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House Committee Hearings: Witness Testimony

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Analyst on Congress and the Legislative Process

August 14, 2015

Congressional Research Service

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www.crs.gov

98-338

Summary

Witnesses before House committees must generally file advance copies of their written testimony with the committees and then limit their oral testimony to brief summaries (Rule XI, clause 2(g)(5)). A question-and-answer period usually follows a witness's opening statement. Following hearings, committees usually publish the transcripts of witness testimony and questioning.

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Advance Written Testimony

The individual rules adopted by committees often state how far in advance of hearings testimony should be filed (frequently 24-48 hours). Committee rules sometimes stipulate the number of copies of written testimony to be submitted and often require submissions in electronic form. Electronic submissions facilitate printing the testimony as part of the hearing record and making the testimony publicly available online.

Committees have the authority to waive the advance written testimony requirement; for instance, if a witness is invited with little notice, the requirement may be waived. However, committees are usually diligent about obtaining advance copies of testimony. Before the hearing, committee staff may want to summarize or outline the testimony, draft questions tailored to each witness's statement, and make copies of the statement available to the press and public.

The written statement of a nongovernmental witness must contain the amount and source of any federal grant or contract received by the witness or the organization being represented during the current or previous two fiscal years (Rule XI, clause 2(g)(5)(B)). This so-called "truth in testimony" rule is intended to assist members of the committee with evaluating a witness's views and remarks. Such statements, with appropriate redactions to protect the privacy of the witness, are to be made publicly available in electronic form not later than one day after the witness appears before the committee.

Oral Testimony

At the beginning of a hearing, it is common for committee members to make opening statements, and most committees place time limits on these preliminary remarks. Then, the committee chair generally introduces each witness in accordance with an arranged order and format. The chair, or any committee member designated by the chair, may administer the oath to a witness (Rule XI, clause 2(m)(2)). In practice, most committees rarely require witnesses to testify under oath; sworn testimony appears to be more common at investigative hearings. Some committees and subcommittees do, however, have a tradition of requiring all witnesses to be sworn.

Committees generally require witnesses to limit their oral testimony to brief summaries, in part because, as noted above, written testimony is usually available in advance, and Members want to use the time of the hearing to question witnesses. The rules adopted by some committees stipulate how long a witness may speak or grant discretion to the chair to make this determination.

Questioning Witnesses

House rules guarantee each committee member who desires it an opportunity to question each witness for five minutes (Rule XI, clause 2(j)(2)). Following this questioning under the five-minute rule, committees may allow additional time for questioning witnesses and may allocate this time as they choose. In practice, committees sometimes allow a committee member to extend his or her time by unanimous consent.

In addition, a committee may adopt a rule or motion to allow a specified number of its members to question a witness for longer than five minutes (Rule XI, clause 2(j)(2)(B)). The time for extended questioning may not exceed 60 minutes and is to be equally divided between the parties. A committee may also adopt a rule or motion allowing its majority and minority professional staff to question a witness for up to one hour, equally divided.

Each committee has the discretion in drafting its rules to determine the order in which members may question witnesses. Some committees alternate between the parties, in order of seniority. “Early bird” rules permit questioning of witnesses based on members’ order of arrival at the hearing, usually with the chairman and ranking Member retaining priority for recognition regardless of their arrival time. Some committees use a combination of these methods.

Printing Hearings

Committees regularly ask for reporters from the Office of Official Reporters to transcribe their hearings. Where transcripts are kept, they must be verbatim or substantially verbatim; only technical, grammatical, and typographical corrections authorized by those making remarks are allowed (House Rule XI, clause 2(e)(1)(A)). Committees usually publish their transcripts, although this is not strictly required. Committees must make their publications available to the public in electronic form “to the maximum extent feasible” (Rule XI, clause 2(e)(4)). Most House committees make hearing documents available to the public on their websites and many also utilize a central committee document repository established by the House for this purpose (<http://docs.house.gov/Committee/Committees.aspx>). Supplemental materials may also be printed as part of the hearing record. For example, a committee might include charts and research materials, written statements of witnesses, witness responses to unanswered or follow-up questions, other materials submitted by witnesses, or letters and testimony from individuals who did not testify in person.

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Acknowledgments

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