



EXTENDED QUESTIONING OF HOUSE HEARING WITNESSES

JULY 2019

In May 2019, Attorney General William Barr [refused to testify](#)¹ before the House Committee on the Judiciary after the Committee informed him he would face 60 minutes of questions from staff counsel in addition to questioning from Committee members. While the Department of Justice claimed that the Judiciary Committee conditions for the Attorney General’s testimony were “unprecedented and unnecessary,” there is in fact a long history in the House of Representatives under which committee counsels and members of Congress conduct extended questioning of hearing witnesses – including Department of Justice officials.

The House of Representatives rules regarding questioning of witnesses at hearings contain a baseline requirement that committees apply a “five-minute” rule under which each member of the committee has the opportunity to question each witness for five minutes. However, in 1997 the House approved revisions to the rules proposed by the House Republican leadership that provide House committees discretion to allow members of a Committee to question witnesses for an extended block of time, not to exceed 60 minutes, equally divided between the majority and minority.

Since the 1997 rule change, numerous House Committees, including House Judiciary, House Natural Resources, House Education and Labor, House Transportation and Infrastructure, and House Government Reform and Oversight, have used extended questioning during oversight hearings. Such questioning has been used with both career and political federal officials including the Attorney General, Director of the FBI, Secretary of Energy, Administrator of EPA, Chairman of FERC, White House Counsel, Deputy White House Counsel, former Special Assistant to the President, Assistant Attorneys General, the DOJ Public Integrity Chief, and other high-ranking officials at DOJ and other agencies.

¹ Reuters, *Defying Congress, U.S. Attorney General Barr to Skip Mueller Hearing* (May 1, 2019). <https://web.archive.org/web/20220901025045/https://www.reuters.com/article/usa-trump-barr-testimony/defying-congress-u-s-attorney-general-barr-to-skip-mueller-hearing-idUSKCN1S74T6>

Examples

At November 3-4, 1997, [hearings](#)² on “White House Compliance with Committee Subpoenas,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member and staff counsel questioning of witnesses including:

- Charles F.C. Ruff, White House Counsel
- Cheryl Mills, Associate White House Counsel

At December 8-9, 1997, [hearings](#)³ on “Current Implementation of the Independent Counsel Act,” the House Committee on Government Reform and Oversight invoked the rule to allow 60 minutes equally divided for committee counsel questioning of witnesses including:

- Attorney General Janet Reno
- FBI Director Louis Freeh

At a November 19, 1998, [hearing](#)⁴ on “Impeachment: William Jefferson Clinton, President of the United States,” the House Committee on the Judiciary allowed 60 minutes equally divided for minority and majority counsel questioning of the witness, Independent Counsel Kenneth Starr.

² House Committee on Government Reform and Oversight, *White House Compliance with Committee Subpoenas*, page 30 (November 6 and 7, 1997) (H. Hrg. 105-61).

<https://web.archive.org/web/20211108202905/https://www.govinfo.gov/content/pkg/CHRG-105hhrg45405/pdf/CHRG-105hhrg45405.pdf>

³ House Committee on Government Reform and Oversight, *The Current Implementation of the Independent Counsel Act, Volume 1*, page 43 (December 9 and 10, 1997) (H. Hrg. 105-89).

<https://web.archive.org/web/20230315144143/https://www.govinfo.gov/content/pkg/CHRG-105hhrg47116/pdf/CHRG-105hhrg47116.pdf>

⁴ House Committee on the Judiciary, *Impeachment Inquiry: William Jefferson Clinton, President of the United States*, page 2 (November 19, 1998) (H. Hrg. 105-66).

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At a July 29, 1999, [hearing](#)⁵ on “Allegations of VISA Fraud and Other Irregularities at the United States Embassy in Beijing, China,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member or committee counsel questioning of witnesses including:

- Peter Bergin, Acting Assistant Secretary and Director of Diplomatic Security, Department of State
- Bonnie Cohen, Under Secretary for Management, Department of State
- Jacquelyn Williams-Bridgers, Inspector General, Department of State

At an August 5, 1999, [hearing](#)⁶ on “White House Insider Mark Middleton,” the House Committee on Government Reform and Oversight invoked the rule to allow 60 minutes equally divided for member questioning of Mark Middleton, former Special Assistant to the President during the Clinton Administration.

At a September 21, 1999, [hearing](#)⁷ on “Clemency for the FALN: A Flawed Decision?” the House Committee on Government Reform and Oversight invoked the rule to allow 60 minutes equally divided for member or committee counsel questioning of witnesses including:

- Harry Barnes, Director, Conflict Resolution Program at the Carter Center

⁵ House Committee on Government Reform, *The State Department’s Handling of Allegations of Visa Fraud and Other Irregularities at the United States Embassy in Beijing*, page 8 (July 29, 1999) (H. Hrg. 106-79).

<https://web.archive.org/web/20190618015734/https://www.govinfo.gov/content/pkg/CHRG-106hhrg62410/pdf/CHRG-106hhrg62410.pdf>

⁶ House Committee on Government Reform, *White House Insider Mark Middleton: His Ties to John Huang, Charlie Trie, and Other Campaign Finance Figures* page 18 (August 5, 1999) (H. Hrg. 106-93).

<https://web.archive.org/web/20190618040504/https://www.govinfo.gov/content/pkg/CHRG-106hhrg63044/pdf/CHRG-106hhrg63044.pdf>

⁷ House Committee on Government Reform, *Clemency for the FALN: A Flawed Decision?*, page 1 (September 21, 1999) (H. Hrg. 106-93).

<https://web.archive.org/web/20230315151353/https://www.govinfo.gov/content/pkg/CHRG-106hhrg60935/pdf/CHRG-106hhrg60935.pdf>

- Reverend Dr. Thomas Dipko, Executive VP, United Church Board for Homeland Ministries
- Michael B. Cooksey, Assistant Director for Correctional Programs, Bureau of Prisons
- Jon Jennings, Acting Assistant Attorney General for Legislative Affairs, Department of Justice
- Neil Gallagher, Assistant Director for National Security, Federal Bureau of Investigations

At a June 6, 2000, [hearing](#)⁸ on “Current Implementation of the Independent Counsel Act,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member and committee counsel questioning of witnesses including:

- Lee Radek, Public Integrity Section Chief, Department of Justice
- William Esposito, former Deputy Director, Federal Bureau of Investigation
- Neil Gallagher, Assistant Director for Terrorism, Federal Bureau of Investigation

At [hearings](#)⁹ on [March 23](#),¹⁰ [May 3](#)¹¹ and [May 4](#),¹² 2000, on “Missing White House Emails: Mismanagement of Subpoenaed Records,” the House Committee on Government Reform invoked the

⁸ House Committee on Government Reform, *The Justice Department’s Implementation of the Independent Counsel Act*, page 1 (June 6, 2000) (H. Hrg. 106-231).

<https://web.archive.org/web/20220701215027/https://www.govinfo.gov/content/pkg/CHRG-106hhrg72912/pdf/CHRG-106hhrg72912.pdf>

⁹ House Committee on Government Reform, *Missing White House Emails: Mismanagement of Subpoenaed Records* (March 23, March 30, May 3, and May 4, 2000) (H. Hrg. 106-179).

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¹⁰ House Committee on Government Reform, *Missing White House Emails: Mismanagement of Subpoenaed Records*, page 2 (March 23, March 30, May 3, and May 4, 2000) (H. Hrg. 106-179).

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¹¹ House Committee on Government Reform, *Missing White House Emails: Mismanagement of Subpoenaed Records*, page 486 (March 23, March 30, May 3, and May 4, 2000) (H. Hrg. 106-179).

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¹² House Committee on Government Reform, *Missing White House Emails: Mismanagement of Subpoenaed Records*, page 659 (March 23, March 30, May 3, and May 4, 2000) (H. Hrg. 106-179).

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rule to allow 60 minutes equally divided for member and staff counsel questioning of witnesses including:

- Charles F.C. Ruff, former Counsel to the President
- Cheryl Mills, Deputy Counsel to the President
- Dmitri Nionakis, Associate Counsel to the President
- Beth Nolan, Counsel to the President
- Mark Lindsay, Assistant to the President and Director, White House Management and Administration
- Michael Lyle, Director, Executive Office of the President, Office of Administration
- Robert Rabin, Assistant Attorney General for Legislative Affairs
- Karl Heissner, Branch Chief for Systems Integration and Development, Executive Office of the President, Office of Administration
- Tony Barry, Computer Specialist, Executive Office of the President
- Yiman Salim, Northrop Grumman Software Developer
- Betty Lambuth, Northrop Grumman Manager
- Robert Haas, Northrop Grumman Systems Administrator
- John Spriggs, Northrop Grumman, Senior Engineer for Electronic Mail
- Sandra Golas, Northrop Grumman Senior Software Engineer

At [hearings](#)¹³ on [May 4](#)¹⁴ and [May 18](#),¹⁵ 2000, on “Oversight Hearings to Examine the Laws, Policies, Practice, and Operations of the DOI, DOE, and Other Agencies Pertaining to Payments to Their

¹³ House Committee on Resources, Subcommittee on Energy and Mineral Resources, *Oversight Hearings to Examine the Laws, Policies, Practices, and Operations of the DOI, DOE, and Other Agencies Pertaining to Payments to Their Employees, Including Payments Relative to Mineral Royalty Programs* (May 4 and 18, 2000) (H. Hrg. 106-73).

<https://web.archive.org/web/20190606190820/https://www.govinfo.gov/content/pkg/CHRG-106hhrg65382/pdf/CHRG-106hhrg65382.pdf>

¹⁴ House Committee on Resources, Subcommittee on Energy and Mineral Resources, *Oversight Hearings to Examine the Laws, Policies, Practices, and Operations of the DOI, DOE, and Other Agencies Pertaining to Payments to Their Employees, Including Payments Relative to Mineral Royalty Programs*, page 12 (May 4 and 18, 2000) (H. Hrg. 106-73).

<https://web.archive.org/web/20190606190820/https://www.govinfo.gov/content/pkg/CHRG-106hhrg65382/pdf/CHRG-106hhrg65382.pdf>

¹⁵ House Committee on Resources, Subcommittee on Energy and Mineral Resources, *Oversight Hearings to Examine the Laws, Policies, Practices, and Operations of the DOI, DOE, and Other Agencies Pertaining to Payments to Their Employees, Including Payments Relative to Mineral Royalty Programs*, page 152 (May 4 and 18, 2000) (H. Hrg. 106-73).

Employees, Including Payments Relative to Mineral Royalty Programs,” the House Natural Resources Committee invoked the rule, allowing 60 minutes equally divided for member questioning and 60 minutes equally divided for committee counsel questioning in the May 4 hearing, and 30 minutes equally divided for member questioning in the May 18 hearing. Witnesses questioned under these extended questioning arrangements included:

- Robert A. Berman, employee, Department of the Interior
- Robert Speir, employee, Department of Energy
- Olen Kenneth Dodd, Assistant U.S. Attorney, Eastern District of TX
- Stuart E. Schiffer, Deputy Assistant Attorney, Civil Division, DOJ
- Staff and board members of Project on Government Oversight

At a July 20, 2000, [hearing](#)¹⁶ on “Has the Department of Justice Given Preferential Treatment to the President and Vice President?” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member questioning, and 60 minutes equally divided for committee counsel questioning, of James Robinson, Assistant Attorney General, Criminal Division, Department of Justice.

<https://web.archive.org/web/20190606190820/https://www.govinfo.gov/content/pkg/CHRG-106hhrg65382/pdf/CHRG-106hhrg65382.pdf>

¹⁶ House Committee on Government Reform, *Has the Department of Justice Given Preferential Treatment to the President and Vice President* page 1 (July 20, 2000) (H. Hrg. 106-256).

<https://web.archive.org/web/20220701214800/https://www.govinfo.gov/content/pkg/CHRG-106hhrg74429/pdf/CHRG-106hhrg74429.pdf>

At September [20-21](#),¹⁷ 2000, [hearings](#)¹⁸ on “Potential Energy Crisis in the Winter of 2000,” the House Committee on Government Reform and Oversight invoked the rule to allow 60 minutes equally divided for member questioning of witnesses including:

- Carol Browner, Administrator, Environmental Protection Agency
- Bill Richardson, Secretary, Department of Energy
- James Hoecker, Chairman, Federal Energy Regulatory Commission

At a September 26, 2000, [hearing](#)¹⁹ on “Contact between Northrop Grumman Corporation and the White House Regarding Missing White House E-mails,” the House Committee on Government Reform and Oversight invoked the rule to allow 60 minutes equally divided for member questioning of Alan Gershel, Deputy Assistant Attorney General, Department of Justice.

At [February 8](#)²⁰ and [March 1](#),²¹ 2001, [hearings](#)²² on “The Controversial Pardon of International Fugitive Marc Rich,” the House Committee on Government Reform invoked the rule, and with agreement

¹⁷ House Committee on Government Reform, *Potential Energy Crisis in the Winter of 2000*, page 3 and 200 (September 20 and 21, 2000) (H. Hrg. 106-251).

<https://web.archive.org/web/20190617194500/https://www.govinfo.gov/content/pkg/CHRG-106hhrg74099/pdf/CHRG-106hhrg74099.pdf>

¹⁸ House Committee on Government Reform, *Potential Energy Crisis in the Winter of 2000* (September 20 and 21, 2000) (H. Hrg. 106-251).

<https://web.archive.org/web/20190617194500/https://www.govinfo.gov/content/pkg/CHRG-106hhrg74099/pdf/CHRG-106hhrg74099.pdf>

¹⁹ House Committee on Government Reform, *Contacts Between Northrop Grumman Corporation and the White House Regarding Missing White House E-mails*, page 196 (September 26, 2000) (H. Hrg. 106-258).

<https://web.archive.org/web/20220701215157/https://www.govinfo.gov/content/pkg/CHRG-106hhrg74496/pdf/CHRG-106hhrg74496.pdf>

²⁰ House Committee on Government Reform, *The Controversial Pardon of International Fugitive Marc Rich*, page 2 (February 8, and March 1, 2001) (H. Hrg. 107-11).

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²¹ House Committee on Government Reform, *The Controversial Pardon of International Fugitive Marc Rich*, page 280 (February 8, and March 1, 2001) (H. Hrg. 107-11).

<https://web.archive.org/web/20220122125434/https://www.govinfo.gov/content/pkg/CHRG-107hhrg75593/pdf/CHRG-107hhrg75593.pdf>

²² House Committee on Government Reform, *The Controversial Pardon of International Fugitive Marc Rich*, page 200 (February 8, and March 1, 2001) (H. Hrg. 107-11).

between the chair and ranking member, provided for 60 minutes equally divided for member questioning of witnesses, and 30 minutes for committee counsel on each side, to question witnesses including:

- Beth Nolan, former Counsel to the President
- Bruce Lindsey, former Deputy Counsel to the President
- John Podesta, former Chief of Staff to the President
- Scooter Libby, Chief of Staff to the Vice President

At a May 3, 2001, [hearing](#)²³ on “The FBI’s Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati,” the House Committee on Government Reform invoked the rule to allow [60 minutes equally divided](#)²⁴ for member questioning, and [30 minutes of questioning](#)²⁵ by the Republican chief counsel, of witnesses including:

- Joe Salvati, who had been wrongly convicted of murder, and his lawyer Victor Garo
- Paul Rico, retired FBI agent

<https://web.archive.org/web/20220122125434/https://www.govinfo.gov/content/pkg/CHRG-107hhrg75593/pdf/CHRG-107hhrg75593.pdf>

²³ House Committee on Government Reform, *The FBI’s Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati* (May 3, 2001) (H. Hrg. 107-25).

<https://web.archive.org/web/20230315195635/https://www.govinfo.gov/content/pkg/CHRG-107hhrg76507/pdf/CHRG-107hhrg76507.pdf>

²⁴ House Committee on Government Reform, *The FBI’s Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati*, page 1 (May 3, 2001) (H. Hrg. 107-25).

<https://web.archive.org/web/20230315195635/https://www.govinfo.gov/content/pkg/CHRG-107hhrg76507/pdf/CHRG-107hhrg76507.pdf>

²⁵ House Committee on Government Reform, *The FBI’s Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati*, page 107 (May 3, 2001) (H. Hrg. 107-25).

<https://web.archive.org/web/20230315195635/https://www.govinfo.gov/content/pkg/CHRG-107hhrg76507/pdf/CHRG-107hhrg76507.pdf>

At a June 15, 2001, [hearing](#)²⁶ on “The Use of Prosecutorial Power in the Investigation of Joseph Gersten,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member questioning of witnesses including:

- Richard Gregorie, assistant U.S. attorney and former assistant State attorney, Miami-Dade County
- Michael Band, former assistant State attorney, Miami-Dade County
- Mary Cagle, assistant State attorney, Miami-Dade County
- Mike Osborn, retired Miami homicide detective

At a July 19, 2001, [hearing](#)²⁷ on “The Benefits of Audio-Visual Technology in Addressing Racial Profiling,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for member questioning of witnesses including:

- Viet Dinh, Assistant Attorney General, DOJ
- Rachel King, Legislative Director, ACLU
- Raymond Kelly, former Commissioner, U.S. Customs Service
- Brian Boykin, Fellow, National Organization of Black Law Enforcement Executives
- Chris Maloney, President, Tri-Tech Systems

At a December 13, 2001, [hearing](#)²⁸ on “The FBI’s Handling of Confidential Informants in Boston: Will the Department of Justice Comply with Congressional Subpoenas?” the House Committee on Government

²⁶ House Committee on Government Reform, *The Use of Prosecutorial Power in the Investigation of Joseph Gersten*, page 1 (June 15, 2001) (H. Hrg. 107-27).

<https://web.archive.org/web/20230315200122/https://www.govinfo.gov/content/pkg/CHRG-107hhrg76596/pdf/CHRG-107hhrg76596.pdf>

²⁷ House Committee on Government Reform, *The Benefits of Audio-Visual Technology in Addressing Racial Profiling*, page 4 (July 19, 2001) (H. Hrg. 107-36).

<https://web.archive.org/web/20230315200455/https://www.govinfo.gov/content/pkg/CHRG-107hhrg77191/pdf/CHRG-107hhrg77191.pdf>

²⁸ House Committee on Government Reform, *Investigation of Allegation of Justice Department Misconduct in New England – Volume 1* (May 3; December 13, 2001; and February 6, 2002) (H. Hrg. 107-50).

<https://web.archive.org/web/20221205173651/https://www.govinfo.gov/content/pkg/CHRG-107hhrg78051/pdf/CHRG-107hhrg78051.pdf>

Reform invoked the rule to allow [60 minutes equally divided for committee counsel questioning](#)²⁹ of witnesses including Michael Horowitz, Chief of Staff, Criminal Division, Department of Justice.

At a February 6, 2002, [hearing](#)³⁰ on “The History of Congressional Access to Deliberative Department of Justice Documents,” the House Committee on Government Reform invoked the rule to allow 60 minutes equally divided for committee counsel questioning of witnesses including:

- Dan Bryant, Assistant Attorney General, Office of Legislative Affairs, Department of Justice
- Mark Rozell, Professor, Catholic University
- Charles Tiefer, Professor, University of Baltimore Law School
- Mort Rosenberg, Specialist in American Public Law, Congressional Research Service

At a November 15, 2005, [hearing](#)³¹ on “Current Governance Issues at Amtrak,” the House Committee on Transportation and Infrastructure allowed 60 minutes equally divided for member questioning of witnesses including:

- David Laney, AMTRAK chairman of the board
- Jeffrey Rosen, General Counsel, Department of Transportation
- David Gunn, former AMTRAK president and CEO
- David Hughes, acting AMTRAK president and CEO

²⁹ House Committee on Government Reform, *Investigation of Allegation of Justice Department Misconduct in New England – Volume 1*, page 353 (May 3; December 13, 2001; and February 6, 2002) (H. Hrg. 107-50). <https://web.archive.org/web/20221205173651/https://www.govinfo.gov/content/pkg/CHRG-107hhrg78051/pdf/CHRG-107hhrg78051.pdf>

³⁰ House Committee on Government Reform, *Investigation of Allegation of Justice Department Misconduct in New England – Volume 1*, page 457 (May 3; December 13, 2001; and February 6, 2002) (H. Hrg. 107-50). <https://web.archive.org/web/20221205173651/https://www.govinfo.gov/content/pkg/CHRG-107hhrg78051/pdf/CHRG-107hhrg78051.pdf>

³¹ House Committee on Transportation and Infrastructure, Subcommittee on Railroads, *Current Governance Issues at Amtrak*, page 1 (November 15, 2005) (H. Rpt. 109-41). <https://web.archive.org/web/20230315201354/https://www.govinfo.gov/content/pkg/CHRG-109hhrg25921/pdf/CHRG-109hhrg25921.pdf>

At a May 23, 2007, [hearing](#)³² on “Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters,” the House Committee on the Judiciary invoked the rule to allow 30 minutes equally divided for member questioning of Monica Goodling, former Senior Counsel to the Attorney General and White House Liaison, Department of Justice.

At an April 24, 2008, [hearing](#)³³ on “Child Abuse Deceptive Marketing for Residential Programs for Teens,” the House Committee on Education and Labor invoked the rule to allow 30 minutes equally divided for member questioning of witnesses including:

- Christopher Bellonci, child/adolescent psychiatrist
- Kay Brown, Director, Education, Workforce, and Income Security, GAO
- Greg Kutz, Managing Director, Forensic Audits, GAO
- Jon Martin-Crawford, former Family Foundation School program participant
- Kathryn Whitehead, former Mission Mountain School program participant

In addition, the 2014 House [resolution](#)³⁴ establishing the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, provided that the Committee members and staff could conduct extended witness questioning as if under House Rule XI 2(j)(2).

³² House Committee on Judiciary, *Continuing Investigation Into the U.S. Attorneys Controversy and Related Matters (Part I)*, page 99 (May 23, 2007) (H. Hrg. 110-56).

<https://web.archive.org/web/20230315201611/https://www.govinfo.gov/content/pkg/CHRG-110hhrg35603/pdf/CHRG-110hhrg35603.pdf>

³³ House Committee on Education and Labor, *Child Abuse and Deceptive Marketing by Residential Programs for Teens*, page 9 (April 24, 2008) (H. Hrg. 110-89).

<https://web.archive.org/web/20210410113257/https://www.govinfo.gov/content/pkg/CHRG-110hhrg41839/pdf/CHRG-110hhrg41839.pdf>

³⁴ *Providing for the Establishment of the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi*, H. Res. 567, 100th Congress (1987).

<https://web.archive.org/web/20220709022006/https://www.congress.gov/113/bills/hres567/BILLS-113hres567eh.pdf>