



BASIC » TRAINING

PARLIAMENTARY PROCESS,
FACTS, AND STRATEGIES

Committee Hearings

Under the rules, committees gather for two purposes: **hearings**, where they take testimony from witnesses and gather facts, and **meetings**, where committees conduct business like marking up legislation or reports, issuing subpoenas, or taking other “collegial” action. Hearings are one of the primary mechanisms for the Congress to conduct oversight of the executive branch, allowing committees to conduct in-depth examinations of issues within their jurisdictions.

COMMITTEE RULES ARE DIFFERENT

The **House rules only create a basic set of rules** for committees. It is important to know your individual committee rules and where they differ from the norm. For instance, some committees have a rule governing the number and length of opening statements, while others rely on practice and tradition.

NOTICE FOR A HEARING

The House rules require at least **one week’s notice for a hearing** (except for the Committee on Rules); yet the House rules do, allow the chair of the committee, with the concurrence of the ranking minority member, to waive the seven-day notice requirement. The Committee can also waive it by a majority vote.

PUBLIC AND PRESS ACCESS

Hearings must be open to the public and press, unless the Committee votes to hold the session in **executive session** by a majority vote, a quorum (for conducting business) being present.

New for the 112th Congress, the House rules now require that committee hearings and meetings have audio & visual coverage (e.g. webcast) and that the recordings of those events must be archived and made available to the public. Committees are not required to provide this coverage if it is impracticable, such as when the hearing is held in a room without proper camera equipment.

QUORUMS

The House rules allow a committee to establish its own quorums for taking testimony, although that number **cannot be less than**

two Members. Some committees require at least one Member from each party, though the House rules contain no such requirement.

MINORITY WITNESSES AND HEARING DAYS

Each committee has its own procedures for how the minority receives witnesses. Some committees allocate one-third of the witness “slots” to the minority, while others provide one slot per panel. Some count witnesses from the Administration, while others view them as “shared” witnesses.

Clause 2(j) of Rule XI allows a **“majority of the minority” to demand at least one day of hearings** where witnesses of the minority’s choosing may be called. Keep in mind—

- » The request must be made **prior to completion** of the hearing;
- » The **majority controls the date, time, and location** of the additional hearing day, though the minority day should be “comparable” to the time slot given to the original hearing; and,
- » The majority can hold several days of testimony **as part of the same hearing**, limiting the opportunities to use this rule.



Figure 1. House Committee hearings are one of the primary mechanisms by which Congress conducts oversight of the executive branch.



ASKING GOOD QUESTIONS DURING COMMITTEE HEARINGS: SOME BASICS

» *Know your objective*

You should know the answers you want, and tailor your questions to get them. It's also important to understand the Chair's goals for the hearing: what does the Chair want to get on the record? What kinds of questions will elicit that response?

» *Use Republican Committee staff*

Republican committee staff will have prepared questions; ask which ones need to be asked and what the expected answers are.

» *Use the outside*

Don't be afraid to use outside groups to help you write questions. You can ask for questions from interest groups, other witnesses, or the Administration (although clearance of questions is sometimes hard). Ask a friendly witness what questions they want to be asked.

The only risk with this strategy is that if the other party knows where the questions came from, they may allege that a member is being "scripted by lobbyists." Despite this risk, witnesses

and interest groups often have a better understanding of some of the issues, and their questions can provide an insight that might not occur to an average Member.

» *Point witnesses at one another*

A classic question is "Mr. X, Ms. Y said 'Z' in her written testimony. What do you think?" This often elicits a lively debate between the witnesses and can often make for good testimony.

WRITTEN TESTIMONY & "TRUTH IN TESTIMONY" STATEMENT

The House rules require committees direct **witnesses to provide written statements in advance** of their testimony "to the extent practicable". Committees will often have specific deadlines in their committee rules (e.g., two days). In the 104th Congress, Republicans also added a provision requiring "non-governmental" witnesses to submit a curriculum vitae and a disclosure of any Federal grants received during the last two fiscal years by the witness or the entity represented by the witness. While a point of order lies against a failure to comply with either of these provisions, the sanction is only the exclusion of the witness' testimony from the printed hearing record.

QUESTIONING OF WITNESSES

The House rules require the application of the five-minute rule in the questioning of witnesses until each member has had **five minutes to question each witness, not each panel of witnesses**.

The rules also provide that a committee can adopt a rule or motion allowing Members or committee staff to engage in extended questioning of witnesses up to 30 minutes per side.

Witnesses have a right to counsel, and testimony may be taken in executive session when a majority of those present determine that the testimony or evidence presented will tend to defame, degrade, or incriminate the witness or another person. This determination may be made with the lower quorum for taking testimony. Any testimony taken in executive session may not be publicly released without a majority vote of the committee.

SUBPOENAS

Committees can obtain testimony or documents or records via subpoena. The House rules provide wide latitude to committees in establishing procedures for the issuance of subpoenas. Some committees give the Chairman complete discretion in when and where they can issue a subpoena; others require a vote of the committee, or limit the authority in other ways. A common construct is to require a committee vote to authorize issuance of a subpoena while the House is in session, but to afford the chair greater latitude when the House is in recess, allowing the chair to issue subpoenas on his or her own with the concurrence of or after consultation with the ranking minority member.

The traditional way to provide a chairman with subpoena power is to authorize the Chairman to issue a subpoena or series of subpoenas in conjunction with a particular investigation.

Subpoenas are enforced only after a lengthy process. The committee must report a contempt resolution to the House, which must then pass the resolution. If the House passes a resolution holding a person in contempt of Congress, it is up to the U.S. Attorney to prosecute.