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Types of Committee Hearings

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Congressional committee hearings may be broadly classified into four types: *legislative*, *oversight*, *investigative*, and *confirmation*. Hearings may be held on Capitol Hill or elsewhere (e.g., a committee member's district or state, or a site related to the subject of the hearing). These latter hearings are often referred to as *field hearings*.[1]

All hearings have a similar formal purpose: to gather information for use by the committee in its activities. This information is often used to shape legislation, even when the hearing is not specifically a legislative hearing. All four types of hearings share common characteristics. The differences among them may appear indistinct, and their purposes sometimes overlap. For example, investigative hearings are sometimes seen as a type of oversight or may lead to legislation, and legislative hearings on a bill might also provide oversight opportunities.

A single set of rules in each chamber governs the different kinds of hearings (Senate Rule XXVI and House Rule X, particularly clauses 2 and 3, and House Rule XI, particularly clauses 2, 4, and 5).[2] For example, House and Senate rules set conditions and procedures for closing any hearing to the public and press, all of which must otherwise remain open.[3] Some other chamber rules, however, are more pertinent to certain kinds of hearings than to others. Within these rules, a chair has broad latitude in the organization and conduct of hearings.

Legislative Hearings

The most familiar type of congressional hearing gathers information about the subject matter of one or more measures in anticipation that the committee will eventually mark up and report legislation. The decision to hold a hearing is an indication that the subject is regarded as deserving the committee's time and attention.

A bill does not have to be introduced and referred to a committee for the panel to hold a legislative hearing. Sometimes, a hearing will be held prior to the introduction of a bill for the purpose of gathering information the committee can use in shaping legislation. There is no requirement that legislation be drafted based in whole or in part on hearing testimony or that, if hearings are held, the committee must mark up and report a measure. In only a few procedural circumstances (e.g., consideration of the annual budget resolution) are there any requirements that a committee hold a hearing on a bill prior to taking further action on it.[4] If a bill is referred to more than one committee, each committee may decide whether to hold a hearing.

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[1] For more information on field hearings, see CRS Report RS20928, *Field Hearings: Fact Sheet on Purposes, Rules, Regulations, and Guidelines*, by (name redacted) and (name redacted).

[2] Additional CRS reports on the rules and practices governing specific aspects (e.g., scheduling, witnesses, testimony) of House committee hearings include CRS Report 98-488, *House Committee Hearings: Preparation*; CRS Report 98-339, *House Committee Hearings: Scheduling and Notification*; CRS Report 98-338, *House Committee Hearings: Witness Testimony*; CRS Report RS22637, *House Committee Hearings: The "Minority Witness Rule"*; and CRS Report 98-304, *House Committee Hearings: Arranging Witnesses*, all by (name redacted). CRS reports on Senate committee hearing procedures include CRS Report 98-337, *Senate Committee Hearings: Scheduling and Notification*; CRS Report 98-489, *Senate Committee Hearings: Preparation*; CRS Report 98-336, *Senate Committee Hearings: Arranging Witnesses*; and CRS Report 98-392, *Senate Committee Hearings: Witness Testimony*, all by (name re dacted); and CRS Report RS22649, *Senate Committee Hearings: The "Minority Witness Rule"*, by (name redacted) .

[3] House Rule XI, clause 2(g), specifies the conditions under which the committee or subcommittee may vote to close a hearing. Senate Rule XXVI, paragraph 5(b), provides similar procedures and conditions for closing any Senate hearing.

[4] See, for example, House Rule X, clause 4(a)(1), regarding required hearings by the House Committee on Appropriations.

Oversight Hearings

Congress has historically engaged in oversight of the executive branch—specifically the review, monitoring, and supervision of the implementation of public policy. Oversight hearings are one technique a committee can use in this evaluation.[5] Hearings may be held because a committee has a commitment to review ongoing programs and agencies or because it believes that a program is being poorly administered or that an agency is unresponsive to the panel. A committee may also hold an oversight hearing when a program under its jurisdiction is set to expire and needs to be reauthorized in order to continue.

Investigative Hearings

An investigative hearing differs from a legislative or oversight hearing in that investigations usually involve allegations of wrongdoing by public officials acting in their official capacity or by private citizens or entities whose activities may suggest the need for a legislative remedy.[6]

By their nature, investigative hearings may be more likely than other kinds to be confrontational and adversarial. For this reason, witnesses in these hearings are more likely to appear under subpoena and to be sworn. As a consequence, certain of the rules that govern hearings are often most pertinent to this type of hearing. For example, there are rules that specify procedures for the treatment of witnesses and govern the issuance of subpoenas. A House or Senate resolution is sometimes used to establish a special investigative committee or to initiate a specific investigation. These authorizing resolutions commonly establish special procedures for the hearings stage of a committee's investigation.

Confirmation Hearings

Each Senate committee has the authority to hold confirmation hearings on presidential nominations to executive and judicial positions within its jurisdiction.[7] Article II of the Constitution authorizes the President to nominate certain government officials with the "advice and consent" of the Senate. Senate Rule XXXI, setting procedures on presidential nominees, is silent on hearings. Committees are not required to hold hearings, and many routine nominations, such as military promotions, are forwarded directly to the Senate floor.

Hearings are commonly held only for the very highest positions, such as nominees to become members of the President's Cabinet or the Supreme Court. Some committee rules require that nominees provide biographical, financial, and other information to the committee.[8] A committee

[5] CRS reports that discuss congressional oversight mechanisms (including hearings) include CRS Report RL30240, *Congressional Oversight Manual*, by (name redacted) et al. ; CRS In Focus IF10015, *Congressional Oversight and Investigations*, by (name redacted) and (name redacted) and CRS Report R44247, *A Survey of House and Senate Committee Rules on Subpoenas*.

[6] CRS Report RL30240, *Congressional Oversight Manual*, by (name redacted) et al. , referenced earlier, discusses congressional tools used in committee investigations, as well.

[7] See CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted) , for a detailed explanation of committee procedures for handling nominations. See also archived CRS Report RL30959, *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*, by (name redacted) and (name redacted) , for information on the Senate committees that handle specific nominations.

[8] See, for example, committee Rule 10 of the Senate Foreign Relations Committee.

may also request reports of FBI background checks on the nominee that have been conducted for the White House. This information may be used in questioning a nominee or other witnesses.

Confirmation hearings may also offer Senators an opportunity for oversight. For example, questions about how a nominee might manage an agency or administer a program may help Senators evaluate an agency's effectiveness.

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Acknowledgments

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BASIC TRAINING

PARLIAMENTARY PROCESS, FACTS, AND STRATEGIES

Committee Hearings

Under the rules, committees gather for two purposes: hearings, where they take testimony from witnesses and gather facts, and meetings, where committees conduct business like marking up legislation or reports, issuing subpoenas, or taking other "collegial" action. Hearings are one of the primary mechanisms for the Congress to conduct oversight of the executive branch, allowing committees to conduct in-depth examinations of issues within their jurisdictions.

Figure 1. House Committee hearings are one of the primary mechanisms by which Congress conducts oversight of the executive branch.

COMMITTEE RULES ARE DIFFERENT

The House rules only create a basic set of rules for committees. It is important to know your individual committee rules and where they differ from the norm. For instance, some committees have a rule governing the number and length of opening statements, while others rely on practice and tradition.

NOTICE FOR A HEARING

The House rules require at least one week's notice for a hearing (except for the Committee on Rules); yet the House rules do, allow the chair of the committee, with the concurrence of the ranking minority member, to waive the seven-day notice requirement. The Committee can also waive it by a majority vote.

PUBLIC AND PRESS ACCESS

Hearings must be open to the public and press, unless the Committee votes to hold the session in executive session by a majority vote, a quorum (for conducting business) being present.

New for the 112th Congress, the House rules now require that committee hearings and meetings have audio & visual coverage (e.g. webcast) and that the recordings of those events must be archived and made available to the public. Committees are not required to provide this coverage if it is impracticable, such as when the hearing is held in a room without proper camera equipment.

QUORUMS

The House rules allow a committee to establish its own quorums for taking testimony, although that number cannot be less than two Members. Some committees require at least one Member from each party, though the House rules contain no such requirement.

MINORITY WITNESSES AND HEARING DAYS

Each committee has its own procedures for how the minority receives witnesses. Some committees allocate one-third of the witness "slots" to the minority, while others provide one slot per panel. Some count witnesses from the Administration, while others view them as "shared" witnesses.

Clause 2(j) of Rule XI allows a "majority of the minority" to demand at least one day of hearings where witnesses of the minority's choosing may be called. Keep in mind—

- The request must be made prior to completion of the hearing;
- The majority controls the date, time, and location of the additional hearing day, though the minority day should be "comparable" to the time slot given to the original hearing; and,
- The majority can hold several days of testimony as part of the same hearing, limiting the opportunities to use this rule.

House of Representatives Committee on RULES

ASKING GOOD QUESTIONS DURING COMMITTEE HEARINGS: SOME BASICS

» ***Know your objective***

You should know the answers you want, and tailor your questions to get them. It's also important to understand the Chair's goals for the hearing: what does the Chair want to get on the record? What kinds of questions will elicit that response?

» ***Use Republican Committee staff***

Republican committee staff will have prepared questions; ask which ones need to be asked and what the expected answers are.

» ***Use the outside***

Don't be afraid to use outside groups to help you write questions. You can ask for questions from interest groups, other witnesses, or the Administration (although clearance of questions is sometimes hard). Ask a friendly witness what questions they want to be asked.

The only risk with this strategy is that if the other party knows where the questions came from, they may allege that a member is being "scripted by lobbyists." Despite this risk, witnesses and interest groups often have a better understanding of some of the issues, and their questions can provide an insight that might not occur to an average Member.

» ***Point witnesses at one another***

A classic question is "Mr. X, Ms. Y said 'Z' in her written testimony. What do you think?" This often elicits a lively debate between the witnesses and can often make for good testimony.

WRITTEN TESTIMONY & "TRUTH IN TESTIMONY" STATEMENT

The House rules require committees direct witnesses to provide written statements in advance of their testimony "to the extent practicable". Committees will often have specific deadlines in their committee rules (e.g., two days). In the 104th Congress, Republicans also added a provision requiring "non-governmental" witnesses to submit a curriculum vitae and a disclosure of any Federal grants received during the last two fiscal years by the witness or the entity represented by the witness. While a point of order lies against a failure to comply with either of these provisions, the sanction is only the exclusion of the witness' testimony from the printed hearing record.

QUESTIONING OF WITNESSES

The House rules require the application of the five-minute rule in the questioning of witnesses until each member has had five minutes to question *each witness*, not *each panel* of witnesses. The rules also provide that a committee can adopt a rule or motion allowing Members or committee staff to engage in extended questioning of witnesses up to 30 minutes per side.

Witnesses have a right to counsel, and testimony may be taken in executive session when a majority of those present determine that the testimony or evidence presented will tend to defame, degrade, or incriminate the witness or another person. This determination may be made with the lower quorum for taking testimony. Any testimony taken in executive session may not be publicly released without a majority vote of the committee.

SUBPOENAS

Committees can obtain testimony or documents or records via subpoena. The House rules provide wide latitude to committees in establishing procedures for the issuance of subpoenas. Some committees give the Chairman complete discretion in when and where they can issue a subpoena; others require a vote of the committee, or limit the authority in other ways. A common construct is to require a committee vote to authorize issuance of a subpoena while the House is in session, but to afford the chair greater latitude when the House is in recess, allowing the chair to issue subpoenas on his or her own with the concurrence of or after consultation with the ranking minority member.

The traditional way to provide a chairman with subpoena power is to authorize the Chairman to issue a subpoena or series of subpoenas in conjunction with a particular investigation.

Subpoenas are enforced only after a lengthy process. The committee must report a contempt resolution to the House, which must then pass the resolution. If the House passes a resolution holding a person in contempt of Congress, it is up to the U.S. Attorney to prosecute.

BASIC TRAINING » PARLIAMENTARY PROCESS, FACTS, AND STRATEGIES

The Basics of Committee Markups

While most Members, committees, and staffers refer to "markups" of legislation—the vernacular used to reference a committee meeting—the House Rules only recognize two broad kinds of official committee events: hearings and meetings. **A meeting is any collegial gathering of the committee to conduct business other than receiving testimony or evidence.** Thus, meetings may call for the consideration of legislation referred to the committee, organizational matters, or consideration of other items such as motions to issue subpoenas and committee investigative reports.

In general, process in committees is the least restrictive in the House; a member will have greater freedom to offer amendments while in committee than at any other point in the legislative process.

COMMITTEE RULES AND PRACTICES ARE DIFFERENT

The House Rules only create a basic set of rules for committees. It's important to know the rules of individual committees and where they differ from the norm contained in the Rules of the House. The Committee on Rules usually publishes a compilation of all committee rules during the first session of each congress.

Just as important as the written rules, however, are committee practices that have developed over time. These practices are sometimes as integral as rules regarding markup notice and handling of amendments.

For purposes of the House Rules, committees operate as "Committee of the Whole as in the House," meaning that the general procedures available include those in clause 4 of rule XVI and the nine items described in the box on page 2 of this document. (*See* 9 Motions and Procedures Available in Committee.)

Finally, most committee rules provide that the rules of the full committee also bind the subcommittee to the extent that those rules are applicable.

NOTICE FOR A MEETING

The House Rules require committees to establish **regular meetings days** and meet not less than once per month, although most committee rules give their Chair latitude to waive this requirement.

The most common kind of meeting is an **additional meeting**, which is scheduled by the Chair according to the rules of the individual committee. In the past, there was no minimum notice period in the House rules for meetings and individual committees were free to set their own notice requirements.

New in the 112th Congress, however, is a minimum three day notice period for committee meetings. The Chair is also required to make the legislative text intended to be the base text for purposes of amendment available to Members and the public at least 24 hours in advance of the markup.

Three or more members may petition the Chair for a **special meeting** of the committee to consider a specific measure or matter. If the Chair does not schedule the meeting within three days (to be held within seven days of the notice), then a majority of the members of the committee can file a notice of the meeting with the clerk of the committee and the committee must meet on that day, at that time.

OPENING STATEMENTS

There is **no requirement that states the chair recognize members for opening statements**, although many committees have a practice of letting members—or at least the Chair and Ranking Minority Member—make short opening statements at the beginning of a markup or meeting.

House of Representatives Committee on RULES

Committee Markups *continued*

Figure 1. In the House, committee process provides the greatest degree of freedom for individual members to affect legislation. Because there is no ability for the majority to directly restrict the amendment process, members enjoy a virtually unfettered ability to offer amendments and debate legislation.

QUORUM REQUIREMENTS

The House Rules establish minimum quorum requirements for committee proceedings. In general, committees may proceed to consider legislation and amendments with a "**working quorum**," which consists of ⅓ of the members of the committee present. To adopt and report any measure or matter, however, a "**full quorum**," consisting of a majority (½ + 1) of the members of the committee must be present.

STARTING THE MARKUP

Calling up the bill. There are two basic ways in which committees "call up" legislation:

1. The Chair simply announces that consideration of a measure is to begin; or
2. The Chair recognizes another member for a motion to report the bill to the House with a favorable or unfavorable recommendation. Offered amendments technically amend this motion, not the bill.

While most committees utilize the first method, a small number of committees (most notably the Committee on Rules and the Committee on the Judiciary) use the second method. This protocol is more a matter of committee practice and tradition, rather than a strict requirement of House rules.

Reading the bill. If the Chair calls up the bill, the first reading of the bill is in full. For time's sake, this is usually dispensed with by unanimous consent. If objected to, however, **a motion to dispense with the reading is privileged** if printed or copies of the measure are available. The motion to dispense is not debatable.

READING A BILL FOR AMENDMENT

After the first reading of the bill is dispensed with by unanimous consent (or read in full), the bill is **read for amendment**. Bills are read for amendment by section or paragraph unless the committee agrees to another means by unanimous consent. The typical alternatives to reading the bill section-by-section are:

1. Reading by title; or
2. Considering the bill open for amendment at any point.

The test of germaneness goes to the portion of the bill that is open to amendment.

CHAIRMAN'S MARKS AND MANAGER'S AMENDMENTS

Often, the Chairman will have a package of amendments to an introduced bill. Colloquially referred to as a "chairman's mark" or "manager's amendments" they take two primary forms:

MOTIONS & PROCEDURES AVAILABLE WHILE IN COMMITTEE

- » **DISPENSING** with the first reading of the bill if printed copies are available;
- » **LIMITING** debate on an amendment under the 5-minute rule;
- » **MOVING** the previous question;
- » **REFERRING** the bill to a subcommittee;
- » **VOTING** by the yeas and nays;
- » **TABLING** an amendment or the bill (tabling an amendment also tables the bill);
- » **RECONSIDERATION** of a vote;
- » **APPEALING** the decision of the Chair; and,
- » **ADJOURNMENT**, or recess.

1. An **amendment in the nature of a substitute** is offered as entirely new text of the bill; it is offered read as the first section. At any point while an amendment in the nature of a substitute is pending, it is open to amendment.
2. A series of **amendments offered en bloc** making a number of "cut and bite" amendments throughout the text. Portions of the bill amended by the en bloc amendments are not subject to further amendment, unless surrounding text is also amended, known commonly as the "bigger bite" theory.

OFFERING AND DEBATING AN AMENDMENT

Preparing an amendment. An amendment must be reduced to writing on demand. Therefore, it is best to have the amendment written prior to its offering. While there is no requirement to have an amendment drafted by the House Office of Legislative Counsel (HOLC), it is highly recommended. Utilizing the drafting services of the Office of Legislative Counsel carries two main benefits:

1. The attorneys employed by the office are policy and statutory experts who can provide important advice regarding drafting and procedural concerns; and
2. Should the amendment be adopted by the committee, if the amendment was originally drafted by HOLC, it can speed the process of producing the documents necessary to report the measure to the House.

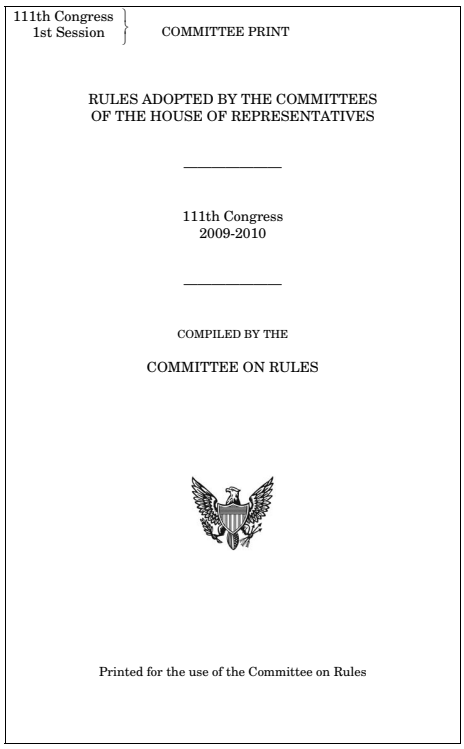
If HOLC is unable to assist with a particular drafting request, staff should look to their website for forms of commonly used amendment types.

Offering an amendment. At the proper point in the bill, a member seeks recognition from the Chair and states:

> *"Mr. Chairman, I have an amendment at the desk."*

Amendments must be read in full; only unanimous consent can dispense with the reading. Members may **reserve a point of order** against any amendment when it is offered (either immediately before or immediately after the reading). A reservation of a point of order enables the Member making the reservation to evaluate the amendment for any potential violations of the rules without violating the timeliness requirement.

Limitations on amendments. When offering an amendment, it is important to remember that the amendment—



111th Congress
1st Session

COMMITTEE PRINT

RULES ADOPTED BY THE COMMITTEES
OF THE HOUSE OF REPRESENTATIVES

111th Congress
2009-2010

COMPILED BY THE

COMMITTEE ON RULES

Printed for the use of the Committee on Rules

Figure 2. During the first session of each congress, the Committee on Rules publishes a compilation of the rules of each House and joint committee.

1. Must be **germane** to the portion of the bill open to amendment (clause 7 of rule XVI);
2. Must not **amend language already amended** (though amendments that amend a larger portion of the bill are allowed);
3. Must not be in the **"third degree"** (*See* The Amendment Tree);
4. Must only amend the bill in the portion of the bill open to amendment, unless offered as **amendments en bloc** by unanimous consent; and,
5. Are subject to a demand for the **division of the question** if they are substantively and grammatically divisible.

Debating an amendment in committee. Amendments are **debated under the 5-minute rule**, which allows for a member supporting the amendment to be recognized for five minutes, as well as a member opposed for five minutes. After that point, members may be recognized for a **pro forma amendment** (i.e. "striking the last word") and be permitted to speak for five minutes as well. Debate continues until the previous question is ordered on the amendment, usually by unanimous consent.

VOTING ON AMENDMENTS IN COMMITTEE

Votes may be taken in the usual ways:

- voice vote;
- a record (or roll call) vote; or
- the yeas and nays.

There is a **prohibition on proxy voting** in committee, although committees can adopt a rule authorizing the Chair to postpone votes on amendments. Additionally, in the case of a record vote, it is traditional for the committee Chair to vote

THE CLASSIC AMENDMENT TREE

A common metaphor used to describe the various kinds of amendatory forms available during consideration of bills in the House or in committee is the amendment "tree."

Assuming that the base text (either the bill itself or an amendment in the nature of a substitute considered as base text by unanimous consent) is the "trunk," the various amendatory forms can be viewed as "branches."

The most common form, the perfecting amendment, is an amendment to the base text.

That amendment can be further perfected, at which point the amendment is in the "second degree". The rules of the House prohibit consideration of amendments beyond the second degree.

A first degree is also subject to amendment by a complete substitute amendment. A substitute amendment is distinguishable from an amendment in the nature of a substitute by the object of the amendment and the amendatory instructions.

An amendment in the nature of a substitute amends a bill, and contains the amendatory instruction "Strike all after the enacting clause and insert the following:". In contrast, a substitute amendment amends a pending amendment in the first degree with a complete replacement for the text, and generally can only be distinguished by its caption, "Substitute Amendment to the Amendment by M. _____."

A pending substitute amendment can also be further perfected.

All of these forms of amendment may be pending at the same time. In figure 3, the numbered red squares indicate the order in which the Chair puts the question on each amendment.

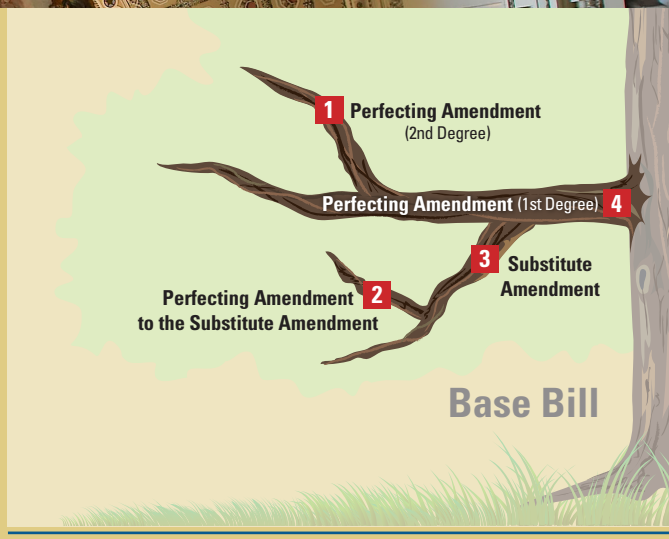


Figure 3. The classic, single-branch amendment "tree". Numbers in red squares indicate voting order.

last in order to preserve his or her ability to engage in parliamentary maneuvers in the case of a close vote.

REPORTING THE BILL TO THE HOUSE

After the consideration of all amendments, the Chair will close debate by moving the **previous question**, usually by unanimous consent. If an amendment in the nature of a substitute is pending, the vote immediately occurs on that amendment (as it may have been amended).

If an amendment in the nature of a substitute is adopted, the committee immediately moves to the question of reporting the bill to the House. If it fails, the committee continues reading the bill for amendment from the point where the amendment was offered. The quorum requirement for reporting a bill to the House is a **majority of the Members of the Committee actually present**.

The Committee's recommendation. When a committee reports a measure to the House, it has not actually made any changes to the bill; rather, it is reporting its recommendation as to the disposition of the measure. Committees report bills with a **"favorable" or "unfavorable" recommendation** that the bill pass or not, or sometimes explicitly with no recommendation at all.

The Rules Committee usually provides that the committee's recommended amendment (if any) be the base text of the bill during consideration on the House floor.

THE "MUMBLES" AND REQUESTING VIEWS

At the end of a bill's consideration, the Chair will usually request that (1) the staff be authorized to make "technical and conforming" changes to the bill as amended; and that (2) the Chair be authorized to make motions to go to conference. These requests may be objected to.

A member wishing to add supplemental, Minority, or additional views must make the request immediately after the measure is ordered reported and before the committee adjourns. The minimum time for filing views is two days after the day the bill is ordered reported.

CRS Report for Congress
Received through the CRS Web

Markup in Senate Committee: Considering Amendments

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Senate rules pertaining to amending measures on the floor apply generally to a Senate committee markup as well. Within the confines of Senate rules, some committees have adopted their own rules governing the consideration of amendments during a markup. However, Senate committee markups can proceed informally, in accordance with a committee's particular needs and practices that have evolved over time. Senate and committee rules and committee practices governing the consideration of amendments during committee markup are summarized below. For more information on legislative process, see [http://www.crs.gov/products/guides/guidehome.shtml].

The committee chair usually chooses the text that serves as the base text of the markup (see CRS Report 98-244, *Markup in Senate Committee: Choosing a Text*). The rules, or procedural guidelines of some committees require that the base text be distributed to committee members in advance of the markup. Senators often draft amendments to this text prior to markup, and often seek the advice of the Office of Legislative Counsel to ensure that amendments are clear and properly drafted.

Several committees have rules requiring amendments to be filed in advance of the markup to assist Senators in planning and to expedite committee action. For example, the Banking Committee requires 50 copies of a first-degree amendment (which would amend the base text) to be submitted to the committee two business days before markup. Committee staff may distribute all submitted amendments to committee members at the outset of the markup, or as the amendments are offered.

Following any opening statements a committee may allow, a measure is open to amendment at any point and amendments are considered in whatever order Senators offer them. However, a committee may decide by unanimous consent to structure the amendment process. Senators may draft amendments during markup, and Senate rules require that amendments be in writing on demand of any Senator (Rule XV, paragraph 1). Although an amendment must be read when offered, in practice the sponsor asks unanimous consent to waive the reading (Rule XV, paragraph 1).

The sponsor of an amendment typically is recognized to debate it, and some committees specify that the sponsor provide information about the amendment to assist

with its evaluation. (For instance, the Banking Committee, requires Senators offering amendments to show, by appropriate typographical device, the effect of proposed amendments on existing law, although this requirement can be waived by the chair). Other Senators may debate an amendment when recognized by the chair, and the chair ordinarily recognizes the first Senator seeking recognition.

There is no general time limit on debating amendments in committee, either for an individual Senator, a particular amendment, or all amendments. The chair puts an amendment to a vote when no Senators seek recognition to debate it. A committee may end debate earlier by agreeing to a motion to lay an amendment on the table, but tabling kills the amendment. On most committees it is possible for opponents to filibuster an amendment, because the Senate's procedure for invoking cloture to end protracted floor debate does not apply to committees. However, some committees have adopted rules to bring extended debate to an end. For example, the Judiciary Committee has provided for debate to be closed through the adoption, by a majority of the committee including a minority party Senator, of a non-debatable motion to end debate.

A committee may set its own quorum for voting on amendments, so long as the quorum is not less than one-third of the committee (Rule XXVI, paragraph 7(a)(1)). Senators may vote by voice, division, or rollcall vote, and a Senator may move to reconsider the vote on any amendment (as detailed in Senate Rule XIII). Absent Senators may vote on amendments by proxy, unless a committee adopts a rule to the contrary (Rule XXVI, paragraphs 7(a)(3) and 7(c)(1)). A Senator voting by proxy must be informed of the matter to be decided and must request to vote by proxy. Some committees give Senators further flexibility, for instance, by allowing oral proxies as well as written ones, or by allowing Senators to vote by proxy (or in person) after the vote has occurred.

A Senator who thinks that an amendment violates any rule can make a point of order any time prior to the amendment's disposition. The Senator must cite the basis of the point of order, and, while Senators do not have a right to debate points of order, the chair often allows the arguments on both sides to be presented. If the point of order is sustained against any portion of the amendment, in general the whole amendment falls. If a Senator appeals the ruling of the chair, the committee will vote on whether to sustain the ruling.

Senate rules governing the consideration of amendments on the floor apply generally to the consideration of amendments in committee as well (see CRS Report 98-853, *The Amending Process in the Senate*). Committees may set aside these rules implicitly or explicitly by unanimous consent. Under the rules: (1) amendments are permitted in two degrees — a first-degree amendment that seeks to amend the base text and a second-degree amendment that proposes to amend the first-degree amendment; (2) amendments need not be germane to the text they propose to amend, but Senate rules prohibit the floor consideration of substantive committee amendments containing significant matter outside the jurisdiction of the reporting committee (Rule XV, paragraph 5); (3) an amendment can only change text in one part of a measure; (4) as a matter of right, any Senator may demand that an amendment be divided if it consists of two or more propositions, and each could stand separately; (5) Senators may re-amend text only if their amendments take a "bigger bite," by also changing unamended text; and (6) a Senator who offers an amendment generally may modify or withdraw it unilaterally before action on it has been taken.