

An hourglass-shaped graphic with a globe in the top bulb and another globe in the bottom bulb. The hourglass is light blue and has a dark blue cap at the top. The globe in the top bulb is dark blue, and the globe in the bottom bulb is light blue. The text is centered within the hourglass shape.

WikiLeaks Document Release

<http://wikileaks.org/wiki/CRS-98-338>

February 2, 2009

Congressional Research Service

Report 98-338

House Committee Hearings: Witness Testimony

Christopher M. Davis, Government and Finance Division

November 25, 2008

Abstract. Witnesses before House committees generally must file with the committee an advance copy of their written testimony, and then limit their oral testimony to a brief summary. A question and answer period usually follows a witness's opening statement. Following hearings, committees usually publish the transcripts of witness testimony and questioning.

WikiLeaks



CRS Report for Congress

House Committee Hearings: Witness Testimony

Christopher M. Davis
Analyst on the Congress and Legislative Process
Government and Finance Division

Witnesses before House committees generally must file an advance copy of their written testimony with the committee, and then limit their oral testimony to a brief summary (Rule XI, clause 2(g)(4)).¹ A question and answer period usually follows a witness's opening statement. Following hearings, committees usually publish the transcripts of witness testimony and questioning. For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].

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). Witnesses may be required to submit multiple copies of their statements. Committee rules sometimes stipulate the number of copies of written testimony to be submitted, and may also require submissions in electronic form. Electronic submissions facilitate printing the testimony as part of the hearing record and making the testimony available online to the public.

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 usually are 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 for distribution 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)(4)). This "truth in testimony rule" is intended to assist members of the committee with evaluating a witness's views and remarks.

¹ This report was written by Thomas P. Carr, formerly an analyst in American National Government at CRS. The listed author updated the report and is available to answer questions concerning its contents.

<http://wikileaks.org/wiki/CRS-98-338>

Oral Testimony

At the beginning of a hearing, it is common for committee members to make preliminary remarks, and most committees place time limits on these opening statements. Then, the committee chair generally introduces each witness in accordance with an arranged order and format. The chair, or any 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. Committees generally require witnesses to limit their oral testimony to a brief summary, in part because written testimony usually is 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 accord each committee member an opportunity to question each witness for five minutes (Rule XI, clause 2(j)(2)). Following the first round of questioning under this five-minute rule, committees may allow additional time for questioning witnesses and may allocate this time as they choose. In practice, many committees 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)). The time for extended questioning may not exceed 60 minutes, and is to be equally divided between the parties. A committee also may adopt a rule or motion allowing its majority and minority staff to question a witness for up to one hour, equally divided between the parties.

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

Most committees regularly ask for a reporter 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 generally required. Committees must make their publications available to the public in electronic form, “to the maximum extent feasible” (Rule XI, clause 2(e)(4)). Supplemental materials also may 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.