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Types of Committee Hearings

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Summary

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*.

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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 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.

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. Hearings may be held because a committee has a commitment to review ongoing programs and agencies or because it believes that a program is

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 For additional CRS reports on the rules and practices governing specific aspects (e.g., scheduling, witnesses, testimony, etc.) of House or Senate committee hearings, see <http://crs.gov/analysis/congops.aspx>.

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.

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.

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. 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.⁵ A 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.

Author Contact Information

(name redacted)
Analyst on Congress and the Legislative Process
f[redacted]@crs.loc.gov , 7-....

⁵ See, for example, committee Rule 10 of the Senate Committee on Foreign Relations.

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This report was originally written by (name redacted), formerly an Analyst in American National Government at CRS. The listed author has updated this report and is available to respond to inquiries on the subject.

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