So, you've been asked to

Testify before Congress

Committee Jurisdictions *(examples – not all inclusive)*

Authorization Committees -- *House and Senate Armed Services*

- Study and review of matters relating to the common defense policy of the United States.
- The Departments of Defense, the Army, the Navy, and the Air Force, generally.
- Size and composition of the Army, Navy, Marine Corps, and Air Force.
- Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.
- Military research and development. Strategic and critical materials necessary for defense.
- National security aspects of nuclear energy; naval petroleum reserves, except those in Alaska
- Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations. Military applications of nuclear energy.
- Soldiers' and sailors' homes. Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.
- Merchant Marine Academy, State Merchant Marine Academies. Armed Services aspects of merchant marine.
- Maintenance and operation of the Panama Canal.
- Selective service system.
- Tactical intelligence and intelligence related activities of the Department of Defense.
- Special oversight functions with respect to international arms control and disarmament.

House and Senate Appropriations Committees

The House and Senate Appropriations Committees each have thirteen subcommittees. The subcommittees on Defense and Military Construction are two of those thirteen.

Their roles are defined by the U.S. Constitution, which requires "appropriations made by law" prior to the expenditure of any money from the Federal treasure.

The Appropriations Committees write the legislation that allocates federal funds to the numerous government agencies, departments, and organizations on an annual basis.

Appropriations are limited to the levels set by a Budget Resolution, drafted by the Budget Committees.

This handbook does not replace Army Regulation 1-20, "Legislative Liaison, or Department of the Army Congressional Actions Responsibilities Standing Operating Procedures (CARSOP). It is intended as a guide for testifying before Congress. The AR and SOP shall take precedence if information in this handbook conflicts with them.

TABLE OF CONTENTS

LEARNING ABOUT THE HEARING

Why me? ..... Page 1
Why have a hearing? ..... Page 1
Are all hearings the same? ..... Page 2
What about this particular hearing? ..... Page 3
What should I know about the Committee? ..... Page 4

YOUR OFFICIAL STATEMENT

Do I have to write something? ..... Page 5
Tell me more about the three versions of my statement. ..... Page 6

OPENING REMARKS

How do my opening remarks differ from the official statement? ..... Page 7
How should I structure my opening remarks? ..... Page 8

TAKING ACTION

What should I do first? ..... Page 9
What support can I expect from others? ..... Page 10
How do I prepare? ..... Page 11
What will the study books look like? ..... Page 12
Why two study books? ..... Page 14
How can I use the theme and messages? ..... Page 14
How should I practice my delivery? ..... Page 15
How can I practice answering questions? ..... Page 16
How does the murder board work? ..... Page 16

Continued next page

PLANNING FOR THE HEARING

What do I take with me? ..... Page 17
Who goes with me? ..... Page 18
What do I wear? ..... Page 19
When should I arrive? ..... Page 19

AT THE HEARING

What will the hearing room be like? ..... Page 20
Who's in charge? ..... Page 20
Where will I be seated during my testimony? ..... Page 21
Where will my backup staff be seated? ..... Page 21
How do I address the Committee Members? ..... Page 21
Understanding the setting ..... Page 22
How can I enhance my delivery? ..... Page 23
What are the hearing procedures? ..... Page 25
What's the sequence of the hearing? ..... Page 26
What's my role -- how do I act? ..... Page 27
What is the Army's guidance for my testimony? ..... Page 28
How shall I respond to questions? ..... Page 29
What if I don't know the answer to a question? ..... Page 29
What if I misspeak? ..... Page 30
Who else will be there? ..... Page 30

IN SUMMARY

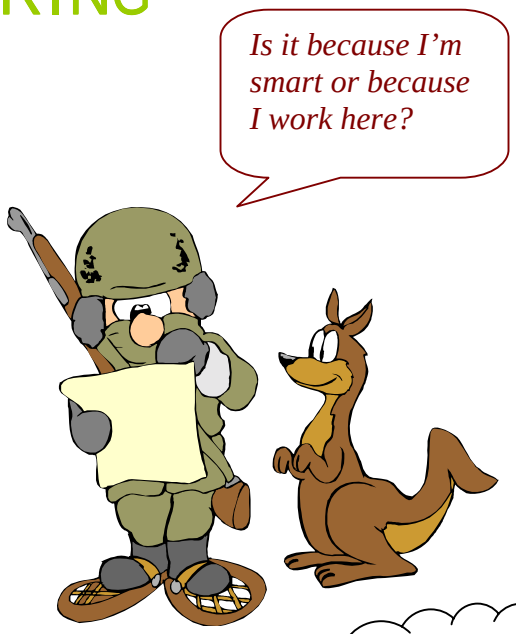
Success Tips: A Review ..... Page 31
Some cautions and considerations ..... Page 32

AFTER THE HEARING

How will I know if I succeeded? ..... Page 33
What happens to my prepared statement? ..... Page 33
What's an official transcript? ..... Page 34
What's an unofficial transcript? ..... Page 34
Will I get to see or edit the official transcript? ..... Page 35
What are questions and inserts for the record? ..... Page 36
How are questions for the record handled? ..... Page 37

CREDITS ..... Page 38

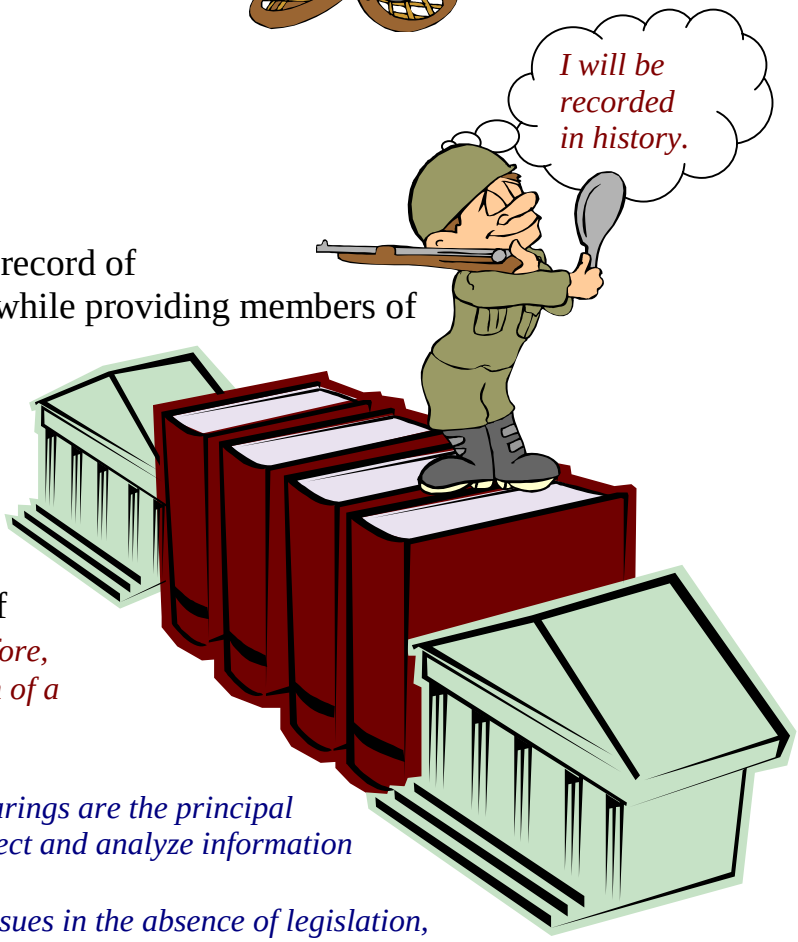
LEARNING ABOUT THE HEARING



Why me?

The Committee Chairman usually sends a letter to the Defense Department that describes the subject of the hearing and invites the witnesses the committee wants to hear from.

Witnesses are chosen for either their expertise or because of their position.



Why have a hearing?

Hearings create an official record of information and opinions, while providing members of Congress an opportunity to present their views and challenge opponents.

Before legislation is considered on the floor of the House or Senate, committees are required to make available to all members the transcripts of hearings related to that legislation. *Therefore, your statements could influence the final version of a defense bill.*

- ***Collect and Analyze.*** *Congressional hearings are the principal formal method by which committees collect and analyze information in the early stages of policy making*
- ***Legislation.*** *Hearings may be held on issues in the absence of legislation, but many are held on particular legislative proposals.*
- ***Proponents and Opponents.*** *Sometimes those in favor of the proposed legislation testify separately – in a different hearing -- from the opponents. However, sometimes both supporters and opponents testify in the same hearing. This could be tricky.*

Are all hearings the same?

No. There are four types of hearings.

Four Types of Hearings

Type	*Purpose*	*Comments*	*Your Mission*	*Tips*
1. Legislative	To consider current legislation, defense bill, e.g., or need for new legislation.	Sometimes called posture hearing.	Sell the DOD (Army) budget for the next fiscal year.	Know your program. Offer clear and concise explanation
2. Oversight	To gather information. To consider how legislation is being implemented.	Often held when implementation criticized. Could be confronta-tional.	Explain what your program does and why it is important. You may be put in role of defending your actions.	Keep cool. Count to ten, look out the window, drink some water, but don't get into a fight.
3. Investigative	To uncover evidence of wrongdoing.	Can be painful. Chairman must state precise purpose at outset. Witnesses are under oath and may be accompanied by legal counsel.	Survive.	Tell your side of the story calmly. Stick to truth and keep repeating it. Don't get mad. Admit failures and highlight corrective actions taken.
4. Confirmation (Senate only)	To review Presidential appointments subject to Senate confirmation. To decide whether the Senate should confer approval.	Usually friendly, but take it seriously. Concentrates on qualifications and views.	Don't talk too much.	Tell committee it's an honor to be nominated and if confirmed you look forward to working with them.

What about this particular hearing?

The letter from the committee chairman usually gives specific details about the hearing, such as –

- Purpose
- Date, time, and location
- Names or titles of witnesses requested
- When to submit your prepared statement and the number of copies required
- Committee point of contact

The Chairman's letter

Not a Vacuum. Since hearings are an ongoing process by which the Administration and Congress communicate with each other, no single hearing should be approached as existing in a vacuum. Therefore, preparation for a hearing must begin with a survey of testimony already submitted by your department. Any Administration testimony should match the policy enunciated by the President.

As a spokesperson for The Army you should know the contents of the Army Posture Statement or other testimony given by the Secretary and Chief.

Purpose. The purpose for holding a particular hearing could be due to concerns of the Chairman, his staff, or individual Members of the committee or subcommittee. Ideological issues or partisan issues could be involved. The subject of the hearing may raise national policy questions or "downtown, hometown" matters important to a Member as the representative of his constituency.

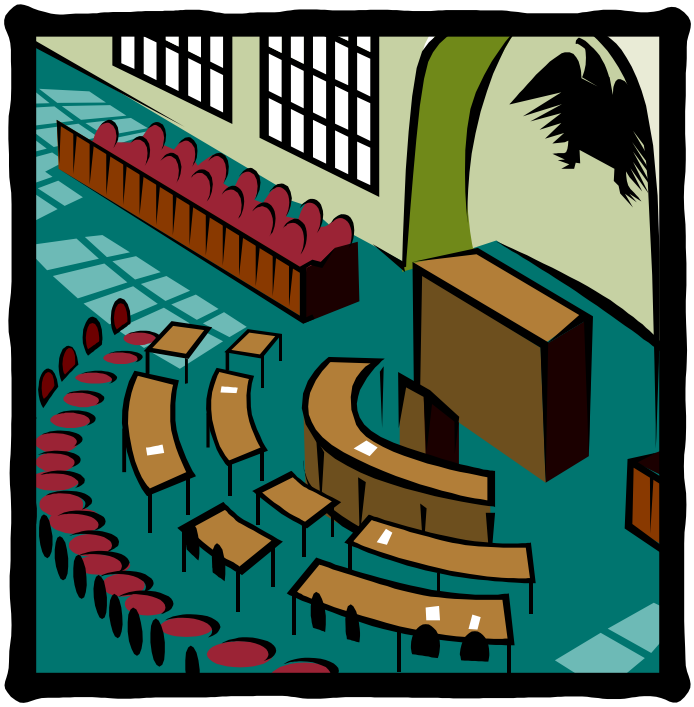
Asking Committee Staff. Congress, its committees, and its individual Members have their own agendas, priorities, and methods of operation. Some of which could differ from those of the Department of Defense.

Committee staff members are often willing to explain what is behind the hearing or the calling of a particular witness. They may be willing to indicate, through Congressional liaison channels, what the nature of the questions will be and what sort of information the committee chairman hopes to receive from the Administration witnesses.

What should I know about the Committee?

Committee

A congressional committee reviews and prepares measures for action by the full House or Senate. *A hearing is one way to get information they need to refine a measure, the defense authorization bill, for example.*



Chair

Conducts and sets the pace of the hearing. *Usually the highest-ranking member of the majority party.*

Ranking Member

Usually the committee's highest-ranking member of the minority party.

Committee Staff (*Professional Staff Members*)

Prior to the hearing, the staff might read the official statement you provided the committee and prepare questions for the members to ask you. *It is not unusual for committee members to confer with their staff during the hearing.*

Committee Overview. *OCLL (or SAFM-BUL) may help prepare witnesses by briefing them on the composition, desires, interests, and attitudes of the committee and its members. They may also provide witnesses any information received during preliminary meetings with the committee staff on the line of questioning to be used during the hearing.*

Powers of Congress

"The Congress shall have power to raise and support armies…to provide and maintain a navy…to make rules for the government and regulation of the land and naval forces…to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions…to provide for organizing, arming, and disciplining the militia." *Constitution of the United States*

YOUR OFFICIAL STATEMENT

Do I have to write something?

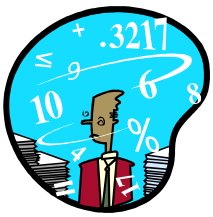
Yes, you will need to prepare a written statement. *Think of it as your command's posture statement.*

You will need three versions of that statement.

1. One version for the official records (***official written statement***). *This version will appear in the official record as what you actually said at the opening of your hearing, rather than the shorter version that you actually spoke from.*

2. A shorter version to read from (***opening remarks***). This version should be consistent with the official statement. *Practice reading this out loud. Writing words for speaking is different than writing words for reading.*

3. And another even shorter version (***abbreviated opening remarks***) in case the Chairman wishes to speed things up. *Time limits are not unusual, so it's best to be prepared.*



It's best to stay away from budget figures that can be disputed. *Army, OSD, and OMB may have different numbers.*

Supporting Army Goals. *All testimony should be geared to support the stated goals of upgrading the quality of personnel and equipment, obtaining maximum benefits from all resources, and shaping the Army for the future.* *Army's Congressional Actions Responsibilities Standing Operating Procedures (CARSOP)*

** From Secretary of the Army White's opening statement at a posture hearing.*

Tell me more about the three versions of my statement.

We like statements that convey facts, contain original analysis, and clearly state a position.

Professional Staff Member (*Committee staff*)

Three Versions	Length	Purpose	Comments	Format Tips
Official written statement	5 to 20 minutes	**P**ublished in the official transcript of the hearing. **W**ill be recorded as your *actual* opening remarks.	**S**hould sound like what you would actually say out loud. **C**ommittee staff will review it as a source for questions for committee members to ask you. **C**ommittee staff will place copies in the hearing room for the media and the public in general, but not until the hearing is about to begin.	**I**nclude your bio, with picture, so the committee members will know something about you. **P**rescribed format is in Army's Congressional Actions Responsibility SOP (CARSOP).
Verbal statement or Opening Remarks	3 to 5 minutes	**T**his version is for you. **M**emorize it or read from it.	**I**ntroduce yourself; establish credibility – why you're qualified to answer their questions. **E**xplain your command or your position on the matter before the committee.	**L**arge print, double-spaced, wide margins for last-minute notes. **P**rint only on top half of paper to eliminate head-bobbing.
Abbreviated verbal statement (summary of the summary)	1 minute	**U**sed as a backup when the Chairman suddenly requests you to limit your remarks to 1 or 2 minutes.	**P**revents being caught off-guard trying to summarize your 5-minute speech. *Being prepared gives the appearance that you really know your topic.* **B**riefly introduce yourself, your command, and your position on the matter before the committee.	**5** x 7 cards help distinguish it from longer version.

OPENING REMARKS

How do my opening remarks differ from the official statement?

The reading version of your statement is –

- *Shorter*
- *Written to be spoken as a conversation.*
- *Summarizes only most important points*
- *No more than 5 minutes to read out loud*

Make sure **you** are comfortable with your statement. *You will be the one reading it to the committee.*

Main points. Try to limit to only three points.

Avoid complicated sentences. *Convoluted sentence structure, long qualifying clauses, and run-on sentences lose the listener's attention.*

Use examples or stories where possible, people remember them. *"From a Pentagon location, this weapon could hone in on this committee room and read the notes in front of you."*

Involve your audience. *"Thanks to this committee's support…."*

The ritual. Use of *ritual* opening and closing remarks *(see next page)* emphasizes that –

- You are present by choice.
- You consider yourself an appropriate spokesperson for the occasion.
- You desire to help the committee.

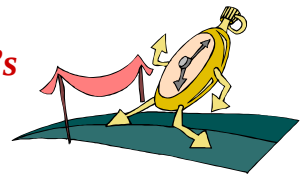
Using these ritual remarks enhances your personal credibility as a witness.

The repeated use of the same phrases underlines the theatrical nature of the event.

How should I structure my opening remarks?

The *ritual* **Opening**	"Good morning, Mr. Chairman, and Members of the Committee. My name is General *Monroe.* As the Commander of …, I am responsible for…" *"I am pleased to be before the committee today, testifying…."* *"I have submitted my full statement to the committee, which I ask be made part of the hearing record. I will now give a brief opening statement."*
The Body	**Establish credibility.** Personal qualifications, academic degrees, work experience, titles held, books written. *Helps answer their unspoken question, "Why should we listen to you?"* **Provide a labeled thesis.** A short explanation to call attention to your point. Spoken English lacks paragraph markers, italics, numbers, or other structure, but you can use words to underline for your listener and call attention to what is particularly important. "The point of my testimony today is that …." "I am here today to tell you that adoption of the HR 1234 would be disastrous for this nation's security." "I come before the committee today, Mr. Chairman, to urge adoption of HR 1234 for the following three reasons." **Enumerate.** Keep enumerated statements close together. Too many words between each number will diminish the effect. Also, the reasons enumerated should make a statement not be a mere description. "Mr. Chairman, firstly, HR 1234 is an unworkable idea." "And second, HR 1234 is unconstitutional." "My first point today, and one that the lawyers on the committee will find especially interesting, is that HR 1234 is unconstitutional." *(Stronger than, "First, let me discuss…."* **Offer supporting materials.** Allows you to bring attention to the core of your argument and save the details for your written submissions. **Summarize the arguments.** When you finish explaining your points, reiterate them as a summary. *"In summary, Madam Chairman, we believe there are three reasons why your committee should reject HR 1234."*
The *ritual* **Closing**	*"Thank you, Mr. Chairman and committee members, for the opportunity to appear before you today. I stand ready to answer any questions you might have."*

The words, "in summary" or "to summarize" regain your audience's attention for the few seconds it takes to summarize your points.



TAKING ACTION

The first step

What should I do first?

First and foremost, complete your official prepared statement. Everything else evolves from it, such as –

- Your theme.
- Your messages.
- Your desired outcome.
- Your abbreviated opening remarks – *5-minute and 1-minute versions.*
- Your practice sessions – *reading abbreviated opening remarks out loud, and your participation in a "murder board," if you choose.*
- Questions the committee may ask you during the hearing. *Yes, that's why they want your statement early.*

Know every word in your official statement. Committee members often quote from it during the hearing*. Better than saying, "Oops, I wonder how that got in there?"*

Don't be late. The committee expects your statement several days before the hearing, usually 48 hours. OMB wants it 5 days before the committee's due date. *Committee chairmen have been known to open a hearing saying that your prepared statement was late.*

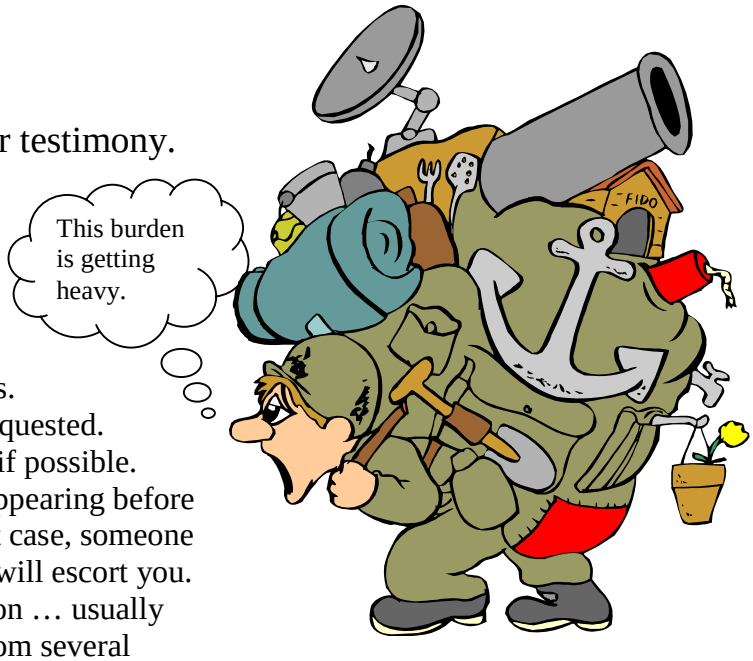
Position. Your prepared statement will be published as the Administration's position. *Until it's approved, you are not home safe.*

Coordination. Preparing your statement early allows for the time it takes to coordinate it with the various offices in the Pentagon as well as with the President's Office of Management and Budget (OMB).

Other witnesses. Consider contacting other witnesses to agree on strategy for the hearing, such as, who will take the lead on certain kinds of questions. *Are the other witnesses for or against the legislation?*

What support can I expect from others?

Your speechwriters – can help prepare your testimony.



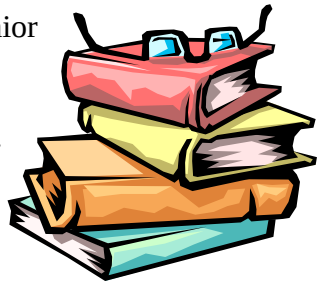
The Secretary of the Army's Office Chief of Legislative Liaison (OCLL) –

Offers training on testifying before Congress.
Can provide a Congressional overview, if requested.
May get "early" questions from committee, if possible.
Will escort you to the Hill – unless you're appearing before an appropriations committee. In that case, someone from Budget Liaison (SAFM-BUL) will escort you.
Might arrange a murder board at the Pentagon … usually when Army witnesses are coming from several locations

Congressional Activities Office –

Prepares a study book of background information, such as:
- Committee makeup and member profiles
- Chairman's agenda and member's concerns
- Previous hearing excerpts, including answers to questions posed to senior leaders.

Works with OCLL to obtain any "early" information available.
Oversees coordination of your written testimony with the Pentagon and OMB.



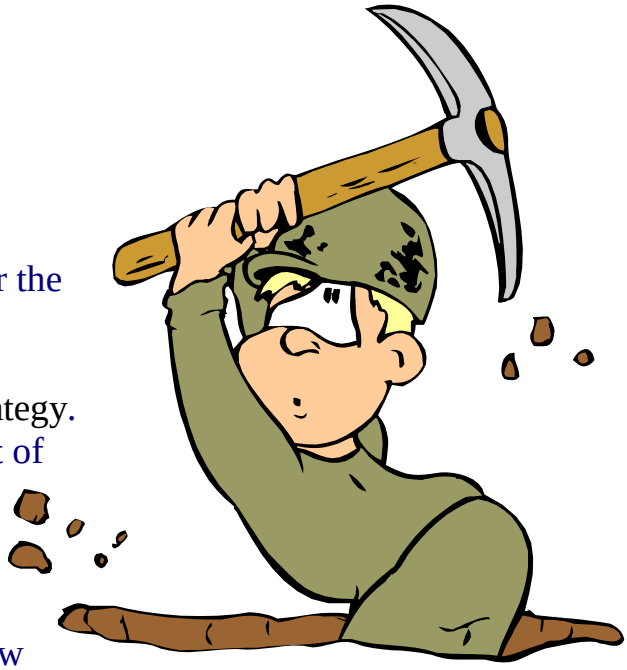
Headquarters functional proponent (*staff lead for hearing prep*) –

Prepares a study book containing information relating to the subject of the hearing.
Prepares possible questions and answers.
Reviews, analyzes, and/or summarizes relevant reports sent to Congress.

Murder Board –

Selected members of your staff can help simulate a hearing in which they will play the roles of members asking you questions.

How do I prepare?



Themes and goal. Know your themes and goal for the hearing. *Weave themes into your planned responses.*

Answering Strategy. Decide on an answering strategy. Should your answers convey the maximum amount of information or will your responses be brief? *Brevity is usually best during investigative hearings when full explanations might prompt more critical questions.*

Key points and counter-arguments. Identify a few key points you want to make so the lead staff office (functional proponents) can work on effective counter-arguments to those key points. *If committee members argue your points, you will be prepared with further explanations For instance:* Why do we need this type of training? *(Your response*). Why is it not funded until FY##? *(Your response).*

Leaks. Think of anything your command is working that may have been leaked, even though not intended for release to Congress. *Never assume your command has secrets of which Congress is unaware.*

Communicate with staff. Unless everyone is in synch – *themes, key points, answering strategy, for example* – your study books and preparation material will be off-target.

Practice reading your opening statement aloud. *Spoken sentences must be shorter and simpler than sentences meant for reading.*

Review Study Book One, the *Congressional read ahead*. This will help you understand the hearing itself – the background, the concept, and the *lay of the land*.

Review Study Book Two, the *functional prep*. This book will focus on the subject matter content of the hearing.

Murder Board. You may choose to participate in a *murder board* to practice answering tough questions and interspersing your themes into the answers.

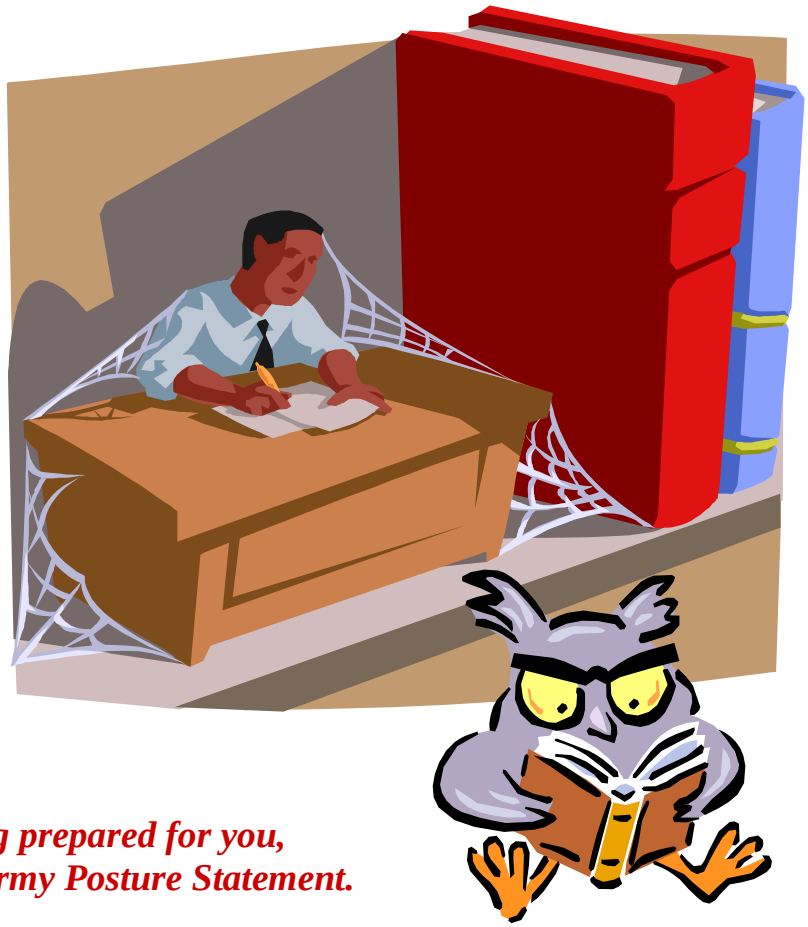
Current events. Members often quote a news article they read recently. *Continue reading the Early Bird to know what's happening across the Army and the Department of Defense.*

What will the study books look like?

Although the number and makeup of the study books will vary, the following are examples of what might be contained in the books. Normally there will be two study books, but that also could vary.

Book one would focus on the Committee, previous testimony, and the logistics and mechanics of the hearing itself.

Book two would focus on the subject matter of the hearing.



While the study books are being prepared for you, become acquainted with The Army Posture Statement.

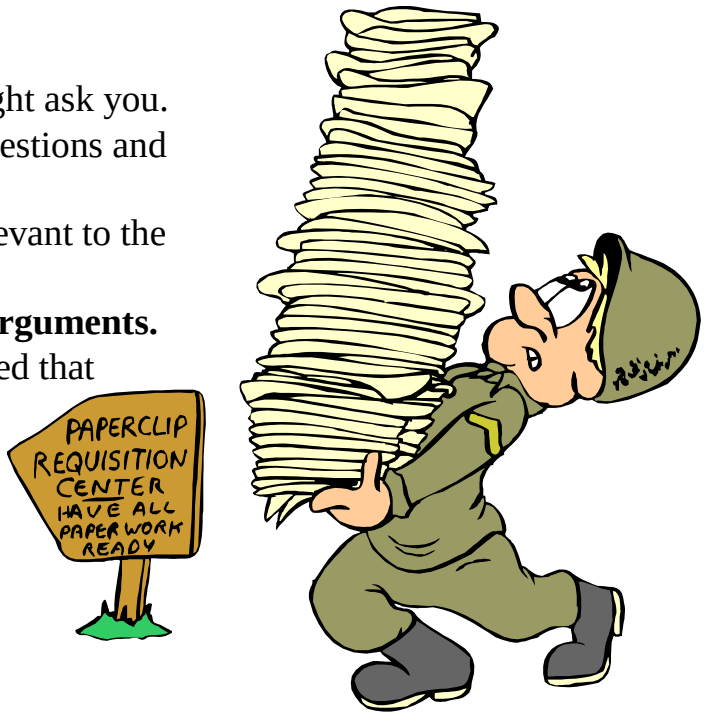
Study Book One, or the *Congressional Read Ahead* might contain –

- Chairman's letter that announces the hearing.
- Committee's press release about the hearing.
- Information about the committee at large. *Responsibilities, previous hearings.*
- Information about individual members.
- A pictured seating diagram *(face chart)* of the committee. *This will show you where each member will be seated during the hearing and allow you to become familiar with their faces.*
- Previous testimony by senior leaders. *Knowing their answers to questions could help guide you and provide an understanding of current concerns of Members.*
- Previous contacts with Congress – *Army leaders are frequently meeting with Members of Congress. It could help to know what they talked about.*

*The Congressional Activities Office prepares this "**Congressional read ahead**" or Study Book One.*

What will the study books look like? *Continued*

Study Book Two, or the *Functional Prep* might contain –



- **Answers** to questions the committee might ask you.
- **Information papers** relating to those questions and answers.
- **Army position papers** that might be relevant to the hearing.
- **Your key points and** possible **counterarguments.**
- **Possible "leaks."** Anything being worked that might possibly have been leaked, even though not yet released to Congress.
- **What's been said before** *(highlights or summary of the following) –*

Army Posture Statement. Specifically prepared to support testimony.

Unfunded Requirements. Have Army senior leaders provided to Congress a Priority List of Unfunded Requirements? *It has become almost customary for Congress to ask the service Chiefs for such a list each year during the military posture hearings.*

Unanswered mail. Communications to which you still owe a response to the Committee or a member of the committee. *During a hearing, it is not uncommon for a Member to ask why they have not received a response to a letter or request.*

Investigative reports. Reports covering subject of hearing done by DOD, DAIG, or by GAO, AAA, or a House Appropriations Committee Survey and Investigations (HAC S&I) team. *Could one be a source for questions asked during the hearing?*

Other annual reports to Congress. Besides the Army posture statement, other reports might be a source for questions asked during the hearing**.** *Annual Defense Report, Quadrennial Defense Report, Reports on Chemical and Biological Defense, Operational Test and Evaluation, Environmental Restoration Program, Industrial Capabilities, Nuclear Posture, Special Operations Forces Posture, or posture statements of other military services.*

*The functional proponent (staff lead) usually prepares the "**functional prep**" or Study Book Two.*

Why two study books?

Two books will allow you to focus individually on –

1. The hearing itself – who, what, where, when, and why? *(Congressional Read Ahead)*

2. The subject matter of the hearing and the Army's position. *(Functional Prep)*

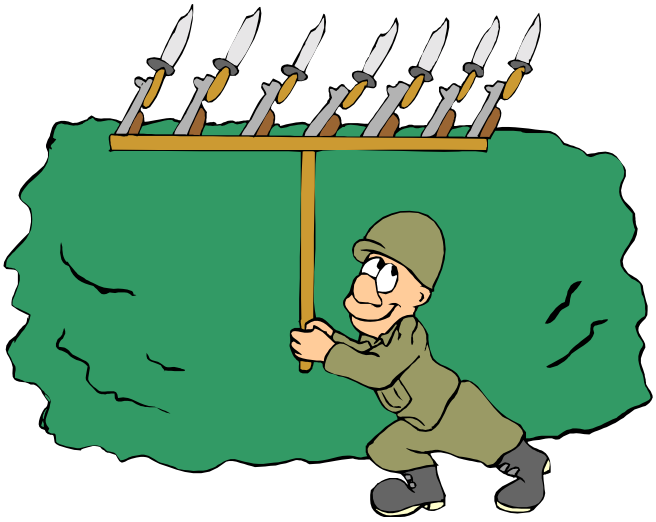
And, besides, each book could become bulky. Having two books will be easier to handle – physically and mentally.

How can I use my theme and messages?

If a committee member asks a vague question, give a generic answer using your theme message. *"Sir, I'm not sure how I'm supposed to answer that, but I do know that (your theme)."*

Interweave your theme messages throughout all your answers, when possible.

Your participation in a murder board will be a good time to practice this strategy.



How should I practice my delivery?

So much to remember. Let's see.
***D**uring testimony, sit forward…both feet on the floor to prevent fidgety feet …both arms on the table...unless it's uncomfortable.*
***S**upport weight with my spine, not my forearms, else I slump forward and my shoulder pads raise up to my ears.*
***W**hen others are testifying, turn towards them or focus on the committee.*

Sit at a table. Place your statement in front of you, but perhaps not in your hands.

Shaky hands during testimony could cause your copy to wave like a white flag.

Read aloud, preferably before an audience. Use your voice – pitch, tone, volume, and pauses – to ***highlight*** words and statements.

You can practice reading to a colleague, a spouse, a child, your dog, or a teddy bear.

Mark your spot. *Use your finger to mark your spot so you can look at the "committee" and not lose your place.*

Mark your text. Underline key words with 1, 2, or 3 lines. *Not all words are equally important.*

Time yourself. Practice both versions: *The 1-minute and the 3- to 5-minute versions.*

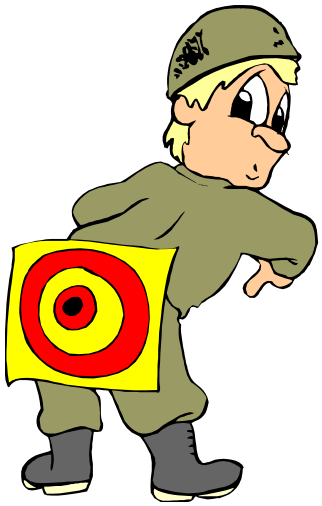
Record and listen to yourself. *Relax and try to be conversational.*

Challenge. It is quite a challenge to read your testimony aloud, word for word, and yet speak as conversationally as possible. *Take advantage of three ways your voice can add a conversational quality to your remarks: pitch, volume, and speed of delivery.*

How can I practice answering questions?

You can study the question and answers contained in the functional prep book (Study Book Two) prepared by your staff.

And you can subject yourself to a *murder board*.



Winston Churchill was a great speaker, in large part because he knew the value of rehearsing. One time his butler heard him talking while he was taking a bath. The butler asked, "Mr. Churchill, were you addressing me?" Churchill replied, No, I was addressing the House of Commons."

How does the murder board work?

The "murder board" simulates an actual hearing.

Run it as close to a hearing as possible.

Deliver your opening statement.

Members of the "board" (simulating the committee) ask you questions.

You may choose to scoff at some questions as ridiculous or irrelevant, but it is better to practice answering them all – using your themes and messages where possible. At the hearing you do not get to decide what you will be asked.

Board members can be –

Subject matter experts
Non-subject matter experts
Congressional experts
Public affairs personnel
Anyone who can ask tough questions

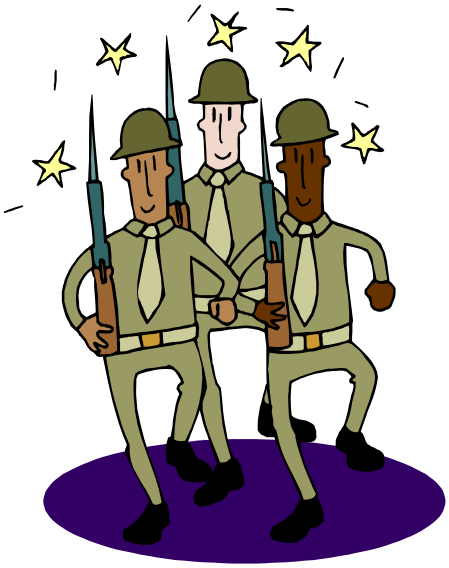
PLANNING FOR THE HEARING

What do I take with me?

A checklist *(not all inclusive)*

✓	**Class A Uniform**	*Required for military when visiting Capitol Hill.*
✓	**Two versions of opening statement** *(5 min & 1 min) that you will read from.*	*The committee will have already received 25 or more copies of your official statement and your bio.*
✓	**Stand or prop**	*Used to slightly elevate your opening remarks for ease of reading. Also prevents broadcasting "shaky hands."* *A piece of heavy cardboard will work.*
✓	**Visuals** *(if you plan to use them)*	These must have been cleared with your official statement through DA, OSD, and OMB. ***Caution:*** *Usually it's best not to have visuals unless it's an example of something you will talk about.* *Charts or computer-displays can be a logistics nightmare, requiring special parking, special access, and/or security checks. If you decide to use visuals, have a backup plan in case all does not go as planned.*
✓	**Reading glasses**	*If needed.*
✓	**A pen or pencil**	*For jotting down last-minute thoughts.*

Who goes with me?



An Army Legislative Liaison officer will accompany you to the Hill.

Otherwise, you may take whomever you are comfortable with.

Avoid taking an entourage, which can portray that you cannot speak or operate on your own. But, on the other hand, this is a great opportunity for professional development.

So, if you wish for a few select others to attend for that purpose, they can travel independently and wear civilian clothing and thereby not be viewed as your *security blanket.*

Who to Take	
For most hearings consider taking –	• A subject matter expert • A broad-type knowledge expert • Chief of Congressional Activities
Also --	
If the hearing is investigative in nature	You are authorized Legal Counsel
If the hearing is expected to get media attention	Your Public Affairs Officer can help with the press and media opportunities.

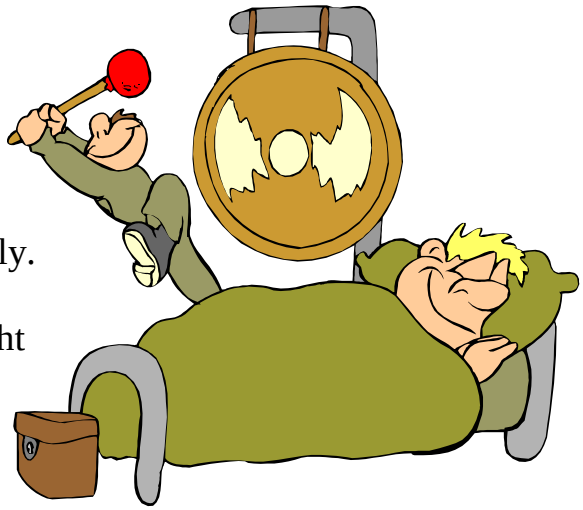
What do I wear?

Military service members wear "Class A" uniforms when on Capitol Hill.

Civilians wear business attire.

Watch what you eat and drink in advance of the hearing, you may be sitting longer than you expect.

When should I arrive?



Arrive early.

You are in **their** house and you are **their** guest.

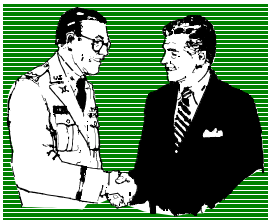
Scope out the room, if you haven't done so previously.

If it's an early morning hearing, consider an overnight stay in the D.C. area.

Introduce yourself and accompanying witnesses to Committee and staff members before the hearing.

Adjust the microphone. *Move it where you need it, then leave it alone. You want to avoid being interrupted midstream because a Member or the Chairman cannot hear you.*

Committee members who arrive early will frequently walk down and talk with the witnesses. This familiarity can increase the comfort level during the hearing.



AT THE HEARING

What will the hearing room be like?

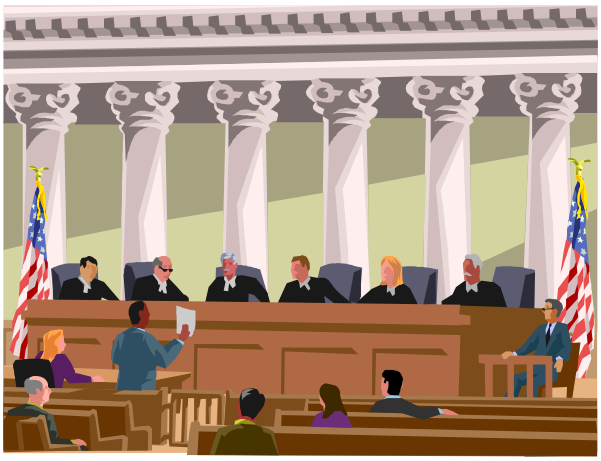
Each committee has it's own hearing room and each room varies in size and layout.

However, most of the rooms have some similarities, such as –

Where you sit:
Facing the committee.

Where committee members sit:
On a raised floor, looking down on you.

Where the audience sits:
Behind you, looking at the back of your head.



The Committee members sit in rank order, with the Chairman and Ranking Member sitting in the middle.

The Democrats sit on one side, the Republicans on the other.

Who's in charge?

Once the gavel is sounded, the Committee Chairman is in charge. The Chairman sets the pace of the hearing.

If the Chairman does not arrive on time, another member will usually *act* as chairman.

Do not leave the hearing, even after you have finished testifying, until you are excused or the hearing is adjourned.

Where will I be seated during my testimony?

You will probably be seated at a large, uncovered, wooden table.

Your knees and feet will be visible by the committee members. *Watch the foot-tapping and make sure your socks match.*

Usually a pitcher of water and a glass are provided for the witnesses.

Remove anything from your table that you might be inclined to fiddle with. Try to get comfortable; you could be sitting there for several hours without a break.

Where will my backup staff be seated?

Your backup staff is usually seated directly behind you – often close enough to pass you a note to help clarify an ongoing question – or to correct anything you misspoke.

Caution: *You can't see your backup staff, but the committee can. A military witness once answered "yes" to a Member's question, while one of his staff, seated behind him, shook his head indicating "no." The Member interrupted the witness to ask who was giving the correct answer.*

How do I address the Committee Members?

Chair: Mr. Chairman or Madam Chairman, Sir or Ma'am

Ranking Member:
House: Congressman or Congresswoman; Mr. or Ms., Sir or Ma'am
Senate: Senator, Sir or Ma'am

Other Members:
House: Congressman or Congresswoman; Mr. or Ms., Sir or Ma'am
Senate: Senator, Sir, or Ma'am

Understanding the Setting

Testifying is unlike any other activity of an Executive Branch official, never to be confused with a department briefing.

Delivery. Testimony is delivered sitting down, to an audience sitting above you rather than below you. *This puts witnesses in an inferior position.*

Control. You do not control the delivery. The Committee chairman regulates your time and may abbreviate it or expand it, at his discretion. *And you do not control the kinds or tenor of the questions.*

Performing Art. Testifying before Congress is a theatrical art. *Even when there are no cameras in the room, members conduct hearings with at least some stage elements present. It's not just what is said, but also how it is said.*

Distractions. Photographers and TV cameras may be present, people may be talking in the background, and Members and staff may come and go during your testimony. Members may have to leave for votes, talk to staff, and they may not pay attention to you at all times. *Try to ignore these distractions.*

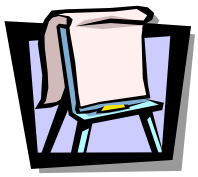
Microphone. There will be a microphone in front of you. Check it before the hearing to see if you need to adjust the location**.**

Assume microphones are on at all times. *"Once during a break in a hearing, committee members listened as witnesses discussed their strategy for the remainder of the hearing.*

Visual Aids. If you decide to use audio-visual aids, charts, or photographs it will require some extra planning and you will need the Committee's approval in advance.

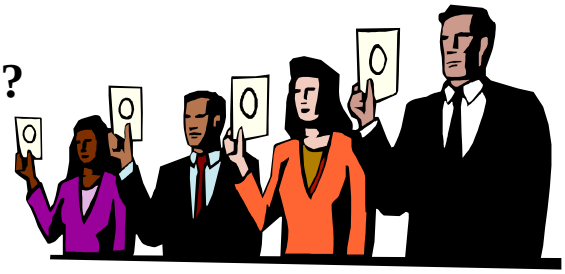
If using charts displayed on an easel, for example –

Where will it be located so everyone can view it?
How many copies will you need? Color or black and white?
What if there are TV cameras? How will you dim the lights if TV cameras are present?
How will you point out information without leaving witness table and microphone?



Handouts. If you are providing handouts, they must be cleared – the same as your official statement – through DA, OSD, and OMB. *All handouts must be reproducible in black and white for the official transcript.*

How can I enhance my delivery?



Know without flaw what you will say in your first two or three sentences. This will give you enough time to become more comfortable.

Formatting tips.

- Print opening remarks only on the top half of the page.
  Prevents having to bend your head down to read.
  Helps you maintain eye contact with the committee members.
  End each page with the end of a thought and the end of a sentence.
- Use large font, but NEVER ALL CAPS. *All caps are much harder to read than upper and lower case letters.*
- Use wide margins. *Good for jotting down last minute notes.*
- If quoting something, use the words "quote" and "end quote" in your statement so you won't miss saying the words out loud.
- You don't normally say the word parentheses when speaking; so don't use parentheses in your statement. *Write "Defense Language Institute, or DLI…." NOT "Defense Language Institute (DLI)…."*

Propped. Slightly prop the pages for ease of reading. *A stiff piece of cardboard will work.*

No hands. You may not want to hold the papers in your hands. *If your hands are a bit shaky, waving pages will accentuate that.*

Finger marking. Use one hand to mark your place. *Then you can establish eye contact with members and easily return to your text.*

No Staples – sliding off pages. Do not staple your testimony pages together. Keep them loose so when you finish reading one page, you can slide it off to one side with the least distraction possible. *For now, you want all attention on you.*

Page Numbers. Number the pages. *In case the pages fall on the floor and scatter.*

Microphone. Move it at the outset to where you need it, and then don't touch it. *Never twist your body to line up with the microphone. Avoid bumping it with your hand gestures or with your pages of testimony.*

Repetition. Stick to *your* message. Don't get diverted. *At the risk of sounding repetitive – be repetitive!*

How can I enhance my delivery? *Continued*

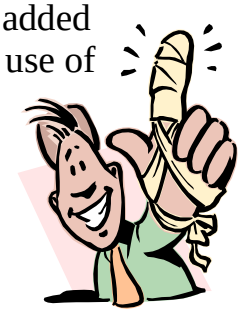
Eye Contact. Don't simply look up to scan all Members. Look up from your text (*marking your place with one hand*) and seek the eyes of *one* Member. When you look up again, find the eyes of another. *Those sitting near the Member you are looking at will think you are looking at them as well. When you see the faces, one at a time, you will tend to speak more conversationally. Don't be surprised if a Member is inattentive – keep trying.*

Body language. Body and mind should be actively engaged in communicating.

Leaning back in chair = disengagement, lack of interest.
Arms crossed = defensive, uncooperative.
Hands in lap = hiding behind table.

Facial expressions. A stiff or unresponsive expression is as off-putting as crossed arms. *It doesn't hurt to smile, especially when greeting the committee.*

Gestures. Gestures can enliven your delivery and punctuate your prose with added emphasis. However, being seated limits the gestures available. Be natural in use of gestures. Every gesture should have a purpose.



Raising one, two, or three fingers marks importance of major points.
Tapping finger on table marks important word or point.
Holding hand flat, palm up, indicates pleading or supplication.
Holding hand up, palm out, indicates admonishment or objection.

Be concise, be clear, be simple. Legislators are generalists; they vote on hundreds of bills. Focus on making your essential points clear. *Don't make it hard for them to understand your points. Use no abbreviations, acronyms or jargon.*

What they remember. No one will remember all you say. But people do remember –

- Human-interest stories.
- Concrete examples that trigger sympathetic reactions.
- Graphic exhibits.

At a bio terrorism hearing, an Army witness decided he would show how easy it is to disseminate a bio agent and pulled out a spray can. That was the picture in the news the next day.

Personal touch – bring it home. Find out which members will be at the hearing; read about their personal and political backgrounds. Know what state or district they represent, where they went to school, what professional training they had, etc. *You may be able to incorporate this knowledge in your answers to their questions, thus helping to bring a point home to them.*

What are the hearing procedures?

Open or Closed – *Government-in-the-Sunshine* legislation of the 1970's requires that most hearings be open to the public. *Classified hearings are the exception.*

Quorums Senate = one Senator to hold a committee hearing
House = two Members to hold a committee hearing

It is better to give testimony in the absence of a quorum than to risk antagonizing Members of the Committee.

Subpoenas (and cameras) – Every Congressional committee and subcommittee has the power to issue subpoenas to witnesses. *If you are subpoenaed to testify at an investigative hearing, you may insist that no cameras be present during your testimony.*

Oaths – Some committees have developed a practice of swearing in all witnesses, even when it's not an investigative hearing. *Sworn testimony could lead to perjury action if there is evidence that one lied to Congress.*

Statements for the Record – You should ask for consent that your official statement be entered into the record. *Your prepared statement, once submitted to the committee, is the property of the committee and cannot be released by anyone except the committee. The committee usually makes it available to the media and the audience on the day of the hearing.*

5-Minute Rule – This rule is used to restrict the amount of time for a Member to ask questions of witnesses. *The 5-minute rule is more common in the House than the Senate. Some committee rooms have timed lights that change from green, to yellow, to red.*

Security Clearances – All Members of Congress, by reason of their election, are cleared for access to every document classified on national security grounds. *Most hearings are unclassified.*

Staff Questions. Sometimes committee staff members are officially permitted to ask questions of witnesses.

What's the sequence of the hearing?

The usual order of a hearing is –

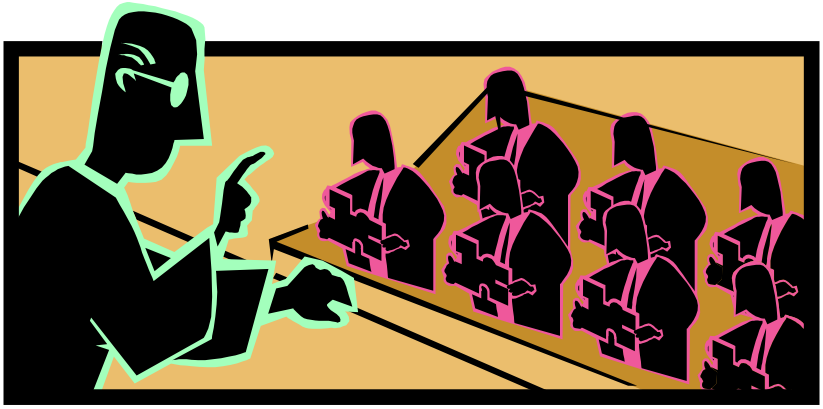
1. Committee Chairman -- opening remarks. *The committee chairman controls the time and the pace of the hearing.*
   States purpose of hearing, welcomes witnesses, states his or her views
   Sometimes the Chairman will state that all prepared testimony will be entered into the record. If so, you won't have to ask consent during your opening remarks.

2. Minority (Ranking) Member – opening remarks. *Sometimes other committee members are permitted to provide an opening statement.*

3. Witnesses – opening remarks by each witness in order.
   Army witnesses usually go first – oldest of the 3 services.

4. Individual members -- Question and answer period. Each committee can have its on rules for how the members will be called.
   Some committees take turns – rotating by party, usually in order of seniority.
   Other committees have an "early bird" rule, based on arrival at the hearing.
   Still others use a combination of the two.
   Often their time is limited to 5 minutes each. *You may notice a light that changes from green to yellow and then red, indicating a Member's time is up.*
   Sometimes the Chairman allows more than one round of questions.
   Identifying Members is a continuing process; they come and go during the hearings.

5. Closing remarks by Chairman and/or Ranking Member.
   Announces when hearing is adjourned.



If you decide to address a Member by name, be certain you are correct. Do not rely on the nameplates in front of them…they may not sit behind their own nameplate.

What's my role -- how do I act?

Witnesses. Are you the primary or supporting witness?

Primary Witness. *Respond direct to the committee's questions.*

Supporting Witness. *Answer questions referred to you by the primary.*

Other witnesses. If you are the only Army witness, your presence represents The Army. *When the audience sees a witness from each service, to them you **are** The Army.*

Type of hearing and goal. What type of hearing is it and what's your goal? *Examples –*

Legislative or posture hearing

Goal: *Explain what will happen if needed funding is not appropriated.*

Investigative hearing

Goal: *Admit failures and highlight corrective actions.*

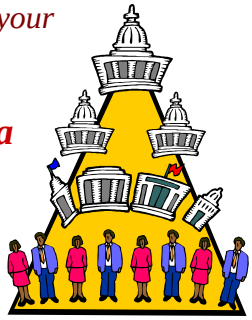
You are who you are. This is not a time to try and change your basic personality. *If you are reserved, work within that. Being courteous always wins points.*

Project confidence. You want to leave members with the sense that you are the expert but not a know-it-all. *You were invited to testify because you are thought of as an expert, so try to leave that assumption validated.*

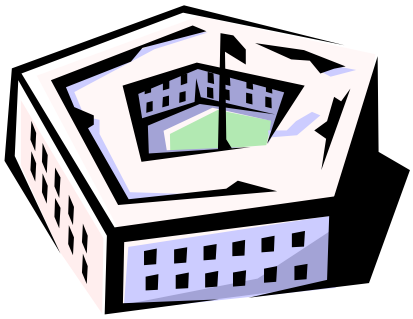
Prepared. Being prepared will help you be comfortable and project confidence.

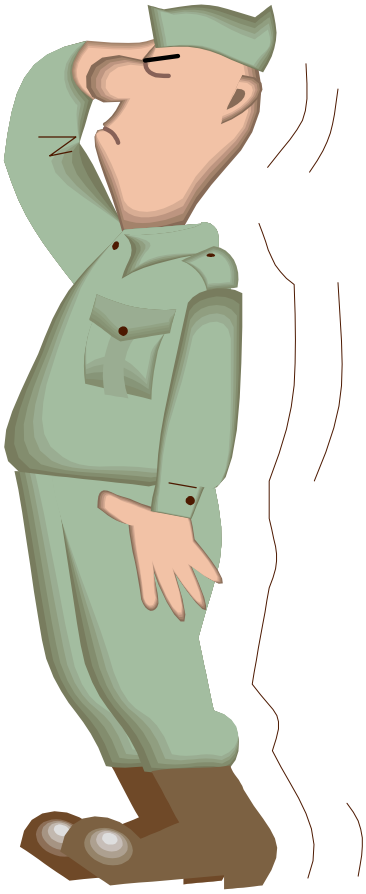
Demeanor. Be polite. Sometimes a questioner may try to fluster a witness. Even in the face of hostile questions, keep your responses courteous. *Think of it as being cross-examined by Perry Mason! The questioner may be trying to make you lose your temper and thus lose your effectiveness and credibility.*

Witnesses from different departments should agree in advance on a common strategy, since all of you are present as spokespersons for the President.



What is the Army's guidance for my testimony?





President's Budget	• Support it. • Do not disclose budget information before it is formally transmitted to Congress. • Do not volunteer the initial Army budget request sent to OSD or any subsequent reductions or modifications made by the department. • Do not request legislation outside of the President's Budget.
Decision Makers	• Do not criticize decisions by OSD or OMB. • Refer to decision makers by **titles** or organizations, **not names.** *You can say "decisions came from the Office of the Secretary of Defense" or the "directive was signed by the Secretary of Defense."*
Opinions	• Do not give your personal opinion unless specifically asked for it. • Do not volunteer opinions inconsistent with President's budget request sent to Congress. *If asked to express your personal opinion, specify how it differs from the President's recommendations and make it clear that your expression of opinion is not a request for additional funds.*

OCLL Investigations and Legislative Division (SALL-I&L) is responsible for confirmation hearings.
SAFM-BUL is responsible for hearings conducted by the Appropriations Committees.
OCLL Programs Division (SALL-P) is responsible for all other hearings.

How shall I respond to questions?

Answering strategy. Decide in advance on a strategy for handling questions in general.

Is this hearing an opportunity to convey the maximum amount of information?

> If so, seize every question and expound at length on your answer.
> However, if more information is likely to lead to more critical questions, then lean towards brief responses.

Always try to be forthright and candid. *"Candor translates into credibility in the eyes of Congress." Former Chief of Navy Legislative Affairs.*

Because members come and go during the hearing, you may find yourself answering the same question over and over. *Will your answers be the same each time?*

Weak Answers. *When questions are answered with "It is under study…" or "We are reviewing that program…" the justification for the program is viewed as weak and requested funding becomes vulnerable to deletion or deferral.*
Strong Answer. *Be able to answer "Why this program?" in terms of Army goals and national interests.*

What if I don't know the answer to a question?

If you don't know an answer, say so and offer to submit an answer for the record (after the hearing). *Never make up an answer. And never testify above your level of expertise, or below it. For example, if you are the expert on how it works, leave it to someone else to testify on when it will be used.*

> ***Non-question.*** *Be prepared for when a Member uses his or her time to state personal views. You may not need to answer. Ask the Member for clarification if you're not sure. "Sir, did I miss a question?"*

Some questions may be from those who oppose your position and want to expose weaknesses in your arguments. *If you're prepared, the effectiveness of those questions can be minimized.*

What if I misspeak?

During the hearing. If you learn of the error during the course of the hearing, correct it as soon as possible. *"Mr. Chairman, I need to correct something I said. The actual number of xxxx is 40,000, not 60,000 as I stated."*

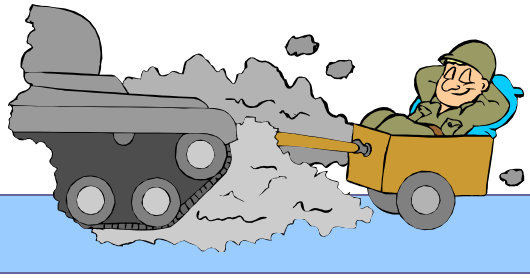
After the hearing. Promptly notify the committee. Submit your corrected response to them immediately. *Work through the Secretary of the Army's Office, Chief of Legislative Liaison (OCLL).*

Who else will be there?

The audience could include a wide mix of individuals.

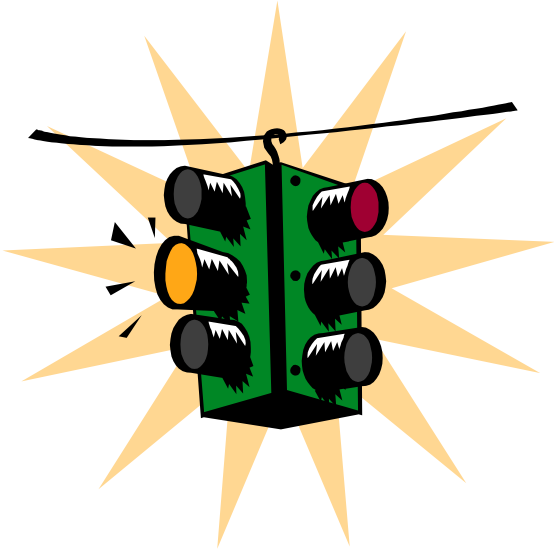
- School children on field trips
- Tourists and visitors to the Nation's Capitol
- Government employees from OSD or other agencies
- Adult students from local congressional courses
- Family members affected by the proposed legislation

IN SUMMARY



Success Tips: A Review	
Your Statement *– Be Concise*	• Summarize prepared statement; do not read all of it. • Limit opening statement to no more than 5 minutes. • Focus on making your essential points clear. • Request full text be included as part of the official record of the hearing.
Your Responses *– Be Prepared*	• If you don't know an answer, say so and offer to submit an answer after the hearing (for the record). • Some questions may be from those who oppose your position and want to expose weaknesses in your arguments. • Is your answer strategy to expound on answers or to be brief?
Your Demeanor *– Be Polite*	• Sometimes a questioner may try to fluster a witness. • Even in the face of hostile questions, keep your responses courteous. • The questioner may be trying to make you lose your temper and thus lose your effectiveness and credibility.
Your Words *– Be Clear and Simple*	• Legislators are generalists; they vote on hundreds of bills. • Don't make it hard for them to understand your points. • Use no acronyms or jargon. • No one will remember all you say. But people remember – o Human-interest stories. o Concrete examples that trigger sympathetic reactions. o Graphic exhibits.
Your Message *– Be Repetitive*	• Stick to *your* message. Don't get diverted. • When you're preparing, identify the key points you want to make and the effective counter-arguments to those points. • At the risk of sounding repetitive – be repetitive!
Personal touch *– Bring it home to them*	• Find out which members will be at the hearing; read about their personal and political backgrounds. • Know what state or district they represent, where they went to school, what professional training they had, etc. • You may be able to incorporate this knowledge in your answers to their questions, thus helping to bring a point home to them.

Some cautions and considerations.



Humor may be misunderstood by some Members and may not go over well.

The quickest way to bring the collective wrath of the committee Members down on you is to personally attack or insult a Member.

Do not take a Member's comments personally. *They are doing their job, as they perceive it. Your job is to remain cool and professional.*

Do not surprise the committee or its staff at an open hearing with some revelation. *Members may criticize their staff for being unaware. You do not help your department by upsetting Congressional staff.*

Some Members may appear not to be paying close attention, but do not assume this is true.

If a Member poses a question and looks down or away, respond to the question. *Members assume that you will proceed, ignoring their distractions.*

Distractions are the norm. Members and their staff talk to each other, pass notes, and read materials. TV camera people and photographers wander around the hearing room and may even get between witnesses and the committee, firing a flash bulb in your face while you are trying to speak.

Feel free to pause for a few seconds to compose your thoughts before answering a question. *An inaccurate answer could cause problems for many months.*

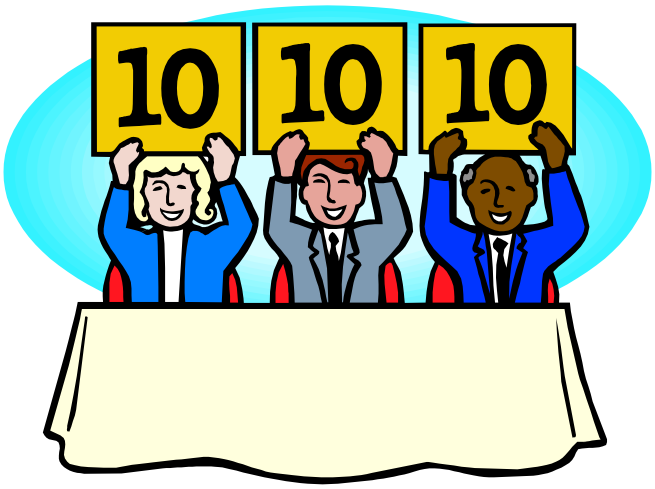
Do not leave the hearing, even after you have finished testifying, until you are excused or the hearing is adjourned.

In an adversarial hearing you may have no hope of persuading the Members to accept the Administration's position. In that case, think of yourself as being there to *provide* information rather than to persuade. *Don't get emotionally involved.*

- *"The secret of being a bore is to tell everything" (Voltaire)*
- *Audiences remember concepts and emotional expressions.*
- *When people say "he was a dynamic speaker" they usually don't recall the words spoken, they are referring to the feelings that the speaker aroused.*

AFTER THE HEARING

How will I know if I succeeded?



Did you get your program mentioned? *Getting it on the record starts a process.* *The committee staff can use the information to draft or modify legislation and present it to others on the Hill. Sometimes one of the main purposes of a hearing is to get the information on record.*

Do the committee and staff understand your position? *They have access to your official prepared statement and the questions and answers from the actual hearing.*

Did you make the Members look good? *A senior leader with vast experience on the Hill advises that this should be a goal for each hearing.*

What happens to my prepared statement?

The committee releases it to the public on the day of the hearing. More and more committees publish witness statements on their web sites.

Also, the committee will print the official transcript of the entire hearing, along with the prepared statement you submitted for the record.

The hearing will be published as a bound booklet, either alone or with other defense related hearings for the same fiscal year. Non-current committee records are preserved and made available by the National Archives and Records Administration.

You can purchase some of these booklets from the Government Printing Office. However, they are usually not available until after the fiscal year ends.

What's an *official* transcript?

The committee *owns* the official transcript until it is published.

Although GPO eventually prints the final copy in booklet form, the committee is required to make an advance copy available to Members of Congress and their staff before voting on legislation relating to the hearing. *Thereby, members are able to refer to the transcript when writing legislation or determining how they will vote on measures.*

What's an *unofficial* transcript?

VERY UNOFFICIAL

Some news and transcript services provide a verbatim transcript of selected hearings.

These unofficial transcripts are not always accurate. Someone listening to a tape transcribes the hearings.

One of the most frequent mistakes is the transcriber not being able to identify the speaker ("unknown") or attributing remarks to the wrong person. Acronyms like TRADOC could show up as Tray Dock.

Some committee web sites, House Armed Services, for example, offer live broadcasts of hearings. C-SPAN also broadcasts and televises selected hearings.

Because Headquarters TRADOC subscribes to a Congressional information service, we have access to unofficial transcripts, often within 2 to 3 days following the hearing.

Will I get to see or edit the official transcript?

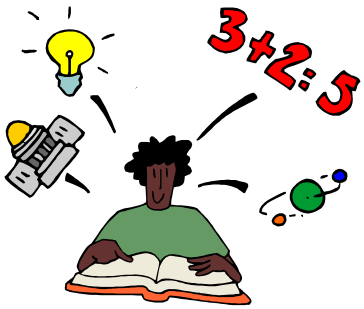
Courtesy Only. As a courtesy, some committees will send you a copy of the official transcript and allow you to edit your remarks. This is when you can clean up grammar flaws, but you are not allowed to change the answers to questions.

Promptness. The committee chair can order a transcript printed without corrections if the chair determines that a reasonable time has elapsed and further delay would impede the legislative process.

Corrections. If you notice content that needs correcting, the proper method is to write a letter to the Chairman indicating where you believe you misspoke, and giving the correct information. Request that your letter be included in the transcript of the hearing.

A few committees have become so upset with witnesses trying to alter the substance of their testimony that they will not provide transcripts for editing.

Advice. If you're not sure if the change is substantive, call the committee staff for advice.



Detailed Instructions. Specific rules for editing transcripts can be found in the Army's Congressional Actions Responsibilities Standing Operating Procedures (CARSOP). *You may not publicly release a committee transcript; it is the property of the committee.*

What are questions and inserts for the record?

Questions for the record. Questions that could not be answered during the hearing.

"Mr. Chairman, I do not have those figures with me. May I provide an answer for the record?"

Inserts for the record. Could be –

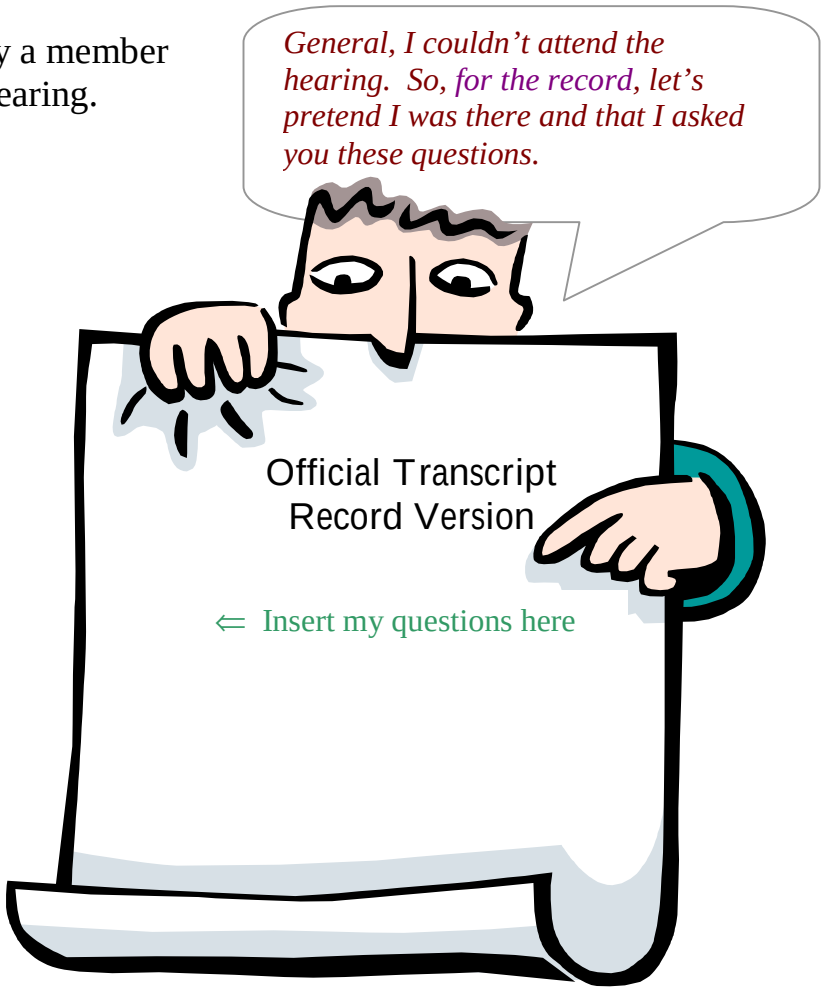
- *Supplemental questions* submitted by a member after the hearing.

  If a member's time for questioning runs out, he or she was unable to ask all their questions.

- *Additional questions* submitted by a member who was not present during the hearing.

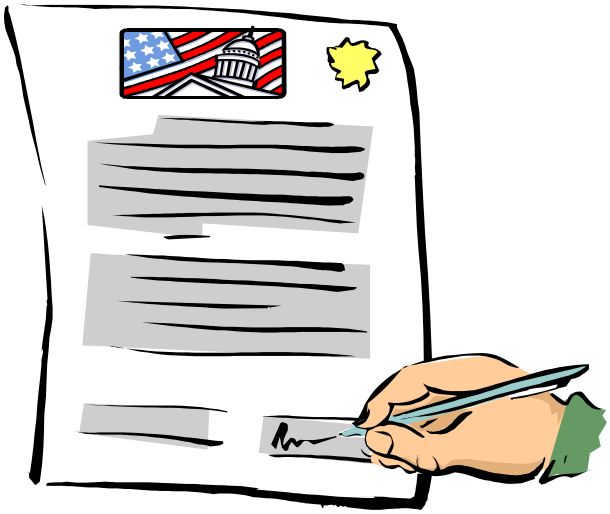
Context. Questions must be written as though they were answered on the day of the hearing.

Some committees require that the official record list those members who actually attended the hearing.



For more information, see HANDBOOK: *Hearing Inserts – Questions for the Record*, prepared by the Congressional Activities Office, Headquarters, U.S. Army Training and Doctrine Command.

How are questions for the record handled?



The Committee Chairman usually sends a letter asking that witnesses respond to any additional and unanswered questions.

If there are many questions, they may be tasked to various offices according to the subject.

Each response is coordinated throughout the MACOM and the Pentagon.

A signed security review verifies that the content is unclassified.

As a witness, you will need to personally approve each response. *The responses will be recorded as what you actually spoke on the day of the hearing.*

CREDITS FOR INFORMATION CONTAINED IN THIS HANDBOOK

The Department of the Army's Congressional Actions Responsibilities Standing Operating Procedures (*CARSOP*).

Army Briefing Charts titled Testimony Training prepared by Army OCLL Investigations and Legislative Division (SALL-I&L).

Congressional Research Service Report for Congress. Hearings in the House of Representatives: A Guide for Preparation and Procedure. *Order Code RL30539*

The Government Affairs Institute, Publication Number 997. Preparing and Delivering Congressional Testimony: A Handbook for Federal Officials.

Information learned during a 2-day training and mock hearing conducted by The Government Affairs Institute, as well as information learned from reading, watching, and listening to numerous Congressional hearings.

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