



**Congressional  
Research Service**

Informing the legislative debate since 1914

---

# Types of Committee Hearings

**name redacted**

Specialist on Congress and the Legislative Process

Updated November 15, 2018

**Congressional Research Service**

7-....

[www.crs.gov](http://www.crs.gov)

98-317

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*.<sup>1</sup>

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).<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> If a bill is referred to more than one committee, each committee may decide whether to hold a hearing.

<sup>1</sup> 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).

<sup>2</sup> 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 redacted); and CRS Report RS22649, *Senate Committee Hearings: The “Minority Witness Rule”*, by (name redacted).

<sup>3</sup> 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.

<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup> A committee

<sup>5</sup> 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*.

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

<sup>7</sup> 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.

<sup>8</sup> 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.

## **Author Contact Information**

(name redacted)  
Specialist on Congress and the Legislative Process  
-redacted-@crs.loc.gov , 7-....

## **Acknowledgments**

This report was originally written by (name redacted), formerly an Analyst in American National Government at CRS. Updates and inquiries on this report are available to congressional clients from the author of this report.

# 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.