

Army Regulation 1–20

Administration

Legislative Liaison

**Headquarters
Department of the Army
Washington, DC
20 January 2004**

UNCLASSIFIED

SUMMARY of CHANGE

AR 1-20

Legislative Liaison

This revision--

- o Expands responsibilities for the Chief of Legislative Liaison to include preparing the Army leadership for all congressional testimony and contacts; coordinating the Senate confirmation process for General Officer and Army senior leader nominees; and serving as the Department of the Army primary point of contact for congressional travel involving the Army (para 1-4a).
- o Requires major commands to appoint congressional affairs contact officers (para 1-4e).
- o Requires Department of the Army officials to provide advance notice to the Office, Chief of Legislative Liaison via e-mail of anticipated congressional activities and after-action reports of completed activities (para 1-4a).
- o Requires Department of the Army officials receiving an invitation to testify before a congressional committee to provide a report via e-mail to the Office, Chief of Legislative Liaison (para 2-2).
- o Provides e-mail and mail information for the Office, Chief of Legislative Liaison (para 6-3c).
- o Restricts Department of the Army officials from requesting funds not in the President's Budget, or from soliciting enactment of legislation that has not been cleared by the Office of Management and Budget (para 2-6a).
- o Requires that comments by Army officials to Members of Congress requesting funding or enactment of legislation to be consistent with Department of the Army, Department of Defense, and Administration policy (para 2-6a).
- o Requires Department of the Army agency officials to consider congressional implications of planned Army actions or development and to report significant actions to the Office, Chief of Legislative Liaison, via e-mail (para 7-2a).
- o Requires Department of the Army agency officials to comply with Army guidance restricting certain activities on Army installations and facilities during election years (para 2-5).
- o Restricts Department of the Army contract employees and consultants from representing Army interests during contacts with Congress (para 2-6b).

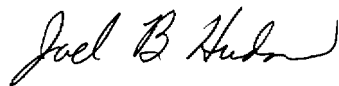
Administration

Legislative Liaison

By order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This publication is a major revision.

Summary. This regulation contains policy, guidance, and procedures for legislative and congressional activities.

Applicability. This regulation applies to members of the Active Army, the Army National Guard of the United States/Army

National Guard, and the U.S. Army Reserve, and to civilian employees of the Department of the Army, to include employees of nonappropriated fund instrumentalities. During mobilization, chapters and policies contained in this regulation may be modified by the proponent.

Proponent and exception authority.

The proponent of this regulation is the Army Chief of Legislative Liaison. The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency who holds the grade of colonel or the civilian equivalent.

Army management control process.

This regulation contains management control provisions in accordance with AR 11–2, but it does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation is prohibited without prior

approval from Headquarters, Department of the Army (SALL), Washington, DC 20310–1600.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Headquarters, Department of the Army (SALL), Washington, DC 20310–1600.

Distribution. This publication is available in electronic media only and is intended for command levels B, C, D, and E for the Active Army, the Army National Guard of the United States/Army National Guard, and the U.S. Army Reserve.

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Chapter 1 Introduction

1-1. Purpose

This regulation sets forth the responsibilities, policies, and procedures of the Department of the Army (DA) for legislative and congressional activities.

1-2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1-3. Explanation of abbreviations and terms

Abbreviations and terms used in this regulation are explained in the glossary.

1-4. Responsibilities

a. Chief of Legislative Liaison (CLL). The CLL has sole directive authority for DA congressional affairs, to include formulating, coordinating, and supervising policies and programs on the Army's relations with Congress. The CLL is responsible for the overall DA congressional affairs policy and legislative strategy. This central point of contact allows the Army to develop and execute a coordinated strategy on matters of vital importance to the Army, Congress, and committees of Congress. It also enhances the Army's ability to provide a coordinated, consistent message. As the head of the sole directive agency for DA congressional affairs, the CLL is directly responsible to the Secretary of the Army and responds to the Office of the Chief of Staff. The CLL will—

(1) Formulate, coordinate, and supervise policies and programs on the Army's relations with Congress, including but not limited to:

(a) Publishing the Congressional Actions Responsibilities Standing Operating Procedures (CARSOP), and overseeing its effective implementation.

(b) Providing oversight and coordinating training for congressional affairs contact officers (CACOs).

(c) Advising the DA, Army staff agencies, and major Army commands (MACOMs) on the current status of actions of defense authorization committees, to include providing timely and accurate information derived from hearings, testimony, and key meetings involving Army senior leaders with Members of Congress.

(2) Provide liaison between the Army and committees of Congress, except for those committees involved with appropriations, civil works, and printing, as follows:

(a) Liaison with appropriations committees, except on civil works issues, will be executed by the Assistant Secretary of the Army for Financial Management and Comptroller (ASA(FM&C)).

(b) Liaison on civil works matters will be executed by the Assistant Secretary of the Army for Civil Works (ASA(CW)).

(c) Liaison on Army printing matters will be executed by the Administrative Assistant to the Secretary of the Army in coordination with and consistent with the authority of the CLL.

(3) Serve as the DA primary point of contact with Members of Congress, their staffs, and all relevant committees, except appropriations committees and committees working on civil works matters.

(4) Serve as the DA primary point of contact on all legislative initiatives and on reviewing, coordinating, and forwarding the Army position on all legislation.

(5) Prepare and provide advice to Army leadership called to appear before committees and prepare Army leaders for all congressional contacts, including but not limited to—

(a) Preparing the Secretary of the Army (SA), Chief of Staff of the Army (CSA), Under Secretary of the Army (USA), Vice Chief of Staff of the Army (VCSA), and Sergeant Major of the Army (SMA) for all congressional testimony and contacts.

(b) Providing the SA, CSA, USA, VCSA, and SMA legislative affairs assistants who will assist in the coordination and synchronization of their congressional interactions across all agencies of the DA.

(c) Tasking the DA, Army staff agencies, and MACOMs to review/edit committee hearing transcripts, preparing senior Army leaders for all congressional testimony and contacts, answering questions for record, and preparing inserts for the record as required.

(6) Advise on the status of congressional affairs affecting the Army on legislative aspects of Army policies, plans and programs.

(7) Give prompt, coordinated, consistent, and factual information on Army policies and operations in response to inquiries received from Members of Congress or congressional committees.

(8) Coordinate, monitor, and report legislative and investigative actions of interest to the Army and provide advice to Army witnesses called to appear before legislative or investigative committees.

(9) Coordinate the Senate confirmation process for general officer and senior Army leader nominees. Coordinate with the Office of the Chairman, Joint Chiefs of Staff, for Army general officer nominations to joint assignments.

- (10) Serve as the DA primary point of contact for congressional travel involving the Army, to include issuing appropriate travel orders, ensuring adherence to proper protocol measures, and obtaining and accounting for funding.
- (11) Support the Army Congressional Fellowship Program in accordance with Army Regulation (AR) 1-202.
- b. ASA(FM&C).* The ASA(FM&C) is responsible for liaison with the appropriations committees except in civil works programs. The ASA(FM&C) will—
- (1) Keep Headquarters, Department of the Army (HQDA), and MACOMs informed on the current status of actions by appropriations committees. Act as the adviser and consultant to the DA on congressional matters relating to the appropriations committees, to include providing timely and accurate information derived from hearings, testimony, and key meetings involving Army senior leaders with Members of Congress.
 - (2) Be responsible for congressional strategy for the SA, USA, CSA, VCSA, SMA, and HQDA to support and defend the Army's budget with the appropriations committees.
 - (3) Task HQDA, Army staff agencies, and MACOMs to provide briefers and information requested by appropriations committees and their staffs. Furnish prompt, coordinated, consistent, and factual information on Army policies, plans, programs, and operations in response to oral and written inquiries received from Members of Congress and congressional staff.
 - (4) Arrange and task HQDA, Army staff agencies, and MACOMs to furnish witnesses for hearings requested by appropriations committees. Coordinate hearing schedules. Assist in preparing witnesses, to include the SA, USA, CSA, VCSA, and SMA for the hearings. Provide anticipated information/questions from appropriations committees.
 - (5) Task the appropriate DA agency or HQDA staff to review hearing transcripts and provide inserts for the record required by appropriations committees. Act as the final reviewing authority for appropriations hearings and inserts for the record.
 - (6) Manage the Army appeal process for the authorization and appropriation appeals.
 - (7) Manage the Army Congressional Reports process for the authorization and appropriations reports.
 - (8) Coordinate, monitor, and report the status of ongoing investigations by the House Appropriations Committee (HAC) Surveys and Investigative Team (S&I).
 - (9) Maintain recommendations and legal directives of appropriations committees and assign responsibility to the appropriate staff agency for action necessary to comply with the intent of mandates of Congress.
 - (10) Monitor defense and military construction appropriations bills as they progress to final passage and keep HQDA and MACOMs informed of the current status. Provide summaries of congressional committee markups.
 - (11) In conjunction with the Deputy Chief of Staff, G-8 (DCS, G-8), review Army responses to congressional committees and the Congressional Budget Office (CBO) that involve resources prior to submission of the response to ensure accuracy and consistency with the Army budget submission.
- c. (ASA(CW)).* The ASA(CW) has responsibility for developing, defending and directing all legislative affairs pertaining to civil works and will serve as congressional liaison, including serving as the DA point of contact for Congress on authorization and appropriation matters pertaining to the civil works program. The ASA(CW), with assistance as necessary from the Chief of Engineers, will communicate with Congress on civil works matters. The ASA(CW) will coordinate with the CLL on congressional contacts and developments that impact the Army outside of civil works, and for civil works matters involving actions of, or requests to, Army senior leaders.
- d. The Judge Advocate General (TJAG).* TJAG, under the general supervision and guidance of the Army General Counsel, is responsible for drafting DA legislative proposals and processing private relief legislation, except for matters on civil works.
- e. Commanders of MACOMs and heads of Army staff agencies.* Commanders of MACOMs and heads of Army staff agencies will—
- (1) Select qualified witnesses in coordination with the CLL and ASA(FM&C) and ensure designated witnesses are given appropriate training and guidance.
 - (2) Provide timely, consistent, factual, fully coordinated information and backup material in response to requests received from the CLL or ASA(FM&C).
 - (3) Ensure all information affecting resource programming is coordinated with the DCS, G-8, ASA(FM&C), and the Deputy Chief of Staff, G-3 (DCS, G-3), before providing to the Office, Chief of Legislative Liaison (OCLL) and the Congressional Budget Liaison Office for submission to congressional committees or the CBO. Provide timely notice to the CLL or ASA(FM&C) of contacts with Members of Congress, their staffs, committee staff, or requests to visit activities or installations.
 - (4) Ensure congressional contacts outside the CLL and ASA(FM&C) channels comply with the policies set forth in chapter 2.
 - (5) Handle communications received directly from Members of congressional committees and their staff according to chapter 6.
 - (6) Ensure all information provided to the CBO is properly coordinated and cleared before submitting to the CLL.
 - (7) Ensure witness statements are received by the CLL, ASA(FM&C), or ASA(CW) prior to scheduled testimony.
 - (8) Appoint CACOs whose primary duty shall be to serve as liaison to the CLL or ASA(FM&C). CACOs will

ensure responses to congressional taskers, testimony, legislative proposals, and other information to be provided to Congress comply with the policies and procedures set forth in the CARSOP.

(9) Under the guidance and direction of the CLL or ASA(FM&C), support congressional visits to Army locations and events.

f. The Army General Counsel. As the chief legal officer of the DA, the Army General Counsel will—

(1) Review all legislative proposals submitted by the DA for legal sufficiency and provide final Army legal clearance on all legislative proposals.

(2) Coordinate Army comments on pending or proposed legislation and replies to congressional correspondence involving legal issues or matters of significant interest to the Army.

(3) Coordinate legal and policy advice to all members of HQDA.

(4) Determine the DA position on any legal question or procedure.

g. DCS, G-8. The DCS, G-8, will—

(1) Participate in development of the purpose, scope, and theme of the Army's programs before Congress.

(2) In conjunction with the ASA(FM&C), review Army responses to congressional committees and the CBO that involve resource programming prior to the submission of these responses.

(3) In conjunction with the Director of the Army Budget, act as a final reviewing authority for congressional transcripts and inserts involving testimony by the SA, USA, CSA, VCSA, and SMA prior to submission to the witnesses for approval.

h. Other heads of Army agencies. These will provide accurate, timely and responsive information when tasked to provide a response to congressional correspondence or inquiries, provide support for congressional travel as required, distribute congressional publications forwarded by OCLL, and make officials available to respond to requests for briefings, hearing, congressional events or other contacts.

Chapter 2

Contacts with Congress

2-1. Policy

Contacts between Army commanders and other Army officials and Members of Congress are encouraged. Army commanders and officials shall not, however, engage in any activity that could be interpreted as associating the U.S. Army with particular partisan causes or candidates.

2-2. Handling of contacts

Whenever practicable, OCLL and ASA(FM&C) will be notified of all scheduled or anticipated contacts with Members of Congress or congressional staff. Notice shall be provided as soon as possible by submitting a report via e-mail to daconrep@hqda.army.mil. The report will include the date, place for the meeting or contact, the Member or staff to be included, and a summary of the matters expected to be discussed. When meeting with Members of Congress and their staff, official statements by Army officials will be confined to matters under their responsibility and shall be factual, forthright, and responsive. Following all contacts, a synopsis of what was discussed and any required followup action shall be expeditiously provided via e-mail to daconrep@hqda.army.mil.

2-3. Access to information

a. Members of Congress and congressional committee staffs are authorized access to classified and unclassified information when necessary to perform their governmental functions. Members of Congress and their staff are, however, subject to applicable laws, Executive Orders, and ARs pertaining to access to classified and personnel information (AR 380-5 and AR 340-21). Congressional committees handle classified information under security procedures similar to those of the military departments.

b. The release of information provided to Members of Congress who are acting in their individual capacities on behalf of constituents is subject to the Privacy Act. Information requested by congressional leadership, committees of Congress, or Members of Congress requesting in their capacity as congressional committee members is not subject to the disclosure provisions of the Privacy Act and will generally be provided. The Secretary of the Army must approve any recommendation to deny requests for information from Members of Congress unless acting in their individual capacity. The Office of the Secretary of Defense (OSD) must approve denial of such a request from a congressional committee. The Office of the President must approve any claim of executive privilege in response to a congressional subpoena or request for information.

c. Prior to release, Army officials will coordinate Member of Congress or congressional staff requests for Army documents, studies, or information not in the public domain with OCLL.

d. Unsolicited information involving any significant development concerning the Army and prepared specifically for

Members of Congress or congressional staff, or designed to provide notice to Congress, Members, or congressional staff, will be coordinated with OCLL by Army officials.

2-4. Congressional travel

a. Policy. Visits by Members of Congress and their staff to Army installations, facilities, training areas and events heighten congressional awareness of and support for Army programs, policies, and activities and are encouraged. Only the OSD or the SA may extend invitations for nonreimbursable travel to Members of Congress, their family members, or congressional staff. Other Army officials shall not unilaterally issue invitations for nonreimbursable congressional travel.

b. Requests for nonreimbursable travel. Army officials may request that an invitation for nonreimbursable congressional travel be extended by forwarding a memo signed by the head of the agency to the SA through OCLL. The memo shall include the purpose of the trip and itinerary, the names of all congressional travelers, the mode of transportation, and the agency point of contact. Requests should normally be submitted at least 15 days prior to the date of the planned travel. Short notice requests will be submitted to the Congressional Travel Branch, OCLL, by telephone or e-mail (oclltv1@hqda.army.mil).

c. Reporting congressional visits.

(1) Upon receiving information of a proposed visit by Members, their staff, or congressional committees, subcommittees, task forces, or special survey groups or teams, the Army official will immediately file an initial priority report by e-mail to daconrep@hqda.army.mil, providing all available information about the visit. The report shall include notice that security clearances will be needed during the congressional visit, if required. The report will not be delayed to await receipt of additional information.

(2) At the end of a congressional visit, investigation, or hearing, Army officials will submit a trip report via e-mail to daconrep@hqda.army.mil, unless an HQDA escort officer is present during the travel. Reports will include the place and duration of the visit, name of congressional travelers, areas of congressional interest, summary of information furnished, and corrective action recommended. If an HQDA escort was present, Army officials may submit reports to provide their perspectives and to highlight key issues. More frequent reports may be required for extended visits, or for significant investigations, or field hearings.

(3) When the visit is by a Member of the S&I of the HAC, the report will be submitted to the HQDA functional monitor with an information copy sent to ASA(FM&C) via e-mail to bul@hqda.army.mil.

d. Partisan activities. Commanders of Army installations or facilities sponsoring congressional travelers shall be familiar with and adhere to Army public affairs policies pertaining to partisan political activities on a military installation (see AR 360-1), and Department of Defense (DOD) guidance concerning election year activities (see paragraph 2-5).

2-5. Election year activities

AR 360-1 contains policies and procedures to be followed when considering military involvement in election year activities.

a. Installation and garrison commanders should not permit the use of installation facilities by any candidate or individual representing their interest for political assemblies, meetings, fund-raising events, press conferences, or any other activity that could be construed as political in nature. Candidates who are not Members of Congress may be given the same access to installations as that to which any other visitor is entitled. Prior to visiting an installation, all political candidates must be informed that while on the military installation all political activity and media events are prohibited. For the purposes of this subparagraph Army National Guard armories are not considered military installations.

b. Requests from candidates to film or tape campaign commercials in front of military equipment on Army installations, facilities and ARNG armories will be denied. Army support, including troops, bands, and color guards to political meetings, ceremonies, or similar events is prohibited.

2-6. Limitations on contacts

a. Commanders and Army officials shall not ask Members of Congress or congressional staff to support funding requests not supported by the President's budget, or to enact legislation that is inconsistent with a DA, Department of Defense (DOD), or Administration policy or position. Section 1913, Title 18, United States Code (18 USC 1913) and recurring provisions in the annual Appropriations Act prohibit the use of appropriated funds to encourage, pressure, or suggest that private citizens, citizens' groups, corporations, associations, or other organizations contact or solicit Congress on a legislative matter. The restrictions in Federal law do not prohibit Army officials from providing information or engaging in direct contacts with Members of Congress. Communications with Congress regarding proposed legislation or funding requests outside the President's budget, however, shall be coordinated in advance with the CLL or ASA(FM&C).

b. Army contract employees and consultants may not represent Army interests with the Congress. Contract employees and consultants may provide support to Army personnel during their interactions with the Congress.

Chapter 3 Legislation

3-1. Policy

The CLL formulates, coordinates, and supervises that portion of the DOD Legislative Program that is initiated by DA or assigned responsibility by the Secretary of Defense. All legislative and executive items described in this chapter, except those concerning civil works items under the direction of the ASA(CW), will be coordinated by the Army staff with TJAG for legal and technical accuracy before final submission to the CLL. Coordination will also be made with the Army General Counsel for final legal clearance on all Army legislative proposals and on statements to be submitted in response to a request for views on pending legislation.

3-2. Legislation proposed by DA

a. Heads of DA agencies or commands should submit proposals for legislation necessary to carry out DA responsibilities and objectives. Heads of DA agencies or commands are encouraged to also submit legislative proposals to streamline Army operations, improve personnel well-being, or enhance readiness. The ASA(CW) will recommend necessary legislative proposals concerning civil works.

b. A DA agency will initiate a legislative proposal in an action memorandum through the Assistant Secretary of the Army or the Army staff principal with oversight of the area to the CLL. The memorandum should enclose a one-page summary explaining purpose and history of the proposal, a list of pros and cons, and the name, number, and title of the point of contact. If the legislative proposal was previously disapproved, the action memorandum will explain the changed circumstances that warrant reconsideration.

c. The Chief, Legislative Counsel, will assign a legislative counsel within the Investigations and Legislative Division to process and coordinate proposed legislation. Counsel will obtain concurrence from the Army Assistant Secretary or principal deputy with oversight, a final legal review from the Army General Counsel, and approval from the SA or designee. Counsel will monitor the legislative proposal during coordination with the other military departments and staff elements of OSD and arrange for and assist in presenting the necessary information and testimony to congressional committees.

d. The agency or command having primary interest in a legislative proposal shall coordinate with OCLL to provide witnesses, information, and supporting data as required during consideration of the proposal.

3-3. Legislation of interest but not proposed by the DA

a. The CLL supervises Army coordination and review of legislative proposals, bills, and reports that do not originate from, but are of interest to the Army. The CLL will monitor, task, coordinate and transmit Army views and comments in response to legislative proposals by other military departments, OSD, and other executive departments; bills introduced in Congress when the responsibility for reporting on them has been assigned to the DA by the Secretary of Defense; and proposed reports to the Office of Management and Budget (OMB) and congressional committees prepared by other military departments, OSD, and other Federal departments and agencies.

b. Comments on legislative proposals, introduced bills, and proposed reports are frequently time sensitive and require expeditious action at every level. Army offices tasked to provide comments on these actions will ensure proposed comments are consistent with DA and OSD policy, are coordinated with all interested offices within DA that may have an interest, and are approved at the appropriate level.

3-4. Executive Orders and proclamations

The CLL supervises the processing and coordination of Executive Orders and proclamations and reports. Army offices desiring to comment on these actions will ensure comments are consistent with DA and OSD policy, and properly coordinated and approved. OCLL will notify DA staff and MACOM CACOs of such orders and proclamations.

Chapter 4 Investigations

4-1. Policy

The Army policy is to cooperate fully with all formal, informal, and special congressional investigations, including studies and examinations conducted by the HAC S&I. The CLL will ensure the Army promptly provides adequate information on Army programs and operations requested by Congress during investigations and that Army officials

cooperate fully with congressional committees and their staff. The CLL will monitor the progress of investigations and report significant developments to the Army leadership.

4-2. Investigations and hearings

a. The CLL will notify appropriate Army elements of investigative hearings involving Army witnesses or Army interests. The CLL will appoint a legislative counsel to coordinate the selection of Army witnesses, assist in the preparation and submission of witness statements, monitor the hearing, and process official transcripts.

b. The ASA(FM&C) may designate an appropriate Army secretariat or Army staff agency to provide a functional monitor for specific investigations by the HAC S&I. ASA(FM&C) may also designate a budget monitor as required for budget issues. The functional monitor will brief investigators as necessary, review and recommend the release of all material; arrange travel of investigators to Army commands and field activities; and provide monthly status reports to ASA(FM&C).

c. The CLL will coordinate congressional investigative visits to Army installations and MACOMs affected.

Chapter 5 Appearances Before Congressional Committees

5-1. Policy

The Army policy is to provide knowledgeable, experienced, and prepared officials to present testimony at congressional hearings. Statements presented by Army witnesses will be consistent with DA, DOD, and administration policy and cleared by OMB. Testimony by Army witnesses at congressional hearings is critical to ensuring congressional awareness and understanding of Army policies, programs, and challenges, as well as ensuring support for Army legislative initiatives, resource requirements, and policies and programs.

5-2. Support to witnesses testifying during congressional hearings

a. The CLL will designate a legislative liaison officer or legislative counsel for each hearing involving Army witnesses. The ASA(FM&C) will designate a representative from the Congressional Budget Liaison Office for posture hearings or other hearings concerning the DOD Appropriations Act process. The designated hearing representative shall assist Army witnesses and other Army personnel in preparing, coordinating and clearing hearing statements, ensure witnesses are informed of DA and DOD policies and positions on the subject of the hearing, provide advice and assistance to the witness during all phases of the hearing, as well as attend the hearing.

b. The hearing representative will maintain liaison with the congressional committee during all phases of the hearing. The hearing representative shall provide a report on all significant issues arising during the hearing and ensure additional information requested during the hearing is provided.

c. The agency sponsoring the witness will provide support as needed to the witness and facilitate his or her attendance at the hearing.

5-3. Selection of witnesses

a. In most hearings involving the Army, congressional committees invite a specific Army official to testify. Officials receiving an invitation to testify shall provide a report via email to daconrep@hqda.army.mil summarizing the reason for the invitation. The report may include a recommendation for an alternative witness, or for other supporting witnesses.

b. If the selection of witnesses is left to DA, the CLL will coordinate with the Army agency with oversight responsibility or interest to select the best possible witness. Individuals will be designated as witnesses on the basis of grade and position, knowledge of the subject matter, and ability to present the Army position. The agency sponsoring the designated witness will provide support as needed to the witness and facilitate his or her attendance at the hearing.

5-4. Hearing statements

a. In most cases, congressional committees will require witnesses to provide a written hearing statement 48 hours prior to the hearing. Hearing statements are important official documents that will be published in the hearing transcript and made available to the media and the public. Officials responsible for preparing statements will ensure that classified information is not contained in the hearing statement. Hearing statements will be concise, informative, inclusive, and consistent. Whenever possible, action agencies will initiate hearing statements at least 10 working days in advance of the hearing to ensure sufficient time is available to complete the clearance process.

b. Written hearing statements must be cleared by DA, OSD, and OMB prior to release to Congress to ensure they reflect DA, DOD, and administration policy and are consistent with the President's budget. The action agency will coordinate the statement with DA offices having oversight responsibility or a direct interest in the content of the statement. A coordinated copy of the statement will be provided to the CLL, ASA(FM&C), or ASA(CW) liaison officer handling the hearing at least 5 working days prior to the hearing. The CARSOP contain additional information

concerning witness statement preparation and clearance process. Hearing statements will not be provided outside DOD or the administration until cleared by OMB and will not be released to the public until authorized by the congressional committee holding the hearing.

c. Witnesses will ensure that oral testimony presented during the hearing and responses to questions are consistent with their prepared statement. Witnesses who do not have cleared written statements must receive special authority to present testimony during congressional hearings. Witnesses authorized to testify without prepared statements will ensure their testimony is unclassified and consistent with DA, DOD, and administration policy.

d. Classified information will be provided only in closed sessions consisting of individuals who are authorized access to the subject classified information. When a question is asked in open session that requires a classified answer, the witness will advise the committee that the question cannot be answered because of security reasons. Prepared statements, oral statements, and testimony given in closed sessions of congressional committees are the property of the committee and will not be released to individuals or agencies outside DOD except by permission of the committee or by the committee.

5-5. Responsibilities after hearings

a. Army officials appearing as hearing witnesses will ensure information requested during a hearing is forwarded to the CLL (or to the ASA(FM&C) or ASA(CW) as appropriate) for transmittal to the committee.

b. The CLL will coordinate and assign to appropriate Army agencies congressional committee hearing transcripts and inserts for the record. An insert is any information that is inserted into a transcript to complete the record of the hearing. Inserts are usually answers to Member questions that require additional information from the witness, or written supplemental questions for the record submitted after the hearing. Inserts may also include the witness's prepared statement, biographical sketch, charts, or any published document required by the committee, such as the Army Posture Statement.

c. After the hearing, a copy of the transcript is normally made available to the witness for review and correction. Witnesses may correct grammatical or typographical errors in their transcripts provided the corrections do not alter the meaning of their testimony. If any material part of the testimony has been incorrectly reported or if substantial changes are considered necessary, witnesses shall seek guidance from OCLL.

Chapter 6 Communications with Congress

6-1. Policy

a. The Army policy is to make information promptly available to Members, congressional committees and their staff. This policy is limited only by pertinent regulations and directives relating to security and protection of individual privacy, and to official information that requires protection in the public interest.

b. No provision of this regulation is intended to restrict the right of any individual to communicate with a Member of Congress. No person may take (or threaten to take) an unfavorable personnel action or withhold (or threaten to withhold) a favorable personnel action as reprisal against a member of the Armed Forces for making or preparing a communication to a Member of Congress (10 USC 1034).

c. Information and correspondence to Congress will be brief, clear, and courteous. Military abbreviations and technical language will not be used. Letters must be factual, forthright, simple, and responsive.

6-2. Procedures

a. Coordination of information to be released to Congress is the responsibility of the preparing agency. Coordination with OSD and HQDA is the responsibility of the CLL. To expedite replies and avoid delay, OCLL is authorized to directly contact all Army agencies, commands, and subordinates to secure necessary information.

b. When several identical inquiries are received from different Members of Congress, the responses should be consistent. A form letter or copy will not be used. Each case must be handled on its individual merit. Every inquiry must be answered fully and factually.

c. Communications between a Member of Congress and the Army are close hold. Inquiries from Members of Congress will not be furnished to any other Member of Congress, business, or individual without the prior approval of the CLL. When responding to an inquiry from a Member of Congress, names of other Members from whom identical constituent inquiries have been received will not be cited. Reference may be made to other inquiries on behalf of the same constituent, written or verbal, without citing the specific names of Members of Congress when—

- (1) It is considered appropriate or essential to provide this information in the interest of clarity.
- (2) It will ensure a complete understanding of all the circumstances involved.
- (3) It will more fully substantiate an Army position.

d. No command or Army agency will transfer any congressional inquiry referred from the CLL to any other Army agency or command without the express consent of the CLL.

e. When congressional inquiries are referred for direct reply from one office, agency, or command to another, the reply will not mention that the inquiry has been referred. The opening paragraph will normally be written to include the subject of the letter and the name of the constituent (if identified). The first paragraph will merely state, "This is in response..." or a comparable phrase.

f. Whenever possible, Members of Congress are to be advised of the outcome of constituent matters before any other inquiring parties are informed, including the constituent. This restriction does not apply to constituents when the matter under consideration requires contact with them before a reply to the inquiry can be made.

6-3. Correspondence with individual Members of Congress

a. Requests for information received from Members of Congress that are referred to another office or agency by OCLL, or other Army agencies, will be accompanied by specific instructions, for example, suspense date, signature level, special interest by senior Army/DOD leadership, and so forth.

b. When a congressional inquiry is addressed to a field or staff agency (or has been referred to that agency for direct reply), the reply will be signed by the head of the organization or activity responsible for the action (or designated representative) and sent directly to the Member of Congress concerned. MACOMs will designate signature authorities within their areas of responsibility. When replies to such inquiries involve sensitive issues, OCLL will be advised immediately.

c. Copies of all inquiries received directly from Congress by field or staff agencies, and the responses will be provided to OCLL when action has been completed (except inquiries concerning civil works matters, which will be provided to the ASA(CW). Inquiries may be sent via e-mail to conginquiry@hqda.army.mil or mailed to 1600 Army Pentagon, Washington, DC 20310-1600. Each MACOM may act as the forwarding agent for replies made by their subordinate commands or activities.

d. The proposed reply (together with the basic communication, enclosures, and all additional information) will be forwarded to OCLL or the appropriate Army agency for coordination and final reply to the Member concerned when the answer to a direct reply requires approval by HQDA; relates to proposed or pending legislation or congressional investigation; or requires an explanation of the Army's policy beyond the purview of the addressee. Command channels will be used when the field or staff agency determines that the intermediate headquarters may be able to contribute substantially to the final reply.

e. Congressional inquiries often concern subjects of significant importance to the Army. Therefore, it is in the Army's best interest to furnish replies promptly. Special attention will be given to those inquiries in a compassionate or time-sensitive category such as: death; injury or sickness; or other grave circumstances relating to service personnel or members of their families.

f. The above cases must be given the highest priority and will be expedited by telephone, e-mail, or facsimile, using overtime and weekend duty as necessary. An experienced action officer will handle such cases.

g. To designate cases requiring special handling within the Army, an administrative procedure entitled "WHITE STAR" has been established. The CLL will determine when a congressional inquiry requires special handling and designate the case "WHITE STAR." This procedure is in addition to the prompt handling of all cases and does not preclude locally sensitive cases from being included in this category. The "WHITE STAR" designation will serve to alert personnel that the congressional action requires prompt action at every level.

h. Replies to congressional correspondence requiring the signature of the Secretary of Defense or the Deputy Secretary of Defense require immediate response by the CLL. Because of the critical time constraint, all communications on actions between OCLL and field action officers must be by telephone, facsimile, or e-mail. Occasionally, final responses cannot be made in the allotted time. In these cases, a substantive interim reply will be made. It must include as much specific information as possible, reasons for the delay, and the approximate date when a final reply may be expected.

i. The following guidelines apply for the processing of all other types of congressional correspondence:

(1) All replies will be transmitted to OCLL by the fastest possible means. Facsimile transmission or e-mail is preferred.

(2) Final replies to communications received directly from Members of Congress and those referred from HQDA for direct reply will be dispatched within 5 working days after receipt.

(3) Requests for draft replies to communications referred by HQDA will be returned to the HQDA tasking activity by the assigned suspense date. Normally, the suspense date will be 5 working days from receipt of the request.

j. When circumstances clearly prevent a final or draft reply within the periods outlined in 6-3*i*, an interim reply will be made. The interim reply will contain as much information as is available at the time, inform the Member of Congress of the reason for the delay (if appropriate), and set a specific time period for a final response. Information developed from investigations, boards, and other similar proceedings should not be provided until after the ongoing action is completed. Subsequent interim replies will be provided every 30 calendar days.

k. In appropriate cases when a situation involving a congressional inquiry changes significantly within 6 months

after a Member of Congress has been given a final reply, a followup reply will be furnished to the Member. An information copy of the followup reply will be furnished to OCLL.

l. The following guidelines apply to the processing of telephone congressional inquiries:

(1) Action agencies in the United States will respond by telephone to telephone inquiries referred to them by OCLL within 2 working days. If this is not possible, an interim will be provided with date of expected finalization and reason for delay.

(2) Action agencies overseas will respond by telephone or e-mail directly to OCLL or through the appropriate liaison facility within 5 working days, using procedures determined by the MACOM. E-mail or telephonic response is preferred, but facsimile responses are acceptable.

(3) Same-day responses are required in cases of threatened suicide, abuse, violence, or threat to life.

(4) Shorter suspenses than those listed above may be imposed, as necessary, by the action officer or representative in OCLL.

6-4. Correspondence with committees of Congress

a. OCLL may forward congressional committee inquiries to an appropriate Army agency for direct response.

b. The following guidelines apply to committee inquiries:

(1) All releases of official records and Army documents will be made according to AR 340-21.

(2) Inspection of official records will normally be permitted when requested by a congressional committee. Such committee requests will be processed through OCLL. When classified records are involved, provisions of AR 380-5 will be followed.

(3) In the event of a question on a committee request for sensitive material, the matter will be submitted to OCLL for a decision.

c. The following applies to the release of restricted data:

(1) Authority to communicate restricted data to a Member or staff of a committee will be obtained through OCLL.

(2) When an agency or office of HQDA corresponds with Congress on matters pertaining to nuclear energy, two copies of the correspondence will be provided to the DCS, G-3.

Chapter 7

Congressional Notifications

7-1. Policy

The Army policy is to provide Members and congressional committees with timely information on significant developments involving Army policies, programs, operations, and developments.

7-2. Procedures

a. Army officials will consider the congressional implications of significant Army actions or developments with particular emphasis on matters affecting committee responsibilities and individual constituencies. As Army plans are developed that affect areas of concern to Congress, the responsible Army staff agency will coordinate with the CLL to determine congressional implications.

b. In coordination with the responsible Army staff agency, the CLL will develop a congressional notification plan when necessary to ensure appropriate Members and interested congressional committees are informed. The CLL will coordinate notification plans with affected MACOMs prior to release and provide the final version of notifications to affected MACOMs. The CLL may task agencies concerned to prepare news releases, information papers, and briefings for Congress.

c. Information provided to Congress on broad Army plans, operations, and activities normally will be prepared by HQDA Staff (to include coordination and internal clearance). The CLL will ensure the information is consistent with DA and DOD policy, coordinate the notice as appropriate, and distribute to Congress.

7-3. Actions or plans requiring notice to Congress

a. Army agency officials will provide notice to the CLL of all changes in mission or operating levels prior to public release or implementation, including anticipated changes in Government-owned contractor-operated facilities. If appropriate, these reports will include recommendations on the content and release date of the information to be provided to Congress. Formats for Information for Members of Congress are shown in AR 5-10, figure 5-6.

b. Procedures outlined in AR 690–351–1 will be followed when providing information on realignments and reductions affecting civilian employees of installations or separate activities.

c. Contracting officers will report impending contract awards of five million dollars or more to HQDA as called for by Defense Acquisition Regulation Supplement (DFARS) 205.303. Release of information is prohibited to anyone concerning the identity or location of the person, company, or corporation to whom any contract has been awarded by DOD (including a Member of Congress) prior to public announcement. Contracting officers will also report proposed significant contract terminations through the Assistant Secretary of the Army for Acquisitions, Logistics and Technology ASA(ALT) to OCLL as called for in the DFARS 249.7001. OCLL may furnish reported information to Congress depending on the significance of the termination.

Appendix A References

Section I Required Publications

AR 1–202

Army Congressional Fellowship Program. (Cited in paragraph 1–4a(11).)

AR 5–10

Stationing. (Cited in paragraph 7–3a.)

AR 11–2

Management Control

AR 340–21

The Army Privacy Program. (Cited in paragraphs 2–3a and 6–4b(1).)

AR 360–1

The Army Public Affairs Program (Cited in paragraph 2–4c(3) and 2–5)

AR 380–5

Department of the Army Information Security Program (Cited in paragraphs 2–3a and 6–4b(2).)

AR 690–351–1

Reduction-in-Force (chapter 351). (Cited in paragraph 7–3b.)

CARSOP

Congressional Actions Responsibilities Standing Operating Procedures. (Cited in paragraphs 1–4a(1)(a) and 5–4b.) (Available at www.us.army.mil/portal/portal_home.jhtml.)

DFARS, Parts 205.303 and 249.7001

Defense Federal Acquisition Regulation Supplements: Announcement of Contract Awards and Congressional Notification on Significant Contract Terminations. (Cited in para 7–3c.) (Available at www.acq.osd.mil/dp/dars/dfars.html.)

10 USC 1034

Protected communications; prohibition of retaliatory personnel actions. (Cited in para 6–1b.) (Available at www.gpoaccess.gov/uscode/index.html.)

18 USC 1913

Lobbying with appropriated money. (Cited in para 2–65a.) (Available at www.gpoaccess.gov/uscode/index.html.)

Section II Related Publications

This section contains no entries.

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I

Abbreviations

ARNG

Army National Guard

ASA(CW)

Assistant Secretary of the Army for Civil Works

ASA(FM&C)

Assistant Secretary of the Army for Financial Management and Comptroller

CLL

Chief of Legislative Liaison

CSA

Chief of Staff, Army

DA

Department of the Army

DCS, G-3

Deputy Chief of Staff, G-3

DCS, G-8

Deputy Chief of Staff, G-8

DFARS

Defense Federal Acquisition Regulation Supplement

DOD

Department of Defense

HAC

House Appropriations Committee

HQDA

Headquarters, Department of the Army

MACOMs

Major Army Commands

OCLL

Office of the Chief of Legislative Liaison

OMB

Office of Management and Budget

OSD

Office of the Secretary of Defense

SA

Secretary of the Army

SMA

Sergeant Major of the Army

TJAG

The Judge Advocate General

USA

Under Secretary of the Army

USC

United States Code

VCSA

Vice Chief of Staff, U.S. Army

Section II**Terms****WHITE STAR**

A designation given by the Chief of Legislative Liaison when a congressional inquiry describes an emergency situation that requires immediate action. This designation serves to alert Army personnel that the congressional inquiry requires immediate action at every level and will be answered within a matter of hours.

Section III**Special Abbreviations and Terms**

This publication uses the following special abbreviations, brevity codes, and acronyms not contained in AR 310–50. These include use for legislative policy, guidance, and procedures.

CACO

Congressional Affairs Contact Officer

CARSOP

Congressional Actions Responsibilities Standing Operating Procedures

CBO

Congressional Budget Office

S&I

Surveys and Investigative Team

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PAGES SET: 17

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DOCUMENT: AR 1-20

SECURITY: UNCLASSIFIED

DOC STATUS: REVISION