

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 top and bottom. 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.

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Report 98-392

Senate Committee Hearings: Witness Testimony

Betsy Palmer, Government and Finance Division

February 22, 2007

Abstract. Witnesses before Senate committees (except Appropriations) generally must provide a committee with a copy of their written testimony at least one day prior to their oral testimony (Rule XXVI, paragraph 4(b)). It is common practice to request witnesses to limit their oral remarks to a brief summary of the written testimony. A question-and-answer period usually follows a witness's oral testimony. Following hearings, committees usually publish the transcripts of witness testimony and questions and answers.

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Senate Committee Hearings: Witness Testimony

Betsy Palmer

Analyst on the Congress and Legislative Process

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Summary

Witnesses before Senate committees (except Appropriations) generally must provide a committee with a copy of their written testimony at least one day prior to their oral testimony (Rule XXVI, paragraph 4(b)). It is common practice to request witnesses to limit their oral remarks to a brief summary of the written testimony. A question-and-answer period usually follows a witness's oral testimony. Committees usually publish the transcripts of witness testimony and questions and answers. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

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Witnesses before Senate committees (except Appropriations) generally must provide a committee with a copy of their written testimony at least one day prior to their oral testimony (Rule XXVI, paragraph 4(b)). It is common practice to request witnesses to limit their oral remarks to a brief summary of the written testimony. A question-and-answer period usually follows a witness's oral testimony. Committees usually publish the transcripts of witness testimony and questions and answers. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

Advance Written Testimony

The individual rules adopted by committees generally state how far in advance of hearings written testimony should be filed (usually 24-72 hours). Often witnesses must submit multiple copies of their statements. Committees seldom limit the length of written statements, but some committees require witnesses to include a brief summary of testimony along with the full text.

A committee's chair and ranking minority member may waive the advance written testimony requirement (Rule XXVI, paragraph 4(b)). The requirement might be waived, for example, if a witness is invited with little notice. Committees usually are diligent about obtaining advance written testimony. They might ask staff to summarize these statements (Rule XXVI, paragraph 4(b)), and photocopy them for distribution to the public and press.

Oral Testimony

Each committee or subcommittee may set its own quorum for taking oral testimony at hearings (Rule XXVI, paragraph 7(a)(2)). Most committees require one member to take testimony, but some have other quorum requirements. For instance, the Armed Services Committee has set a quorum of three members, including at least one member of the minority, to take sworn testimony.

It is common for committee members to make opening remarks at the beginning of a hearing. Next, the committee chair generally introduces each witness in accordance with an arranged order and format (such as a panel format). By statute, any Senator is authorized to administer the oath to a witness (2 U.S.C. 191). Committee rules commonly allow testimony under oath at the discretion of a committee's leaders. In practice, most committees rarely require witnesses to testify under oath at legislative hearings; sworn testimony is more common at investigative hearings and confirmation hearings.

Many committees limit the oral testimony of witnesses, in part because written testimony usually is available in advance. The rules of several committees limit each witness to a brief summary statement, although at least one committee has allowed the chairman to extend or limit the time of such statements.

A committee may direct its staff to prepare a summary of the oral testimony on a particular day (Rule XXVI, paragraph 4(c)). With the approval of the chair and ranking minority member, a committee may include these summaries in its published hearings.

Questioning Witnesses

The question-and-answer period following a witness's statement provides Senators an opportunity to clarify assertions made in testimony, expand upon witness statements, build a public record, and obtain information on which to base future actions. Committee staff often draft questions or talking points for members to use in questioning witnesses.

Each committee determines the order in which Senators question witnesses. A common procedure allows alternating between the parties, in order of seniority. The so-called "early bird rule" permits Senators to question witnesses based on the Senators' order of arrival at the hearing. Some committees use a combination of these two methods. Committee chairs often allow Senators to proceed out of order. Also, Senators often submit written questions for witnesses to respond to in writing following the hearing.

Although Senate rules do not restrict the length of time each Senator may question a witness, several committees have adopted such rules. Some committees limit each Senator to five minutes per witness. One committee generally has limited each Senator to five minutes to question each witness when five or more committee members are present, and to 10 minutes when fewer than five are present. Some committees also authorize committee staff to question witnesses.

Printing Hearings

Committees regularly employ reporting services to transcribe their hearings. Committees are authorized to publish their hearings transcripts, and usually do so, although this is not required (Rule XXVI, paragraph 10(a)). Senate rules encourage committees to make "every reasonable effort" to have hearings on a reported measure printed and available to Senators prior to its floor consideration (Rule XVII, paragraph 5). 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 follow-up questions, other materials submitted by witnesses, or letters and testimony from individuals who did not testify in person.

Author Contact Information

Betsy Palmer
Analyst on the Congress and Legislative Process
bpalmer@crs.loc.gov, 7-0381