

# CRS Report for Congress

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## House Committee Hearings: Arranging Witnesses

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Selecting witnesses is often one of the most important issues in planning a House hearing. Committees and subcommittees pay careful attention to which viewpoints will be represented, who should testify, and the order and format for presenting witnesses. A witness must be invited by a committee or subcommittee in order to testify; committees and subcommittees also may subpoena reluctant witnesses to appear at a hearing.

### Selecting and Inviting Witnesses

To testify, a witness must be invited by a committee. 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. House rules allow the minority party members of a committee to call witnesses of their choice on at least one day of a hearing. 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)). Typically, the minority works informally with the majority to invite witnesses representing its views.

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)(4)). Certain committee rules also specify that witnesses should submit copies of proposed testimony in electronic format.

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 sometimes meet with witnesses before a hearing to answer questions and to review procedure. A committee may reimburse a witness for expenses related to testimony, and, if reimbursement is expected, 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 also may subpoena documents.) Subpoenas are used infrequently, most often at investigative hearings.

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 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. Protocol dictates that a Member of Congress generally testifies before other witnesses, and a similar privilege often is extended to high-ranking executive branch officials, and to former Members and high-level government officials. Celebrity witnesses are carefully placed in the lineup 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 refute arguments made by another witness.