If the ranking minority member does not approve, a majority of the committee may authorize it. The chair may issue subpoenas without approval of the ranking member if there has been no response from the ranking member within 72 hours (excluding Saturdays and Sundays).	—
Energy and Natural Resources	Investigations may be initiated only if specifically authorized by the chair or ranking minority member or by the full committee.	The chair may issue subpoenas with the agreement of the ranking minority member or when authorized by a majority of the committee.	—
Environment and Public Works	No provision	No provision	"The committee may not name a building, structure or facility" for a living person except former Presidents, former Vice Presidents, former Members of Congress over 70, former Justices of the Supreme Court over 70, or federal judges over 75 who have fully retired or taken senior status.
Finance	No provision	A subpoena may be issued by the chair with the agreement of the ranking minority member or if authorized by a majority vote of the committee.	The chair may call for a vote on a motion or amendment unless the committee agrees to a non-debatable motion to continue debate on the question.

Committee/Rule	Investigations	Subpoenas	Miscellaneous
Foreign Relations	No provision	The chair or any member of the committee, once “authorized by a majority vote of the committee at a meeting or by proxies,” is authorized to issue subpoenas. Any member may request that the committee authorize subpoenas only at a meeting of the committee.	“Insofar as possible, proceedings of the committee will be conducted without resort to the formalities of parliamentary procedure and with due regard for the views of all members. Issues of procedure which may arise from time to time shall be resolved by decision of the chairman, in consultation with the ranking member.”
Health, Education, Labor, and Pensions	The committee or its subcommittees may hold hearings or issue subpoenas when a majority of the committee has voted to authorize the investigation.	The chair or subcommittee chair (or designee) may issue subpoenas if authorized by a majority vote of the committee. The ranking member (or other member “so requesting”) must be notified prior to the subpoena’s issuance.	—
Homeland Security and Governmental Affairs	No provision	The chair, with the approval of the ranking member, may issue subpoenas. The chair may issue subpoena if the ranking minority member has not responded within 72 hours (excluding Saturdays and Sundays) after being notified of subpoena request. If the subpoena is disapproved by the ranking member, a vote of committee members may authorize it.	The committee will not consider measures that name a postal facility for a living individual except former Presidents or Vice Presidents, former Members of Congress or judges over 70, former state or local elected officials over 70, or wounded veterans.
Indian Affairs	No provision	The chair may authorize subpoenas with the agreement of the vice chair (i.e., ranking member) or pursuant to a majority vote by the committee.	“Members of the committee are urged to make public a complete disclosure of their financial interests on forms to be perfected by the Committee in the manner required in the case of Presidential nominees.”
Judiciary	No provision	No provision	A pending question can be brought to a vote if at least 11 members (a numerical majority of the committee), including at least one member of the minority party, agree to a non-debatable motion to that effect.

Committee/Rule	Investigations	Subpoenas	Miscellaneous
Rules and Administration	No provision	No provision	If advance notice is given to committee members, the chair and ranking member “acting jointly” may approve rules or regulations for which the committee’s approval is required.
Small Business and Entrepreneurship	No provision	The chair may issue subpoenas with the consent of the ranking member or pursuant to consent of a committee majority (in writing). The chair may issue the subpoena without the ranking member’s consent if the ranking member has not communicated disapproval of an intended subpoena within 72 hours of the chair’s notification (excluding Saturdays, Sundays, and holidays).	—
Veterans’ Affairs	No provision	The chair may issue subpoenas with the concurrence of the ranking minority member or by majority vote of committee. The ranking member has 48 hours after being notified (excluding Saturdays, Sundays, and federal holidays) to object to the noticed subpoena. Absent objection, the chair may issue the subpoena.	Rules limit the naming of Department of Veterans Affairs facilities. Individuals must be deceased and meet one of four additional eligibility requirements. All members of the state’s congressional delegation must agree to the naming in writing, and a majority of the state chapters of veterans’ organizations with national membership of at least 500,000 must agree in writing.

Committee/Rule	Investigations	Subpoenas	Miscellaneous
Select Committee on Ethics	The committee “shall promptly commence a preliminary inquiry” upon receipt of a “sworn complaint, or other allegation of, or information about alleged misconduct or violations by a Member, officer, or employee of the Senate.” If a preliminary inquiry shows “substantial credible evidence of a violation” that was not “inadvertent, technical[, or] de minimus,” the committee will initiate an adjudicatory review (which is itself subject to additional provisions in committee rules).	During a “preliminary inquiry, adjudicatory review, or other proceeding,” subpoenas may be issued by the chair and the vice chair (i.e., ranking member), acting jointly, or when authorized by a majority vote of the committee.	Any committee member “may request” a recorded vote on any question.
Select Committee on Intelligence	The committee may initiate an investigation only if at least five committee members have requested authorization from the chair or vice chair (i.e., ranking member).	Subpoenas authorized by the committee may be issued by the chair, vice chair (i.e., ranking member), or another member the chair designates.	—
Special Committee on Aging	Committee staff may initiate investigations with the approval of the chair and ranking minority member, and investigations “shall be conducted on a bipartisan basis.” Resulting reports of findings or recommendations may be printed only with the approval of a committee majority.	Subpoenas shall be authorized by the chair and ranking minority member “acting together.”	—

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