

WINNING IN THE PUBLIC EYE

Providing Legislative Testimony



AMERICAN ACADEMY of ACTUARIES

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"Winning in the Public Eye: Providing Legislative Testimony"
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WHAT TO EXPECT, HOW TO PREPARE

It is a distinct honor to be asked to testify on important public policy matters before Congress, state legislatures, or other governmental bodies. It is evidence of professional excellence and public prominence to be recognized as an individual with knowledge and expertise that are valued by policymakers at the highest levels, or that legislators and regulators have identified your profession itself as significant and have asked an organization to provide a representative to give expert testimony.

The American Academy of Actuaries is the organization in the United States for providing subject matter experts representing the actuarial profession to appear before legislative bodies at both the federal and state levels. This includes appearing before committees of the U.S. Congress and state legislatures, federal and state regulatory hearings, the National Association of Insurance Commissioners, the National Conference of Insurance Legislators, and many national, international, and state-based standard-setting bodies on a myriad of issues.

At the Academy, the professional staff helps prepare actuaries who serve as witnesses on behalf of the Academy for legislative hearings. Preparation includes help in drafting the written and oral testimony, message points, audiovisual aids, and an actual walk-through (rehearsal and role-playing Q&A) of the hearing. Testimony on behalf of the Academy is considered a public statement and subject to the Academy's "Guidelines for Making Public Statements." These guidelines are available at: <http://www.actuary.org/content/guidelines-making-public-statements>. Time is of the essence in preparing and submitting congressional testimony; congressional committees enforce strict deadlines and do not allow exceptions.

To Testify or Not to Testify

Should you be called upon in your own right, here are some considerations. Some witnesses debate whether it is worth going through the trouble of testifying before a legislative body. It is a lot of work, and witnesses are placed in a very public position. Your testimony will enter the public record and will be relied upon by policymakers, academics, reporters, and historians as a valuable contribution to the development of a public policy. Relatively few individuals are ever offered the opportunity to lend their knowledge, experience, and insights to a policy debate on an important issue. Being asked to testify before lawmakers should never be taken lightly.

The Hearing Format

Most hearings are open to the public and include an audience of people interested in the issue, typically seated behind the witness panel. There is usually a table where the working news media are seated and where copies of the testimony and related documents are made available at the beginning of the hearing. Some hearings are aired live or recorded for future broadcast, such as on the *C-SPAN* network in the case of the U.S. Congress.

Legislative hearings are called by the person(s) who chairs the committee or subcommittee of jurisdiction on an issue. There may be more than one committee with jurisdiction over an issue. This could result in a joint hearing.

Testimony in both the U.S. Senate and House of Representatives generally is strictly limited to five minutes for delivery. Written testimony may be longer for submission for the record, and, according to a specific committee's rules, a set number of copies will need to be submitted three to five days before the day of the hearing. A hearing that includes numerous witnesses typically will be divided into panels of three or four people who will testify in a pre-established sequence. After all the witnesses on the panel have delivered their prepared oral testimony, the committee's chair and ranking member generally will begin the process of asking questions of the panel, either directly addressed to a specific witness or as open questions to be answered by any witness who chooses to address the subject.

HEARING

Informing the Debate vs. Advocating

The questions that are asked of the witnesses can be general to confrontational in nature. The makeup of committees and the subject matter of each hearing can have a bearing on whether the hearing is conducted in true fact-finding fashion or driven by partisan or regional/geopolitical concerns. To that end, hearings themselves can have personalities of their own. On contentious issues, hearings can produce opinionated statements and turn raucous and even unpleasant. On the other hand, most hearings are organized, friendly, and informative, with an appreciation for the time witnesses take to testify and the help they are offering legislators.

Nonpartisan organizations are invited to testify because they bring an objective and knowledgeable perspective to a hearing. In many other cases, witnesses might have strongly defined positions and opinions. A witness seated next to an Academy presenter could be a staunch advocate who disagrees with the information from the Academy perspective and will say so directly, while on the other side could be seated an advocate who agrees with the Academy perspective and would encourage taking that perspective a step or two further.

Academy witnesses adhere to the important tenet that their testimony be nonpartisan, objective, and unbiased and that it does not assert a position on behalf of the Academy that has not already been approved as an official public statement of the Academy. While remaining above the fray may sound safe, it is actually a more challenging position, as committee members may attempt to draw a witness into a debate or ask a witness to compare and contrast the positions of other witnesses on the panel. Some committee members even may ask witnesses to offer personal opinions, to “take off your Academy hat and tell us what you really believe.” But when representing the profession, it is important to steer clear of such overtures. All comments are on the record, both in the legislative record and in the media. Once spoken, words cannot be taken back. Therefore, it is imperative to confine your remarks, both in testimony and in Q&A, to approved policy statements that were developed for the hearing.

Briefly, Be Brief

Witnesses who have been scolded by the chairman of a congressional committee when their testimony went long will tell you it isn't a fun experience. Don't let it happen to you. Keep your oral remarks to the five-minute limit. The written testimony and supporting attachments can include much more background to make your case. Keep any charts simple and to the point because legislative panels, collectively and otherwise, have little time to spare and their members do not appreciate having to squint or read lengthy text to find the pertinent information. Streamline your presentation and avoid potentially clumsy transitions. When at the hearing, answer questions directly and avoid using technical jargon and providing too much background. If any members of the committee need an explanation or further information, don't worry—they will ask.

Protocol and Etiquette

It is important to follow the rules of the legislative body to which you are delivering testimony. For example, each committee in Congress has specific and unique rules about providing testimony. It is never appropriate etiquette to argue either with other members of the witness panel or with legislators. It is appropriate to disagree politely to correct misinformation or to support the credibility of your testimony.

When addressing members "at the dais" it is proper to refer to them as Congressman, Congresswoman, or Representative (plus the last name) in the U.S. House of Representatives. And, of course, say Senator _____ (last name) when addressing a member of a panel in the U.S. Senate. Whoever is chairing the hearing is referred to as Mr. Chairman or Madam Chairwoman (or Chairman if she prefers). Witnesses should wear appropriate business attire. Because the hearing may be televised, it is best to avoid bold patterns and stripes, which can be distorted by the camera lens. A formal posture should be practiced, with your hands kept on the table and back held straight. Avoid distracting actions such as over-handling items on the table or tapping your foot.

When others are testifying, turn your focus to their presentation and feel free to take notes. You never know when a follow-up question on what someone else has said will be directed to you. It is best to confine what you bring to the witness table to no more than a notepad and pen, your remarks, and one or two reference items or visual aids, if needed.

PROTOCOL

Political Persuasions

For any public speaking presentation, it is important to know the audience. Because elected (and even appointed) officials have political backgrounds and specific perspectives born of either their constituency or their own professional backgrounds, it is crucial to do research on the profiles and sensitivities of the committee members and your fellow panelists. Do not assume that party affiliation provides sufficient insight into a lawmaker's views on an issue; regional, local, and personal views and experience matter just as much. This knowledge will help avoid inadvertent remarks and allow you to take advantage of opportunities to build a rapport with the member. The Academy's staff will help brief you on these important details.

The Human Impact

Whether the issue is Social Security or Medicare; retirement security; or health, life, or property/casualty insurance, actuaries are involved in public and private programs that affect millions of people. Because actuaries deal primarily with the financial aspects of these programs, they can be **wrongly** perceived as insensitive “bean-counters” who only look at the bottom line. While the legislators you might be testifying before need your expert knowledge, they also are looking for ways to understand the effect of their policy decisions on their constituents. The reporters covering the hearing similarly will try to explain what the issues mean for their readers and viewers. By explaining how a particular policy decision will affect groups of people, or a family, or a single individual, you are helping policymakers make informed decisions on the policies that directly affect the people they represent.

Be a Qualified Source

Most legislators do not have negative conceptions about actuaries. This is validated by the number of times actuaries represent the Academy, the insurance industry, human resources management firms, and even government agencies before legislative panels. It is important that actuaries be considered qualified experts—and to reinforce this impression, actuaries need to step up and accept invitations to testify and to do their best when doing so. The Academy staff is ready, willing, and able to help you in this endeavor.

After the Hearing

After the hearing, committee staff or members of the news media may contact you for clarifications or additional information related to your testimony. Such requests are not out of the ordinary and even can be a sign of the effectiveness of your testimony in providing a valuable new perspective on an issue that others had not considered. Like oral or written testimony prepared for the hearing, your responses to post-hearing requests may become part of the public record, so be sure to coordinate your response with the Academy staff to ensure that it conforms to the Academy's guidelines for making public statements.

Witness Checklist

- Work with Academy staff to prepare both your oral and written testimony (to be included in the record) in accordance with the Academy's "Guidelines for Making Public Statements" and practice your presentation.
- Testimony should be nonpartisan, objective, and unbiased.
- Confine your remarks, both in testimony and in Q&A, to approved policy statements that were developed for the hearing.
- Follow all of the legislative/regulatory committee's rules and protocols, and remember to address the members of the committee appropriately.
- Research the background of the members of the committee to better address their particular concerns and interests.
- Incorporate possible real-life effects of an issue into your testimony.
- Dress appropriately, practice good posture, and be respectful to your fellow witnesses.
- Above all, respect the time of the members of the committee and be brief and direct in your oral testimony and answers to questions.

CHECKLIST