



**Congressional
Research Service**

Informing the legislative debate since 1914

House Committee Hearings: Arranging Witnesses

name redacted

Analyst on Congress and the Legislative Process

August 25, 2015

Congressional Research Service

7-....

www.crs.gov

98-304

Summary

Selecting witnesses is often one of the most important tasks in planning a hearing. House committees and subcommittees pay careful attention to which viewpoints will be represented, who should testify, and the order and format for presenting witnesses. Witnesses do not have an inherent right to appear at a hearing but must be invited by a committee or subcommittee in order to testify; committees and subcommittees may also subpoena reluctant witnesses to appear at a hearing.

Contents

Selecting and Inviting Witnesses	1
Subpoena Power	1
Format and Order of Witness Testimony	2

Contacts

Author Contact Information	2
Acknowledgments	2

Selecting witnesses is often one of the most important tasks in planning a hearing. House committees and subcommittees pay careful attention to which viewpoints will be represented, who should testify, and the order and format for presenting witnesses. Witnesses do not have an inherent right to appear at a hearing but must be invited by a committee or subcommittee in order to testify; committees and subcommittees may also subpoena reluctant witnesses to appear at a hearing.

Selecting and Inviting Witnesses

Before officially inviting a witness, committee staff identify and often interview prospective witnesses. Committees consider people from diverse backgrounds, including individuals from the executive branch; state, local, or other regional governments; academia; business; and interest groups, as well as other private citizens. A committee may invite as many witnesses as it chooses, and may schedule multiple days of hearings.

In some cases, a committee will strive to make sure that all reasonable points of view are represented, while in other cases witnesses expressing only particular points of view will be invited. Typically, the minority works informally with the majority to invite witnesses representing its views. House rules allow the minority party members of a committee to call witnesses of their choice on at least one hearing day. A majority of the minority members must make this request to the committee chair before completion of the hearings (Rule XI, clause 2(j)(1)).

Once suitable witnesses are identified, the committee chair usually sends each witness a formal letter of invitation. This letter generally provides the witness some basic information on the proposed hearing, including the purpose, subject, date, time, and location. In addition to specifying the aspects of a measure or issue the witness should address, the letter might indicate a limitation on the length of a witness's oral testimony.

The letter of invitation might also request that the witness send the committee biographical information and an advance copy of his or her written testimony, the latter generally being required under House rules (Rule XI, clause 2(g)(5)). Rule XI also requires witnesses appearing in a non-governmental capacity to include in their written testimony a curriculum vitae and disclosure of the amount of each federal grant or subgrant recently received.

The committee might also send the witness additional information. This information could include a list of committee members, the committee's rules, a copy of the measure under consideration, and articles relating to the issue. Often, a staff contact is indicated. Committee staff will often meet witnesses before a hearing to answer questions and to review procedure. A committee may reimburse a witness for expenses related to testimony, and the letter of invitation may address this point.

Subpoena Power

Most individuals respond favorably to an invitation to testify, believing it to be a valuable opportunity to communicate and publicize their views on a question of public policy. However, if a person will not appear by invitation, a committee may require a witness to appear through a subpoena (Rule XI, clause 2(m)). (Committees may also subpoena documents.) Subpoenas are used infrequently, usually in the course of investigations.

A committee may authorize and issue a subpoena with a majority quorum present. A committee may, however, delegate this authority to its chair under any limitations it establishes. In practice,

many committees generally require majority approval to issue a subpoena; other committees have delegated general subpoena authority to the chair.

Format and Order of Witness Testimony

Committees determine the format and order of witness testimony. The traditional format is that a witness makes a statement and then takes questions from committee members before the next witness testifies. Committees may also employ a panel format, often for witnesses with divergent viewpoints. It is normally the practice in this case for all panel members to make statements, then for committee members to pose questions to the panel or to various panelists. Some observers believe this format stimulates debate and elicits more pertinent information. Committees sometimes use other formats for gathering information such as seminars, roundtable discussions, and “video conferencing” with witnesses who may be located almost anywhere in the world.

The order in which witnesses testify is arranged at the discretion of the committee. Although there is no formal rule on the subject, protocol dictates that a Member of Congress generally testifies before other witnesses, and a similar privilege is often extended to high-ranking executive branch officials and to former Members and high-level government officials. Celebrity witnesses are placed in the lineup carefully, because they often generate media coverage and public attention to an issue. Testimony from academics, interest group representatives, and other private citizens may be arranged in a way that most favorably presents information and communicates the intent of the committee. For example, a committee may arrange its witnesses to allow one individual to respond to arguments made by another witness.

Author Contact Information

(name redacted)
Analyst on Congress and the Legislative Process
-redacted-@crs.loc.gov7-....

Acknowledgments

This report was originally written by (name redacted) formerly an analyst at CRS.

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.