

# CRS Report for Congress

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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, perhaps a committee member's district or state or a site related to the subject of the hearing. (These latter ones are often referred to as *field hearings*.)

All hearings have a similar formal purpose, to gather information for use by the committee in its activities. Often, this information is used to shape legislation, even when the hearing is not specifically a legislative hearing. For this reason, all four types of hearings share common characteristics, and the differences among them may appear indistinct. For example, investigative hearings are sometimes seen as a variety of oversight hearings. Hearings on a bill might also include oversight.

One reason for these common characteristics is that 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 Rule XI, particularly clauses 2, 4, and 5). Some of these rules, however, are more pertinent to certain kinds of hearings than to others. And, within the 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. By choosing to hold a hearing, a committee takes one bill (or often several that bear on the same issue) from the many that are referred to the committee and indicates that the bill involves a subject that the panel must act on (for example, a reauthorization, without which a program will expire) or is otherwise worthy of 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, for example, consideration of the annual budget resolution, are there any requirements that a committee hold a hearing on a bill in order to take action on it. If a bill is referred to more than one committee, each committee has the discretion to decide whether to hold a hearing.

**Oversight Hearings.** Congress has historically engaged in oversight of the executive, specifically the review, monitoring, and supervision of the implementation of public policy. Oversight hearings are one technique a committee can use in this evaluation. Hearings may be called because a committee has a commitment to review ongoing programs and agencies, or it believes that a program is being poorly administered or that an agency is unresponsive to the committee. 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 private citizens whose activities may suggest the need for a legislative remedy.

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. Authorizing a major investigation sometimes requires the passage of a House or Senate resolution. This authorizing resolution commonly includes 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. Article II of the Constitution authorizes the President to nominate certain senior government officials with the "advise and consent" of the Senate. Senate Rule XXXI, setting procedures on presidential nominees, is silent on hearings. Committees are not required to hold a hearing, and most nominations, for example 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. A committee may also request reports of FBI background checks on the nominee done 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.